

# UC MERCED 2020 LONG-RANGE DEVELOPMENT PLAN

## FINAL SUBSEQUENT ENVIRONMENTAL IMPACT REPORT VOLUME III - RESPONSE TO COMMENTS



STATE CLEARINGHOUSE # 2018041010

MARCH 2020



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## 1.0 INTRODUCTION

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### 1.1 PURPOSE OF THE FINAL ENVIRONMENTAL IMPACT REPORT

Under the California Environmental Quality Act (CEQA) and the University of California's (University) procedures for implementing CEQA, the University is required to consult with and obtain comments from public agencies that have jurisdiction by law or discretionary approval power with respect to the proposed project prior to preparation of a Draft Environmental Impact Report (EIR), and to provide the public agencies and the general public with an opportunity to comment on the Draft EIR following its completion.

In September 2019, the University of California, acting as the lead agency under CEQA, published the 2020 Long-Range Development Plan (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 circulated for public review for a 45-day public comment period on the Draft EIR, 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. In December 2019, the University prepared a 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 EIS/EIR and to identify where the prior 2009 LRDP EIS/EIR was available and could be reviewed pursuant to State CEQA Guidelines Section 15162(d). The Recirculated Draft SEIR replaced the previously circulated Draft EIR 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. Copies of all written and oral comments received on the Draft SEIR during the first comment period as well as written and oral comments on the Recirculated Draft SEIR during the second comment period are contained in this document.

The Final EIR is an informational document prepared by the Lead Agency that must be considered by decision makers before approving or denying the proposed project. CEQA Guidelines Section 15132

specifies that the Final EIR shall consist of the following:

1. The Draft EIR or a revision to the draft.
2. Comments and recommendations received on the Draft EIR either verbatim or in summary form.
3. A list of the persons, organizations, and public agencies commenting on the Draft EIR.
4. The response of the Lead Agency to significant environmental points raised in the review and consultation process.
5. Any other information added by the Lead Agency.

The Recirculated Draft SEIR, which is incorporated by reference, and this document (which includes revisions to the Recirculated Draft SEIR, comments, responses to comments, and the Mitigation Monitoring and Reporting Program [MMRP]), constitute the Final EIR. Copies of the Final EIR are available for review during normal business hours at UC Merced at the following address and website:

University of California, Merced  
UC Merced Downtown Campus Center  
655 W 18th Street  
Merced, California 95340

University of California, Merced  
Kolligian Library  
5200 North Lake Road  
Merced, California 95343

The Final EIR can be viewed online at: <https://planning.ucmerced.edu/2020LRDP>.

This document has been prepared pursuant to the State CEQA Guidelines. This Response to Comments document, together with the Recirculated Draft SEIR, will constitute the Final SEIR. The Final SEIR will be considered by The Board of the Regents of the University of California (The Regents) in a public meeting in March 2020 and certified if the Final SEIR is determined to be in compliance with CEQA. Upon certification of the Final SEIR, The Regents will consider the 2020 LRDP for approval.

## 1.2 DOCUMENT ORGANIZATION

This document consists of the following sections:

- **Section 1.0: Introduction.** This section discusses the purpose and organization of this document.
- **Section 2.0: Executive Summary.** This section provides a summary description of the 2020 LRDP, including the project purpose, description, need and objectives, and alternatives, as well as the environmental impacts that could result from the implementation of the 2020 LRDP, and mitigation measures for impacts that were determined to be significant.
- **Section 3.0: Comments on the Draft SEIR and Responses to Comments.** This section contains a list of agencies, organizations, and persons who submitted written comments or offered oral comments on the Draft SEIR and the Recirculated Draft SEIR. This section also contains reproductions of all comment letters received on the Draft SEIR and the Recirculated Draft SEIR, as well as oral comments received on the Draft SEIR and the Recirculated Draft SEIR at the three public meetings. A written response for each CEQA-related comment received during the review period is provided. Each response is keyed to its respective comment.
- **Section 4.0: Draft SEIR Text Revisions.** Corrections to the Recirculated Draft SEIR necessary in light of comments received and responses provided, or necessary to clarify any minor errors, omissions or misinterpretations, are contained in this section.
- **Section 5.0: Mitigation Monitoring and Reporting Program.** This section presents the Mitigation Monitoring and Reporting Program that would be adopted in conjunction with the approval of the proposed 2020 LRDP, should The Regents approve the proposed plan.
- **Section 6.0: Report Preparers.** This section lists persons involved in report preparation.

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## 2.0 EXECUTIVE SUMMARY

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### 2.1 PURPOSE

This Final Subsequent Environmental Impact Report (SEIR) evaluates and discloses the potentially significant environmental effects of the proposed University of California (UC or the University) Merced campus (UC Merced or Campus) 2020 Long-Range Development Plan (hereinafter 2020 LRDP).

In March 2009, the Board of Regents of the University of California (The Regents) certified a joint EIS/EIR (State Clearinghouse No. 2008041009) that analyzed and disclosed the significant environmental impacts from the implementation of a Long-Range Development Plan (LRDP) for the UC Merced campus, and approved the UC Merced 2009 LRDP as a guide for physical development to accommodate growth projected through 2030 and beyond. The 2009 LRDP addressed the development of the campus to support an enrollment level of 25,000 students by the year 2030 on an 815-acre site. Since then, the University has revised its enrollment projections through 2030 down substantially and has also acquired more land for campus development as a result of the transfer of a portion of the adjoining University Community Land Company (UCLC) property to its former partner, the Virginia Smith Trust. Furthermore, UC Merced plans to accommodate the projected enrollment growth on a smaller developed footprint within the larger campus site. As a result of these changes, UC Merced has developed an updated LRDP, which includes a revised land use plan for the campus site.

Before The Regents can approve the proposed LRDP, The Regents must evaluate and disclose the environmental impacts of approving and implementing the proposed 2020 LRDP. According to the *California Environmental Quality Act Guidelines* (“*State CEQA Guidelines*”), a Subsequent EIR is required when a substantial change is proposed to a project for which an EIR has been certified. UC Merced has determined that the changes to the previously approved LRDP are substantial changes and therefore, preparation of a Subsequent EIR is appropriate for the 2020 LRDP. As required by CEQA, this Final SEIR (1) assesses the potentially significant environmental effects of the proposed 2020 LRDP, including cumulative impacts of the campus development under the 2020 LRDP in conjunction with other reasonably foreseeable development; (2) identifies feasible means of avoiding or substantially lessening significant adverse impacts; and (3) evaluates a range of reasonable alternatives to the proposed 2020 LRDP, including the No Project Alternative.

*State CEQA Guidelines* (Section 15123) require that a summary be included in an EIR that identifies all major conclusions, identifies each significant effect, recommended mitigation measure(s), and alternatives that would minimize or avoid potential significant impacts. The summary is also required to identify areas of controversy known to the lead agency, including issues raised by agencies and the public and issues to be resolved. These issues include the choice among alternatives and whether or how to mitigate significant effects. This Executive Summary is intended to address these CEQA requirements and provide the decision makers, responsible agencies, and the public with a clear, simple, and concise description of the proposed project and its potential significant environmental impacts.

The University of California is the CEQA lead agency for the proposed project. The Regents has the principal responsibility for approving the proposed 2020 LRDP.

This 2020 LRDP SEIR is a First Tier/Program SEIR that evaluates the effects of LRDP implementation at a program level for all environmental topics except aesthetics, agricultural and forest resources, cultural resources, geology and soils, hazardous materials, land use and planning, and minerals, which are adequately addressed in the 2009 LRDP EIS/EIR. The 2009 LRDP EIS/EIR, and all addenda that modify the 2009 LRDP, will continue to serve as a First Tier/Program EIR for those topics. With respect to specific development projects that may be proposed during the planning horizon of the 2020 LRDP, CEQA and the *State CEQA Guidelines* state that subsequent projects should be examined in light of the Program EIR to determine whether additional environmental documentation must be prepared. If no new significant effects would occur, all significant effects have been adequately addressed, and no new mitigation measures would be required, the subsequent projects within the scope of the approved LRDP could rely on the environmental analysis provided in the Program EIR, and no additional environmental documentation would be required. On the other hand, if it is determined that subsequent environmental documentation must be prepared, UC Merced will prepare additional CEQA documentation. These additional documents would tier from the 2009 LRDP EIS/EIR or the 2020 LRDP SEIR, as appropriate, for general discussions and for the analysis of cumulative impacts while focusing on more project- and site-specific impacts.



This SEIR also serves as the CEQA document for small-scale development projects proposed on the campus under the 2020 LRDP. This project type would include, but not be limited to, small solar and alternative energy projects, educational and research projects, and small ancillary buildings and structures and their associated infrastructure (i.e., utilities and roads). These projects would be small, involving less than 10,000 square feet of building space or less than 2 acres of ground disturbance, and would be proposed on the campus lands within three specific land use designations: Campus Mixed Use [CMU], Campus Building Reserve and Support Land [CBRSL], or Research Open Space [ROS]. This project type is analyzed generically in this SEIR for its environmental impacts. As and when a small project is proposed, UC Merced will confirm that it meets the criteria for a small project and is located within these land use designations. If so, no further CEQA documentation would be prepared.

## **2.2 PROJECT LOCATION**

The approximately 1,026-acre project site is the Merced campus of the University of California. The campus is located in eastern Merced County, within the sphere of influence (SOI) of the City of Merced, approximately 2 miles northeast of the city limits. The campus occupies portions of Sections 26, 27, 34, and 35, Township 6 South, Range 14 East; and Sections 3 and 2, Township 7 South, Range 14 East. The site is south southeast of Lake Yosemite Regional Park and east of Lake Road. State Route 99 provides regional access to the project site.

## **2.3 PROJECT DESCRIPTION**

Each campus in the UC system is required to periodically examine its academic goals, and to support those goals, formulate a land use plan in an LRDP. An LRDP is defined by statute (Public Resources Code [PRC] 21080.09) as a “physical development and land use plan to meet the academic and institutional objectives for a particular campus or medical center of public higher education.” As noted above, The Regents approved the 2009 LRDP for the UC Merced campus as a guide for physical development to accommodate enrollment growth projected through 2030. For reasons stated above and described in detail in Section 1.0, Introduction in the Draft SEIR (Volume I), the University determined that an updated LRDP must be prepared to better reflect the revised campus site and changed conditions in the area.

The proposed 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 salient features of the 2020 LRDP are described in **Sections 2.3.1** through **2.3.3** below.

### **2.3.1 Enrollment Projections**

The 2009 LRDP was designed to accommodate an on-campus population of 25,000 students and an associated faculty and staff of 6,560 employees, for a total of 31,560 persons by 2030. UC Merced has revised its enrollment projection for 2030 to 15,000 students (headcount).<sup>1</sup> The 2020 LRDP has been designed to accommodate this level of enrollment and associated smaller increases in faculty and staff compared to the previous projections used in the design of the 2009 LRDP for 2030. Campus growth and development through 2020 will be addressed by the ongoing UC Merced 2020 Project, which will add an adequate amount of facilities to the campus to accommodate up to 10,000 students by 2020, although when the analysis for this SEIR was commenced, the 2020 enrollment was projected to be 9,700 students. The 2020 LRDP is designed to address campus growth between 2020 and 2030. Between these years, based on an enrollment of 9,700 students in 2020, enrollment is projected to increase by about 5,300 students, and employment at the campus is projected to increase by 1,131 faculty and staff.<sup>2</sup>

### **2.3.2 Building Space**

Given the lower total enrollment by 2030, UC Merced now projects that it will need to add about 1.83 million gross square feet (gsf) of building space to the campus between 2020 and 2030 to accommodate the projected enrollment increase and expanding academic programs. The 2020 LRDP identifies land

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<sup>1</sup> Enrollment at UC campuses is calculated using two metrics. The first metric is headcount which is the actual number of students enrolled at the campus in a given semester or quarter and includes all students that are enrolled whether they are a full-time or a part-time student. The second metric is full-time equivalent (FTE). For this metric, all part-time students are converted into full-time equivalent students using a formula and that number is added to the number of full-time students enrolled at the campus, to get a total FTE count. For most UC campuses including UC Merced, because the majority of the students are full-time students, the headcount is only slightly higher than the FTE number. All analysis in the SEIR is based on headcount.

<sup>2</sup> At the time that the analysis for the Draft SEIR was commenced, UC Merced was projecting an enrollment level of 9,700 students by 2020. However, based on Fall 2019 enrollment, the Campus is now expected to have an enrollment of 9,400 students in 2020. This does not affect the 2030 enrollment projection which UC Merced still projects will be 15,000 students. That number is used in the SEIR for all impact analysis.

area for the development of this amount of additional building space.

### 2.3.3 Land Use Designations and Map

The proposed 2020 LRDP sets forth a revised land use map to inform the pattern of development on the campus. This land use map replaces the prior 2009 LRDP land use map in full and establishes new land use designations. **Table 2.0-1** below presents a summary of campus land use designations and acres of land under each designation per the proposed 2020 LRDP land use map.

**Table 2.0-1  
Land Use Summaries and Acreages**

Land Use Category	Acres
Campus Mixed Use (CMU)	274
Campus Building Reserve and Support Land (CBRSL)	306
Research Open Space (ROS)	135
Active Open Space (AOS)	9
Passive Open Space (POS)	283
Campus Parkway Open Space (CPOS)	19
<b>Total</b>	<b>1,026</b>

## 2.4 PROJECT NEED AND OBJECTIVES

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 campus growth from about 10,000 to 15,000 students, as well as to establish a paradigm for the campus' character.

The following are the specific project objectives that will facilitate accomplishment of the overarching project objective:

- 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.

## 2.5 TOPICS OF KNOWN CONCERN

To determine which environmental topics should be addressed in this SEIR, UC Merced circulated a Notice of Preparation (NOP) in order to receive input from interested public agencies and private parties. A copy of the NOP is presented in Appendix 1.0 of the Recirculated Draft SEIR. Based on the NOP comments and the analysis in the Initial Study that accompanied the NOP, the SEIR addresses the following environmental topics in depth:

- |                               |                                  |
|-------------------------------|----------------------------------|
| • Air Quality                 | • Public Services and Recreation |
| • Biological Resources        | • Transportation                 |
| • Greenhouse Gas Emissions    | • Tribal Cultural Resources      |
| • Hydrology and Water Quality | • Utilities                      |
| • Noise                       | • Energy                         |
| • Population and Housing      |                                  |

## 2.6 ISSUES TO BE RESOLVED/AREAS OF CONTROVERSY

The University issued a NOP for this SEIR on April 2, 2018 and circulated it 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. On September 19, 2019, the University published the 2020 LRDP Draft SEIR, and circulated it for agency and public comments for 45 days. The University also conducted two public meetings during the Draft EIR review period. In December 2019, the University revised the 2020 LRDP Draft SEIR to include additional biological resource impacts and other clarifications and published the Recirculated Draft SEIR for agency and public review for a 45-day period, and conducted a public meeting to solicit comments on the adequacy of the analysis in the Recirculated Draft SEIR. Based on the scoping comments received on the NOP, the Draft SEIR, and the Recirculated Draft SEIR, the University notes that the issues to be resolved and areas of controversy relate to 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 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 both 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.
- Consideration of mitigation measures put forth by Merced Irrigation District (MID) for potential effects on MID facilities on the campus;
- Recommendation by the Native American Heritage Commission (NAHC) that UC Merced conduct consultation with California Native American Tribes that are traditionally and culturally affiliated with the geographic area of the proposed project as early as possible to avoid inadvertent discoveries of Native American human remains and best protect tribal cultural resources; and
- Recommendation by the California Department of Toxic Substances Control (DTSC) to confirm the absence of prior releases of hazardous materials on development sites on the campus.

All applicable scoping comments were addressed in the Recirculated Draft SEIR impact analysis. All

applicable comments on the Draft SEIR and the Recirculated Draft SEIR are addressed in Section 3.0 of this Final SEIR.

## 2.7 ALTERNATIVES

Consistent with CEQA requirements, a reasonable range of alternatives were considered and evaluated in this SEIR. Two alternatives that were considered were found to be infeasible and were not carried forth for detailed evaluation. Two alternatives that were considered feasible were evaluated in detail along with the mandated No Project Alternative. The alternatives evaluated in detail are presented below.

### 2.7.1 Alternative 1: No Project

*State CEQA Guidelines* require the analysis of a No Project Alternative (Section 15126.6(e)). The analysis must discuss existing conditions, as well as what would be reasonably expected to occur in the foreseeable future if the proposed project were not to be approved, based on current plans, site zoning, and consistent with available infrastructure and community services. If a project is a development project on an identifiable site, *State CEQA Guidelines* Section 15126.6(e)(3)(B) provides that the discussion of the No Project Alternative should compare the environmental effects of the site remaining in its existing state against environmental effects which would occur if the project is approved.

The proposed 2020 LRDP is a land use plan and policy document to guide campus development. An LRDP does not limit or induce enrollment growth. Instead, using the enrollment and employment growth projections, UC Merced has estimated the amount of additional building space (academic, administrative, housing, student services, athletics, and support) that would be needed to accommodate the projected growth. Using the estimated building space and program needs, UC Merced has prepared the LRDP land use diagram that identifies areas within the campus site where the new building space or facilities could or should be built. Given that the LRDP is only a planning document that plans for but does not cause enrollment growth, if the proposed 2020 LRDP is not approved, 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.

### ***Building Program***

Under the No Project Alternative, UC Merced would continue to grow at a rate similar to the rate of enrollment and employment growth analyzed for the proposed 2020 LRDP and the same amount of building space (about 1.83 million gsf) would be constructed on the campus site to accommodate the projected growth.

### ***Campus Population***

For reasons presented above, under the No Project Alternative, campus enrollment would grow to 15,000 students by 2030, and the faculty and staff would increase to about 2,411 employees.

### ***Land Use Diagram***

Development of the new facilities within the campus site under this alternative would be guided by the land use plan included in the 2009 LRDP as amended. That LRDP includes a land use plan for the 815-acre site but does not include 211 acres that are now a part of the campus. As there is no land use plan to guide the development of new facilities on the newly added 211 acres, projects within the newly added area would be developed without the benefit of a land use plan as the University Community Plan is for the development of a mixed-use community on the University Community North site and is not applicable or relevant to campus development. Compared to the proposed 2020 LRDP which limits the siting of new campus buildings to an approximately 274-acre area designated CMU, this alternative would allow campus buildings to be located on all lands except those designated Passive Open Space, and a dispersed and less dense development would likely result under this alternative.

## **2.7.2 Alternative 2: Reduced Development**

The Reduced Development Alternative was developed in order to reduce the increase in vehicle trips to the campus and traffic-related impacts of the proposed project. Under this alternative, future campus development would be planned to accommodate a lower enrollment level by 2030.

### ***Building Program***

The proposed 2020 LRDP plans building space to accommodate the projected growth in enrollment between 2020 and 2030, after the completion of the 2020 Project. Similarly, this alternative also plans

for the growth in enrollment between 2020 and 2030 but at a lower annual rate such that by 2030, there would be 12,500 students. To accommodate this lower enrollment level, the building program for academic and housing space under the Reduced Development Alternative would be about 45 percent less than analyzed for the 2020 LRDP. Therefore, instead of the addition of about 1.83 million gsf of new building space, UC Merced would add approximately 1.01 million gsf of new building space between 2020 and 2030.

### ***Campus Population***

Under this alternative, the enrollment would increase from about 9,700 students in 2020 to 12,500 students in 2030, an increase of about 2,800 new students. Similar to the proposed project, it is assumed that slightly more than half of the new students would be housed on the campus and the rest of the new students would live off-campus.

Assuming that the same student to faculty/staff ratio is maintained under this alternative as is represented by the proposed project, approximately 734 new on-campus employees would be added under this alternative. Therefore, under this alternative a total of 3,534 new students and employees would be added to the campus between 2020 and 2030.

The campus population increase would be about 45 percent less than the increase of 6,431 new students and employees analyzed for the 2020 LRDP. The total on-campus population by 2030 under this alternative (that is, existing population plus projected growth) would be approximately 14,514 persons, which is about 17 percent lower than the 2030 population of about 17,411 persons analyzed for the 2020 LRDP.

### ***Land Use Diagram***

With regard to the land use diagram, it is assumed that the diagram under this alternative would be the same as the land use diagram under the proposed 2020 LRDP. As with the proposed 2020 LRDP, the new facilities would be built within the 274-acre area designated CMU. With the building program reduced by about 45 percent under this alternative compared to the proposed project, less acreage within the CMU area would be developed with new facilities under this alternative.



### 2.7.3 Alternative 3: 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.

#### *Building Program*

As a result of locating some of the new staff off campus under this alternative, the building program would be slightly reduced compared to that analyzed for the 2020 LRDP. Therefore, instead of the addition of about 1.83 million 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<sup>3</sup> square feet of building space in Merced to house the 267 new employees who would be located off campus.

#### *Campus Population*

Under this alternative, enrollment at the campus would increase at the same rate as analyzed for the 2020 LRDP such that there would be 15,000 students by 2030, an increment of 5,300 students between 2020 and 2030. On-campus resident students would be the same as analyzed for the 2020 LRDP. The increase in faculty and staff would also be the same, with 346 new faculty and 785 new staff added between 2020 and 2030. However, while all of the additional faculty would be located on the campus, 65 percent of the new staff (518 new staff) would be located on the campus and about 267 of the new staff would be located off campus.

#### *Land Use Diagram*

With regard to the land use diagram, it is assumed that the diagram under this alternative would be the same as the land use diagram under the proposed 2020 LRDP. With the building program reduced by about 2 percent under this alternative compared to the proposed project, slightly less area within the 274-acre CMU area would be developed with new facilities under this alternative.

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<sup>3</sup> Calculated based of a rate of 165 square feet per employee. The rate was derived from the UC Merced Downtown Campus Center, which is a 75,000 gsf building for 454 employees.

## 2.8 IMPACT SUMMARY

A detailed discussion regarding potential environmental impacts of the proposed project is provided in Section 4.0 Environmental Setting, Impacts and Mitigation Measures of the Recirculated Draft SEIR. A summary of the environmental impacts of the proposed 2020 LRDP is provided in **Table 2.0-2, Summary of LRDP Impacts and Mitigation Measures**. Also provided in **Table 2.0-2** are mitigation measures that are proposed to avoid or reduce significant project impacts. The table indicates whether implementation of the recommended mitigation measures would reduce the impact to a less than significant level. **Table 2.0-3, Summary Comparison of Alternatives**, presents the environmental impacts of each alternative to allow the decision makers, agencies and the public to compare and contrast these alternatives and weigh their relative merits and demerits.

**Table 2.0-2**  
**Summary of LRDP Impacts and Mitigation Measures**

Project Impacts	Significance Before Mitigation	Mitigation Measures	Significance After Mitigation
<b>Air Quality</b>			
<b>LRDP Impact AQ-1:</b> Campus development under the 2020 LRDP would not result in construction emissions that would result in a cumulatively considerable net increase of criteria pollutants for which the air basin is in non-attainment.	<i>Less than Significant</i>	<p><b>LRDP MM AQ-1a:</b> 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.</p> <p><b>LRDP MM AQ-1b:</b> 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:</p> <ul style="list-style-type: none"> <li>• 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.</li> <li>• All on-site unpaved roads and off-site unpaved access roads shall be effectively stabilized of dust emissions using water or chemical stabilizer/suppressant.</li> <li>• All land clearing, grubbing, scraping, excavation, land leveling, grading, cut and fill, and demolition activities shall be effectively</li> </ul>	N/A

**Table 2.0-2**  
**Summary of LRDP Impacts and Mitigation Measures**

Project Impacts	Significance Before Mitigation	Mitigation Measures	Significance After Mitigation
		<p>controlled of fugitive dust emissions using application of water or by presoaking.</p> <ul style="list-style-type: none"> <li>• 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.</li> <li>• 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.)</li> <li>• 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.</li> </ul>	
<b>LRDP Impact AQ-2:</b> Campus development under the 2020 LRDP would result in operational emissions that would involve a cumulatively	<i>Significant</i>	<b>LRDP MM AQ-2a:</b> UC Merced shall implement the following measures to reduce emissions from vehicles:	<i>Significant and Unavoidable</i>

**Table 2.0-2**  
**Summary of LRDP Impacts and Mitigation Measures**

Project Impacts	Significance Before Mitigation	Mitigation Measures	Significance After Mitigation
considerable net increase of criteria pollutants for which the air basin is in non-attainment.		<ul style="list-style-type: none"> <li>• Provide pedestrian-enhancing infrastructure to encourage pedestrian activity and discourage vehicle use.</li> <li>• 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.</li> <li>• Provide preferential carpool and vanpool parking for non-residential uses.</li> <li>• Provide transit-enhancing infrastructure to promote the use of public transportation, such as covered bus stops and information kiosks.</li> <li>• Provide facilities, such as electric car charging stations and a CNG refueling station, to encourage the use of alternative-fuel vehicles.</li> <li>• Improve traffic flows and congestion by timing of traffic signals at intersections adjacent to the campus to facilitate uninterrupted travel.</li> <li>• Work with campus transit provider to replace CatTracks buses with either electric buses or buses operated on alternative fuels.</li> <li>• 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.</li> </ul>	

**Table 2.0-2**  
**Summary of LRDP Impacts and Mitigation Measures**

Project Impacts	Significance Before Mitigation	Mitigation Measures	Significance After Mitigation
		<ul style="list-style-type: none"> <li>• Replace campus fleet vehicles with electric vehicles or vehicles that operate on alternative fuels.</li> <li>• Reduce the number of daily vehicle trips by providing more housing on campus.</li> </ul> <p><b>LRDP MM AQ-2b:</b> UC Merced shall implement the following measures to reduce emissions from area and energy sources, as feasible:</p> <ul style="list-style-type: none"> <li>• Utilize low-VOC cleaning supplies and low-VOC paints (100 grams/liter or less) in building maintenance.</li> <li>• Utilize electric equipment for landscape maintenance.</li> <li>• Plant low maintenance landscaping.</li> <li>• 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.</li> <li>• Instead of natural gas water heaters, install solar water heating systems.</li> </ul>	
<p><b>LRDP Impact AQ-3:</b> Implementation of the 2020 LRDP would not expose sensitive receptors to substantial pollutant concentrations of carbon monoxide.</p>	<p><i>Less than Significant</i></p>	<p>No mitigation is required.</p>	<p><i>N/A</i></p>

**Table 2.0-2**  
**Summary of LRDP Impacts and Mitigation Measures**

<b>Project Impacts</b>	<b>Significance Before Mitigation</b>	<b>Mitigation Measures</b>	<b>Significance After Mitigation</b>
<b>LRDP Impact AQ-4:</b> Implementation of the 2020 LRDP would not conflict with or obstruct implementation of the applicable air quality plan.	<i>Less than Significant</i>	No mitigation is required.	<i>N/A</i>
<b>LRDP Impact AQ-5:</b> Implementation of the 2020 LRDP would not result in odors adversely affecting a substantial number of people.	<i>Less than Significant</i>	No mitigation is required.	<i>N/A</i>
<b>Cumulative Impact C-AQ-1:</b> 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.	<i>Significant</i>	<b>Cumulative MM C-AQ-1:</b> Implement LRDP MM AQ-2a and AQ-2b. No additional mitigation is available.	<i>Significant and Unavoidable</i>
<b>Biological Resources</b>			
<b>LRDP Impact BIO-1:</b> 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.	<i>Less than Significant</i>	No mitigation is required.	<i>N/A</i>

**Table 2.0-2**  
**Summary of LRDP Impacts and Mitigation Measures**

<b>Project Impacts</b>	<b>Significance Before Mitigation</b>	<b>Mitigation Measures</b>	<b>Significance After Mitigation</b>
<b>LRDP Impact BIO-2:</b> Implementation of the 2020 LRDP would not result in adverse impacts on special-status plant species.	<i>Less than Significant</i>	No mitigation is required.	<i>N/A</i>
<b>LRDP Impact BIO-3:</b> 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.	<i>Less than Significant</i>	No mitigation is required.	<i>N/A</i>
<b>LRDP Impact BIO-4:</b> Implementation of the 2020 LRDP would result in a potentially significant adverse impact on nesting and overwintering habitat for the Crotch bumble bee.	<i>Potentially Significant</i>	<p><b>LRDP MM BIO-4:</b> 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.</p> <p>Between two and four evenly spaced presence/absence surveys shall be conducted for the</p>	<i>Less than Significant</i>



**Table 2.0-2**  
**Summary of LRDP Impacts and Mitigation Measures**

Project Impacts	Significance Before Mitigation	Mitigation Measures	Significance After Mitigation
		<p>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 shall 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 and the pre-construction survey, no further mitigation is required.</p> <p>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:</p>	

**Table 2.0-2**  
**Summary of LRDP Impacts and Mitigation Measures**

Project Impacts	Significance Before Mitigation	Mitigation Measures	Significance After Mitigation
		<ul style="list-style-type: none"> <li>• 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);</li> <li>• 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;</li> <li>• Establishment of appropriate no-disturbance buffers for nest sites and construction monitoring by a qualified biologist to ensure compliance;</li> <li>• 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);</li> <li>• 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</li> <li>• 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</li> </ul>	

**Table 2.0-2**  
**Summary of LRDP Impacts and Mitigation Measures**

<b>Project Impacts</b>	<b>Significance Before Mitigation</b>	<b>Mitigation Measures</b>	<b>Significance After Mitigation</b>
		containing a mix of flowering plant species with continual floral availability through the entire active season of the Crotch bumble bee (March to October).	
<b>LRDP Impact BIO-5:</b> 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.	<i>Less than Significant</i>	No mitigation is required.	<i>N/A</i>
<b>LRDP Impact BIO-6:</b> 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.	<i>Less than Significant</i>	No mitigation is required.	<i>N/A</i>
<b>LRDP Impact BIO-7:</b> Implementation of the 2020 LRDP would not result in a substantial adverse impact on Swainson's hawk from the loss of	<i>Less than Significant</i>	No mitigation is required.	<i>N/A</i>

**Table 2.0-2**  
**Summary of LRDP Impacts and Mitigation Measures**

<b>Project Impacts</b>	<b>Significance Before Mitigation</b>	<b>Mitigation Measures</b>	<b>Significance After Mitigation</b>
suitable foraging or nesting habitat.			
<b>LRDP Impact BIO-8:</b> Implementation of the 2020 LRDP would not result in a substantial adverse impact on special-status avian species from the loss of foraging habitat.	<i>Less than Significant</i>	No mitigation is required.	<i>N/A</i>
<b>LRDP Impact BIO-9:</b> Implementation of the 2020 LRDP would result in potentially significant adverse impacts on special-status bird species and non-special-status migratory birds and raptors.	<i>Potentially Significant</i>	<p><b>LRDP MM BIO-9a:</b> 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.</p> <p>(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.</p> <ul style="list-style-type: none"> <li>• 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).</li> </ul>	<i>Less than Significant</i>

**Table 2.0-2**  
**Summary of LRDP Impacts and Mitigation Measures**

Project Impacts	Significance Before Mitigation	Mitigation Measures	Significance After Mitigation
		<ul style="list-style-type: none"> <li>• 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.</li> <li>• 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.</li> <li>• If an active nest is located, a qualified avian biologist shall establish an appropriate no-disturbance buffer around the nest making</li> </ul>	

**Table 2.0-2**  
**Summary of LRDP Impacts and Mitigation Measures**

Project Impacts	Significance Before Mitigation	Mitigation Measures	Significance After Mitigation
		<p>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.</p> <ul style="list-style-type: none"> <li>• 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.</li> <li>• 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.</li> <li>• If an active nest is causing a safety hazard, CDFW shall be contacted to determine if the nest can be removed.</li> </ul> <p>(b) Minimize impacts to burrowing owl and compensate for habitat loss.</p> <p>CDFW (2012) recommends that take-avoidance</p>	

**Table 2.0-2**  
**Summary of LRDP Impacts and Mitigation Measures**

Project Impacts	Significance Before Mitigation	Mitigation Measures	Significance After Mitigation
		<p>(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.</p> <p>If active burrowing owls are detected, the following additional measures are required:</p> <ul style="list-style-type: none"> <li>• Project implementation shall seasonally and spatially avoid negative impacts and disturbances that could result in the take of burrowing owls, nest or eggs.</li> <li>• If burrowing owls and their habitat can be protected in place or adjacent to a</li> </ul>	

**Table 2.0-2**  
**Summary of LRDP Impacts and Mitigation Measures**

Project Impacts	Significance Before Mitigation	Mitigation Measures	Significance After Mitigation
		<p>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.</p> <ul style="list-style-type: none"> <li>• 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.</li> <li>• 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.</li> </ul> <p><b>LRDP MMBIO-9b:</b> New buildings and structures proposed under the 2020 LRDP shall incorporate</p>	



**Table 2.0-2**  
**Summary of LRDP Impacts and Mitigation Measures**

Project Impacts	Significance Before Mitigation	Mitigation Measures	Significance After Mitigation
		<p>bird-safe design practices (for example, American Bird Conservancy's <i>Bird-Friendly Building Design</i> [2015] or San Francisco Planning Department's <i>Standards for Bird-Safe Buildings</i> [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:</p> <ul style="list-style-type: none"> <li>• 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.</li> <li>• Incorporate windows that are not clear or reflective into the building or structure designs.</li> <li>• Use windows that incorporate glass types such as UV-A or fritted glass and windows that incorporate UV-absorbing and UV-reflecting stripe.</li> <li>• 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).</li> </ul>	

**Table 2.0-2**  
**Summary of LRDP Impacts and Mitigation Measures**

<b>Project Impacts</b>	<b>Significance Before Mitigation</b>	<b>Mitigation Measures</b>	<b>Significance After Mitigation</b>
		<ul style="list-style-type: none"> <li>• Reduce the proportion of glass to other building materials in new construction.</li> <li>• Avoid placement of bird-friendly attractants (i.e. vegetated roofs, water features, tall trees) near glass whenever possible.</li> <li>• Install motion-sensitive lighting in any area visible from the exterior that automatically turn lights off during after-work hours.</li> </ul>	
<b>LRDP Impact BIO-10:</b> Implementation of the 2020 LRDP would not result in substantial adverse impacts to San Joaquin kit fox due to the loss of suitable residence and dispersal habitat.	<i>Less than Significant</i>	No mitigation is required.	N/A
<b>Cumulative Impact C-BIO-1:</b> 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.	<i>Less than Significant</i>	No mitigation is required.	N/A
<b>Cumulative Impact C-BIO-2:</b> Development of the campus under the 2020 LRDP, in conjunction with other past, present, and reasonably foreseeable	<i>Less than Significant</i>	No mitigation is required.	N/A

**Table 2.0-2**  
**Summary of LRDP Impacts and Mitigation Measures**

<b>Project Impacts</b>	<b>Significance Before Mitigation</b>	<b>Mitigation Measures</b>	<b>Significance After Mitigation</b>
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.			
<b>Greenhouse Gas Emissions</b>			
<b>LRDP Impact GHG-1:</b> Implementation of the 2020 LRDP would generate greenhouse gas emissions, either directly or indirectly, that would have a significant impact on the environment.	<i>Significant</i>	<p><b>LRDP MM GHG-1a:</b> 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 MTCO<sub>2</sub>e/year by the end of the year 2030.</p> <p>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<sub>2</sub>e/year goal for 2030.</p> <p>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<sub>2</sub>e/year.</p>	<i>Less than Significant</i>

**Table 2.0-2**  
**Summary of LRDP Impacts and Mitigation Measures**

<b>Project Impacts</b>	<b>Significance Before Mitigation</b>	<b>Mitigation Measures</b>	<b>Significance After Mitigation</b>
		<b>LRDP MM GHG-1b:</b> UC Merced shall implement LRDP Mitigation Measures AQ-2a and -2b.  <b>LRDP MM GHG-1c:</b> UC Merced shall periodically review new technologies that can be implemented to further reduce the campus' GHG emissions.	
<b>LRDP Impact GHG-2:</b> Implementation of the 2020 LRDP would 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.	<i>Significant</i>	<b>LRDP MM GHG-2:</b> Implement LRDP Mitigation Measures GHG-1a, 1b, and 1c.	<i>Less than Significant</i>
<b>Cumulative Impact C-GHG-1:</b> Implementation of the 2020 LRDP would result in a significant cumulative GHG impact.	<i>Significant</i>	<b>Cumulative MM C-GHG-1:</b> Implement LRDP Mitigation Measures GHG-1a, 1b, and 1c.	<i>Less than Significant</i>
<b>Hydrology and Water Quality</b>			
<b>LRDP Impact HYD-1:</b> Campus development under the 2020 LRDP would not substantially interfere with groundwater recharge nor substantially decrease groundwater supplies.	<i>Less than Significant</i>	No mitigation is required.	<i>N/A</i>
<b>LRDP Impact HYD-2:</b> Campus development under the 2020 LRDP would not substantially alter the existing	<i>Less than Significant</i>	No mitigation is required.	<i>N/A</i>

**Table 2.0-2**  
**Summary of LRDP Impacts and Mitigation Measures**

<b>Project Impacts</b>	<b>Significance Before Mitigation</b>	<b>Mitigation Measures</b>	<b>Significance After Mitigation</b>
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.			
<b>Cumulative Impact C-HYD-1:</b> 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.	<i>Less than Significant</i>	No mitigation is required.	<i>N/A</i>
<b>Cumulative Impact C-HYD-2:</b> 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	<i>Significant</i>	<b>Cumulative MM C-HYD-2:</b> 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.	<i>Significant and Unavoidable</i>

**Table 2.0-2**  
**Summary of LRDP Impacts and Mitigation Measures**

<b>Project Impacts</b>	<b>Significance Before Mitigation</b>	<b>Mitigation Measures</b>	<b>Significance After Mitigation</b>
the overdraft of the regional groundwater aquifer.			
<b>Noise</b>			
<b>LRDP Impact NOI-1:</b> Implementation of the 2020 LRDP would not substantially increase ambient traffic noise levels at existing off-site noise-sensitive uses.	<i>Less than Significant</i>	No mitigation is required.	<i>N/A</i>
<b>LRDP Impact NOI-2:</b> 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.	<i>Less than Significant</i>	No mitigation is required.	<i>N/A</i>
<b>LRDP Impact NOI-3:</b> 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.	<i>Potentially Significant</i>	<b>LRDP MM NOI-3:</b> 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: <ul style="list-style-type: none"> <li>• 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.</li> <li>• All noise-producing project equipment and vehicles using internal combustion engines shall be equipped where appropriate with exhaust</li> </ul>	<i>Less than Significant</i>

**Table 2.0-2**  
**Summary of LRDP Impacts and Mitigation Measures**

Project Impacts	Significance Before Mitigation	Mitigation Measures	Significance After Mitigation
		<p>mufflers and air-inlet silencers in good operating condition that meet or exceed original factory specifications.</p> <ul style="list-style-type: none"> <li>• 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.</li> <li>• 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.</li> <li>• Electrically powered equipment shall be used instead of pneumatic or internal combustion powered equipment, where practicable.</li> <li>• Material stockpiles, mobile equipment staging, construction vehicle parking, and maintenance areas shall be located as far as practicable from noise-sensitive land uses.</li> <li>• Stationary noise sources such as generators or pumps shall be located away from noise-sensitive land uses as feasible.</li> <li>• 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</li> </ul>	

**Table 2.0-2**  
**Summary of LRDP Impacts and Mitigation Measures**

Project Impacts	Significance Before Mitigation	Mitigation Measures	Significance After Mitigation
		<p>music systems shall be audible at any adjacent noise-sensitive receptor except for emergency use.</p> <ul style="list-style-type: none"> <li>• The erection of temporary noise barriers shall be considered where project activity is unavoidably close to noise-sensitive receptors.</li> <li>• The noisiest construction operations shall be scheduled to occur together to avoid continuing periods of the greatest annoyance, wherever possible.</li> <li>• Construction vehicle trips shall be routed as far as practical from existing residential uses.</li> <li>• 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.</li> <li>• 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.</li> </ul>	
<b>LRDP Impact NOI-4:</b> Pile driving activities during construction could expose nearby receptors to perceptible levels of ground-borne vibration.	<i>Potentially Significant</i>	<b>LRDP MM NOI-4a:</b> 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	<i>Less than Significant</i>



**Table 2.0-2**  
**Summary of LRDP Impacts and Mitigation Measures**

Project Impacts	Significance Before Mitigation	Mitigation Measures	Significance After Mitigation
		<p>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.</p> <p><b>LRDP MM NOI-4b:</b> 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.</p>	
<p><b>Cumulative Impact C-NOI-1:</b>  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-</p>	<p><i>Less than Significant</i></p>	<p>No mitigation is required.</p>	<p><i>N/A</i></p>

**Table 2.0-2**  
**Summary of LRDP Impacts and Mitigation Measures**

<b>Project Impacts</b>	<b>Significance Before Mitigation</b>	<b>Mitigation Measures</b>	<b>Significance After Mitigation</b>
site locations.			
<b>Cumulative Impact C-NOI-2:</b> 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.	<i>Less than Significant</i>	No mitigation is required.	<i>N/A</i>
<b>Population and Housing</b>			
<b>LRDP Impact PH-1:</b> Implementation of the 2020 LRDP would not result in substantial unplanned population growth and related demand for housing in the City of Merced and in surrounding communities.	<i>Less than Significant</i>	No mitigation is required.	<i>N/A</i>
<b>Cumulative Impact C-PH-1:</b> 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.	<i>Less than Significant</i>	No mitigation is required.	<i>N/A</i>

**Table 2.0-2**  
**Summary of LRDP Impacts and Mitigation Measures**

<b>Project Impacts</b>	<b>Significance Before Mitigation</b>	<b>Mitigation Measures</b>	<b>Significance After Mitigation</b>
<b>Public Services and Recreation</b>			
<b>LRDP Impact PUB-1:</b> 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.	<i>Less than Significant</i>	No mitigation is required.	<i>N/A</i>
<b>LRDP Impact PUB-2:</b> 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.	<i>Less than Significant</i>	No mitigation is required.	<i>N/A</i>
<b>LRDP Impact PUB-3:</b> Implementation of the 2020 LRDP would increase enrollment in local public schools.	<i>Less than Significant</i>	No mitigation is required.	<i>N/A</i>
<b>LRDP Impact PUB-4:</b> Implementation of the 2020 LRDP would not substantially increase demand for public libraries.	<i>Less than Significant</i>	No mitigation is required.	<i>N/A</i>

**Table 2.0-2**  
**Summary of LRDP Impacts and Mitigation Measures**

<b>Project Impacts</b>	<b>Significance Before Mitigation</b>	<b>Mitigation Measures</b>	<b>Significance After Mitigation</b>
<b>LRDP Impact PUB-5:</b> 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.	<i>Less than Significant</i>	No mitigation is required.	N/A
<b>LRDP Impact PUB-6:</b> Implementation of the 2020 LRDP would increase the use of Lake Yosemite Regional Park, which could accelerate physical deterioration of park facilities.	<i>Potentially Significant</i>	<p><b>LRDP MM PUB-6a:</b> 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.</p> <p><b>LRDP MM PUB-6b:</b> 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.</p> <p><b>LRDP MM PUB-6c:</b> 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 <b>LRDP Mitigation Measures PUB-6a and PUB-6b</b></p>	<i>Less than Significant</i>

**Table 2.0-2**  
**Summary of LRDP Impacts and Mitigation Measures**

<b>Project Impacts</b>	<b>Significance Before Mitigation</b>	<b>Mitigation Measures</b>	<b>Significance After Mitigation</b>
		above, will implement mitigation measures to avoid and minimize indirect effects on biological resources.	
<b>Cumulative Impact C-PUB-1:</b> 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.	<i>Less than Significant</i>	No mitigation is required.	<i>N/A</i>
<b>Cumulative Impact C- PUB-2:</b> 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.	<i>Less than Significant</i>	No mitigation is required.	<i>N/A</i>
<b>Cumulative Impact C-PUB-3:</b> Development of the campus under the 2020 LRDP, in conjunction with other past, present, and reasonably foreseeable future development in the project area,	<i>Less than Significant</i>	No mitigation is required.	<i>N/A</i>

**Table 2.0-2**  
**Summary of LRDP Impacts and Mitigation Measures**

<b>Project Impacts</b>	<b>Significance Before Mitigation</b>	<b>Mitigation Measures</b>	<b>Significance After Mitigation</b>
would generate an increased demand for elementary and secondary school facilities, the provision of which would not result in a significant cumulative impact.			
<b>Cumulative Impact C-PUB-4:</b> 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.	<i>Less than Significant</i>	No mitigation is required.	<i>N/A</i>
<b>Cumulative Impact C-PUB-5:</b> 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	<i>Less than Significant</i>	No mitigation is required.	<i>N/A</i>

**Table 2.0-2**  
**Summary of LRDP Impacts and Mitigation Measures**

<b>Project Impacts</b>	<b>Significance Before Mitigation</b>	<b>Mitigation Measures</b>	<b>Significance After Mitigation</b>
not be cumulatively considerable.			
<b>Transportation</b>			
<b>LRDP Impact TRANS-1:</b> Implementation of the 2020 LRDP would significantly affect study area intersections during peak commute hours under 2030 plus project conditions.	<i>Significant</i>	<p><b>LRDP MM TRANS-1: Campus Traffic Mitigation Program (CTMP).</b> 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 (<i>CEQA Guidelines</i> §15130(a)(3)).</p> <p>The CTMP will consist of the following elements/measures:</p> <p><b>Measure TRANS-1a: Travel Demand Management.</b> 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</p>	<i>Significant and Unavoidable</i>

**Table 2.0-2**  
**Summary of LRDP Impacts and Mitigation Measures**

Project Impacts	Significance Before Mitigation	Mitigation Measures	Significance After Mitigation
		<p>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.</p> <p><b>Measure TRANS-1b: Transit Enhancement.</b> 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.</p> <p><b>Measure TRANS-1c: Sustainability and Monitoring.</b> 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.</p> <p><b>Measure TRANS-1d: Campus Traffic Impact Monitoring.</b> The University will monitor trip generation resulting from the campus development</p>	



**Table 2.0-2**  
**Summary of LRDP Impacts and Mitigation Measures**

Project Impacts	Significance Before Mitigation	Mitigation Measures	Significance After Mitigation
		<p>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 <b>Table 4.8-9</b>, 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 <b>Table 4.8-9</b>.</p> <p><b>Measure TRANS-1e: Proportional Share Determination.</b> 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.</p>	

**Table 2.0-2**  
**Summary of LRDP Impacts and Mitigation Measures**

Project Impacts	Significance Before Mitigation	Mitigation Measures	Significance After Mitigation
		<p><b>Measure TRANS-1f: Mitigation Payments.</b> 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.</p>	

**Table 2.0-2**  
**Summary of LRDP Impacts and Mitigation Measures**

<b>Project Impacts</b>	<b>Significance Before Mitigation</b>	<b>Mitigation Measures</b>	<b>Significance After Mitigation</b>
<b>LRDP Impact TRANS-2:</b> Implementation of the 2020 LRDP would not significantly impact study area freeway segments under 2030 plus project conditions.	<i>Less than Significant</i>	No mitigation is required.	<i>N/A</i>
<b>LRDP Impact TRANS-3:</b> Implementation of the 2020 LRDP would not significantly impact transit facilities.	<i>Less than Significant</i>	No mitigation is required.	<i>N/A</i>
<b>LRDP Impact TRANS-4:</b> Implementation of the 2020 LRDP would not significantly impact pedestrian and bicycle facilities.	<i>Less than Significant</i>	No mitigation is required.	<i>N/A</i>
<b>LRDP Impact TRANS-5:</b> The campus road network system would be adequately sized and designed to facilitate emergency access vehicles.	<i>Less than Significant</i>	No mitigation is required.	<i>N/A</i>
<b>Cumulative Impact C-TRANS-1:</b> Implementation of the 2020 LRDP would significantly impact study area intersections during peak commute hours under 2035 plus project conditions.	<i>Significant</i>	<b>Cumulative MM C-TRANS-1:</b> The University will implement LRDP MM 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 are the same as, or similar to, improvements identified in Table 4.8-9 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.	<i>Significant and Unavoidable</i>

**Table 2.0-2**  
**Summary of LRDP Impacts and Mitigation Measures**

<b>Project Impacts</b>	<b>Significance Before Mitigation</b>	<b>Mitigation Measures</b>	<b>Significance After Mitigation</b>
		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.	
<b>Cumulative Impact C-TRANS-2:</b> Implementation of the 2020 LRDP would not significantly affect study area freeway segments under 2035 plus project conditions.	<i>Less than Significant</i>	No mitigation is required.	<i>N/A</i>
<b>Tribal Cultural Resources</b>			
<b>LRDP Impact TCR-1:</b> The proposed project would not cause a substantial adverse change in the significance of a Tribal Cultural Resource as defined in Section 21074.	<i>Less than Significant</i>	No mitigation is required.	<i>N/A</i>
<b>Cumulative Impact C-TCR-1:</b> Implementation of the proposed 2020 LRDP would not result in a significant cumulative impact on Tribal Cultural Resources.	<i>Less than Significant</i>	No mitigation is required.	<i>N/A</i>
<b>Utilities and Service Systems</b>			
<b>LRDP Impact UTL-1:</b> 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.	<i>Less than Significant</i>	No mitigation is required.	<i>N/A</i>

**Table 2.0-2**  
**Summary of LRDP Impacts and Mitigation Measures**

<b>Project Impacts</b>	<b>Significance Before Mitigation</b>	<b>Mitigation Measures</b>	<b>Significance After Mitigation</b>
<b>LRDP Impact UTL-2:</b> 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.	<i>Less than Significant</i>	No mitigation is required.	N/A
<b>LRDP Impact UTL-3:</b> 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.	<i>Less than Significant</i>	No mitigation is required.	N/A
<b>LRDP Impact UTL-4:</b> 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.	<i>Less than Significant</i>	No mitigation is required.	N/A
<b>LRDP Impact UTL-5:</b> Implementation of the 2020 LRDP would require on- and off-site improvements to electric	<i>Less than Significant</i>	No mitigation is required.	N/A

**Table 2.0-2**  
**Summary of LRDP Impacts and Mitigation Measures**

<b>Project Impacts</b>	<b>Significance Before Mitigation</b>	<b>Mitigation Measures</b>	<b>Significance After Mitigation</b>
transmission lines and natural gas pipelines.			
<b>Cumulative Impact C-UTL-1:</b> 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.	<i>Less than Significant</i>	No mitigation is required.	<i>N/A</i>
<b>Cumulative Impact C-UTL-2:</b> 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.	<i>Less than Significant</i>	No mitigation is required.	<i>N/A</i>
<b>Cumulative Impact C-UTL-3:</b> 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.	<i>Less than Significant</i>	No mitigation is required.	<i>N/A</i>

**Table 2.0-2**  
**Summary of LRDP Impacts and Mitigation Measures**

<b>Project Impacts</b>	<b>Significance Before Mitigation</b>	<b>Mitigation Measures</b>	<b>Significance After Mitigation</b>
<b>Cumulative Impact C-UTL-4:</b> 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.	<i>Less than Significant</i>	No mitigation is required.	<i>N/A</i>
<b>Energy</b>			
<b>LRDP Impact EN-1:</b> 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.	<i>Less than Significant</i>	No mitigation is required.	<i>N/A</i>
<b>Cumulative Impact EN-1:</b> Implementation of the 2020 LRDP would not contribute substantially to a cumulative impact on energy resources.	<i>Less than Significant</i>	No mitigation is required.	<i>N/A</i>

**Table 2.0-3  
Summary Comparison of Project Alternatives**

<b>Project Impact</b>	<b>Proposed Project (Before and After Mitigation)</b>	<b>Alternative 1: No Project</b>	<b>Alternative 2: Reduced Development</b>	<b>Alternative 3: Distributed Employment Location</b>
<b>LRDP Impact AQ-2:</b> 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.	<i>S/SU</i>	Similar; <i>S/SU</i>	Reduced; <i>S/SU</i>	Similar; <i>S/SU</i>
<b>Cumulative Impact C-AQ-1:</b> 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.	<i>S/SU</i>	Similar; <i>S/SU</i>	Reduced; <i>S/SU</i>	Similar; <i>S/SU</i>
<b>LRDP Impact BIO-4:</b> Implementation of the 2020 LRDP would result in a potentially significant adverse impact on nesting and overwintering habitat for the Crotch bumble bee.	<i>PS/LTS</i>	Greater; <i>PS/LTS</i>	Reduced; <i>PS/LTS</i>	Similar; <i>PS/LTS</i>
<b>LRDP Impact BIO-9:</b> Implementation of the 2020 LRDP would result in potentially significant adverse impacts on special-status bird species and non-special-status migratory birds and raptors.	<i>PS/LTS</i>	Greater; <i>PS/LTS</i>	Reduced; <i>PS/LTS</i>	Similar; <i>PS/LTS</i>



**Table 2.0-3**  
**Summary Comparison of Project Alternatives**

<b>Project Impact</b>	<b>Proposed Project (Before and After Mitigation)</b>	<b>Alternative 1: No Project</b>	<b>Alternative 2: Reduced Development</b>	<b>Alternative 3: Distributed Employment Location</b>
<b>Cumulative Impact C-HYD-2:</b> 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 an overdraft of the regional groundwater aquifer.	<i>S/SU</i>	Similar; <i>S/SU</i>	Reduced; <i>S/SU</i>	Similar; <i>S/SU</i>
<b>LRDP Impact NOI-3:</b> 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.	<i>PS/LTS</i>	Similar; <i>PS/LTS</i>	Reduced; <i>PS/LTS</i>	Similar; <i>PS/LTS</i>
<b>LRDP Impact NOI-4:</b> Pile driving activities during construction could expose nearby receptors to perceptible levels of groundborne vibration.	<i>PS/LTS</i>	Similar; <i>PS/LTS</i>	Reduced; <i>PS/LTS</i>	Similar; <i>PS/LTS</i>
<b>LRDP Impact PUB-6:</b> Implementation of the 2020 LRDP would increase the use of Lake Yosemite Regional Park, which could accelerate physical deterioration of park facilities.	<i>PS/LTS</i>	Similar; <i>PS/LTS</i>	Reduced; <i>PS/LTS</i>	Similar; <i>PS/LTS</i>
<b>LRDP Impact TRANS-1:</b> Implementation of the 2020 LRDP would significantly affect study area intersections during peak commute hours under 2030 plus project conditions.	<i>S/SU</i>	Similar; <i>S/SU</i>	Reduced; <i>S/SU</i>	Similar; <i>S/SU</i>

**Table 2.0-3  
Summary Comparison of Project Alternatives**

<b>Project Impact</b>	<b>Proposed Project (Before and After Mitigation)</b>	<b>Alternative 1: No Project</b>	<b>Alternative 2: Reduced Development</b>	<b>Alternative 3: Distributed Employment Location</b>
<b>Cumulative Impact C-TRANS-1:</b> Implementation of the 2020 LRDP would significantly impact study area intersections during peak commute hours under 2035 plus project conditions.	<i>S/SU</i>	Similar; <i>S/SU</i>	Reduced; <i>S/SU</i>	Similar; <i>S/SU</i>

*SU = Significant and unavoidable*

*S = Significant impact*

*PS = Potentially significant impact*

*LTS = Less than significant impact*

*Similar = Impact similar to proposed project*

*Reduced = Impact less than proposed project*

*Greater = Impact greater than proposed project*

## 3.0 COMMENTS ON THE DRAFT SEIR AND RESPONSES TO COMMENTS

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### 3.1 INTRODUCTION

UC Merced received comments on both the Draft SEIR and the Recirculated Draft SEIR during the two public review periods from a number of agencies, organizations, and individuals. As two sets of comments were received, to avoid confusion, comments on the Recirculated Draft SEIR are presented first in **Section 3.2** below along with the University's responses to those comments. Comments on the Draft SEIR are presented in **Section 3.3** along with the University's responses to those comments. Note that responses to comments on the Draft SEIR are not required, as the previously published Draft SEIR was replaced in full by the Recirculated Draft SEIR. However, the University has voluntarily prepared responses to those comments and included them in this Final SEIR.

### 3.2 COMMENTS ON THE RECIRCULATED DRAFT SEIR

#### 3.2.1 Index to Comments

Comments on the Recirculated Draft SEIR were submitted to UC Merced during the public review period by the agencies, organizations, and individuals listed below in **Table 3.0-1, Index to Comments on the Recirculated Draft SEIR**. The commenters are grouped by the affiliation of the commenting entity as follows: State agencies (SA), organizations (ORG), and public meeting participants (PM).

**Table 3.0-1**  
**Index to Comments on the Recirculated Draft SEIR**

<b>Commenter No.</b>	<b>Agency/Organization/Individual</b>
<b>State Agencies</b>	
SA-1	California Department of Toxic Substances Control Gavin McCreary, dated January 3, 2020
<b>Organizations</b>	
ORG-1	Leadership Council for Justice & Accountability Jovana Morales, dated February 3, 2020
ORG-2	San Joaquin Raptor/Wildlife Rescue Center Lydia Miller, dated February 3, 2020
<b>Public Meeting (January 16, 2020)</b>	
PM-1	Deja Villanueva, Communities for A New California
PM-2	Keila Luna, Communities for A New California
PM-3	Rosa Inguanzo, Communities for A New California
PM-4	Sheng Xiong, Leadership Council for Justice & Accountability
PM-5	Deja Villanueva, Communities for A New California

### **3.2.2 Recirculated Draft SEIR Comments and Responses**

This section includes a reproduction of each letter that provided comments on the Recirculated Draft SEIR. The comments are numbered consecutively following the acronym identifying the commenter. Individual comments within the letters are numbered consecutively and are annotated in the margin of each letter.

Written letters received during the public comment period on the Recirculated Draft SEIR are provided in their entirety (including attachments) in the following pages. The transcript of the public meeting is reproduced in full and the relevant oral comments provided at the public meeting are bracketed in the transcript. Each letter or public meeting transcript is immediately followed by responses keyed to the specific comments.



## Department of Toxic Substances Control

**Jared Blumenfeld**  
Secretary for  
Environmental Protection

Meredith Williams, Ph.D., Director  
8800 Cal Center Drive  
Sacramento, California 95826-3200



**Gavin Newsom**  
Governor

January 3, 2020

Mr. Phillip Woods  
University of California  
5200 North Lake Road  
Merced, California 95343

UNIVERSITY OF CALIFORNIA (UC) MERCED 2020 LONG RANGE DEVELOPMENT  
PLAN (LRDP) PROJECT RECIRCULATED ENVIRONMENTAL IMPACT REPORT –  
DATED DECEMBER 2019  
(STATE CLEARINGHOUSE NUMBER: 2018041010)

Dear Mr. Woods:

The Department of Toxic Substances Control (DTSC) received a Recirculated Environmental Impact Report (EIR) for University of California (UC) Merced 2020 Long Range Development Plan (LRDP) Project.

The proposed 2020 LRDP has been designed to guide the physical development of the campus 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.

DTSC recommends that the following issues be evaluated in the EIR, Hazards and Hazardous Materials section:

1. The EIR should acknowledge the potential for project site activities to result in the release of hazardous wastes/substances. In instances in which releases may occur, further studies should be carried out to delineate the nature and extent of the contamination, and the potential threat to public health and/or the environment should be evaluated. The EIR should also identify the mechanism(s) to initiate any required investigation and/or remediation and the government agency who will be responsible for providing appropriate regulatory oversight. 1
2. If any sites within the project area or sites located within the vicinity of the project have been used or are suspected of having been used for mining activities, proper investigation for mine waste should be discussed in the EIR. DTSC recommends that any project sites with current and/or former mining operations onsite or in the project site area should be evaluated for mine waste according to 2

DTSC's 1998 Abandoned Mine Land Mines Preliminary Assessment Handbook ([https://dtsc.ca.gov/wp-content/uploads/sites/31/2018/11/aml\\_handbook.pdf](https://dtsc.ca.gov/wp-content/uploads/sites/31/2018/11/aml_handbook.pdf)).

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3. If buildings or other structures are to be demolished on any project sites included in the proposed project, surveys should be conducted for the presence of lead-based paints or products, mercury, asbestos containing materials, and polychlorinated biphenyl caulk. Removal, demolition and disposal of any of the above-mentioned chemicals should be conducted in compliance with California environmental regulations and policies. In addition, sampling near current and/or former buildings should be conducted in accordance with DTSC's 2006 *Interim Guidance Evaluation of School Sites with Potential Contamination from Lead Based Paint, Termiticides, and Electrical Transformers* ([https://dtsc.ca.gov/wpcontent/uploads/sites/31/2018/09/Guidance\\_Lead Contamination\\_050118.pdf](https://dtsc.ca.gov/wpcontent/uploads/sites/31/2018/09/Guidance_Lead Contamination_050118.pdf)).

3

4. If any projects initiated as part of the proposed project require the importation of soil to backfill any excavated areas, proper sampling should be conducted to ensure that the imported soil is free of contamination. DTSC recommends the imported materials be characterized according to DTSC's 2001 *Information Advisory Clean Imported Fill Material* ([https://dtsc.ca.gov/wp-content/uploads/sites/31/2018/09/SMP\\_FS\\_Cleanfill-Schools.pdf](https://dtsc.ca.gov/wp-content/uploads/sites/31/2018/09/SMP_FS_Cleanfill-Schools.pdf)).

4

5. If any sites included as part of the proposed project have been used for agricultural, weed abatement or related activities, proper investigation for organochlorinated pesticides should be discussed in the EIR. DTSC recommends the current and former agricultural lands be evaluated in accordance with DTSC's 2008 *Interim Guidance for Sampling Agricultural Properties (Third Revision)* (<https://dtsc.ca.gov/wp-content/uploads/sites/31/2018/09/Ag-Guidance-Rev-3-August-7-2008-2.pdf>).

5

DTSC appreciates the opportunity to review the EIR. Should you need any assistance with an environmental investigation, please submit a request for Lead Agency Oversight Application, which can be found at: [https://dtsc.ca.gov/wp-content/uploads/sites/31/2018/09/VCP\\_App-1460.doc](https://dtsc.ca.gov/wp-content/uploads/sites/31/2018/09/VCP_App-1460.doc). Additional information regarding voluntary agreements with DTSC can be found at: <https://dtsc.ca.gov/brownfields/>.



If you have any questions, please contact me at (916) 255-3710 or via email at [Gavin.McCreary@dtsc.ca.gov](mailto:Gavin.McCreary@dtsc.ca.gov).

Sincerely,

A handwritten signature in blue ink that reads "Gavin McCreary". The signature is fluid and cursive, with a long horizontal stroke at the end.

Gavin McCreary  
Project Manager  
Site Evaluation and Remediation Unit  
Site Mitigation and Restoration Program  
Department of Toxic Substances Control

cc: (via email)

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

Ms. Lora Jameson, Chief  
Site Evaluation and Remediation Unit  
Department of Toxic Substances Control  
[Lora.Jameson@dtsc.ca.gov](mailto:Lora.Jameson@dtsc.ca.gov)

Mr. Dave Kereazis  
Office of Planning & Environmental Analysis  
Department of Toxic Substances Control  
[Dave.Kereazis@dtsc.ca.gov](mailto:Dave.Kereazis@dtsc.ca.gov)

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**Commenter SA-1**

**California Department of Toxic Substances Control (January 3, 2020)**

**Response SA-1-1**

The potential effects from the accidental release of hazardous materials on the campus during transport, storage, and use under the 2009 LRDP were fully evaluated in the 2009 LRDP EIS/EIR. As stated on pages 34 through 37 of the 2020 LRDP Initial Study that was circulated with the NOP, the 2020 LRDP would not result in any change in hazardous materials transport, storage and use of hazardous materials on the campus from what was analyzed in the 2009 LRDP EIS/EIR. Therefore, the impacts were not reevaluated in the SEIR.

**Response SA-1-2**

There are no current or former mining sites on or near the campus.

**Response SA-1-3**

The campus was established in 2002 and there are no buildings on the campus that used building materials that include lead-based paint, mercury, asbestos or polychlorinated biphenyl caulk. Further, no demolition of any existing buildings is planned under the 2020 LRDP.

**Response SA-1-4**

UC Merced does not foresee the need to import soil to backfill any excavated areas. However, should import of soil be required, the Campus will ensure that the imported soil is free of contamination.

**Response SA-1-5**

As noted in the 2009 LRDP EIS/EIR, a government records search was performed by EDR for the Campus and University Community North sites, which showed that there were no recorded violations or releases on the sites. Majority of the campus site is former rangeland and no pesticides were used on rangeland in the past. About 196 acres of land in the southern portion of the campus site were formerly used as irrigated pasture. Although it is unlikely that pesticides were used on those areas of the campus in the past, as and when UC Merced proposes the development of those lands, it will sample the soils in the area to be developed to confirm the absence of pesticides.

February 3, 2020

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

**RE: University of California, Merced 2020 Long Range Development Plan**

Dear Mr. Woods,

Leadership Counsel for Justice and Accountability works in partnership with residents in disadvantaged communities in the city and county of Merced on a variety of issues that impact their quality of life and inform the long-term sustainability of their neighborhoods. Merced's growth, and specifically UC Merced's growth provides both opportunities and risks for lower income residents of Merced and, accordingly, we urge UC Merced, the City of Merced, Merced County, and the UC Regents to ensure that UC Merced's further development benefits, and does not burden, the broader Merced community. We suggest, development of Community Benefits Agreement as part of, or as a companion to the UC Merced Long Range Development Plan (UCMLRDP) to ensure the promised bounty of UC Merced to Merced and the San Joaquin Valley. While the scope of the community benefits agreement could and should be broad, we focus here on priorities we have heard through the course of our outreach on the UCMLRDP and through our ongoing work in partnership with community members and partner organizations in the area: Housing, Transportation, Economic Development, and Environmental Quality.

Housing

The lack of affordable housing in Merced is well documented and impacts lower income households and disadvantaged neighborhoods most acutely. The Office of Policy Development and Research has found that 7,235 Merced County households whose income is less than 30 percent have a housing burden - families who pay more than 30 percent of their income for housing are considered burdened and may have difficulty affording necessities such as food, clothing, transportation and medical care; 5,615 Merced County households whose income is between 30 and 50 percent have a housing burden.<sup>1</sup> The Community Housing Affordability Survey (CHAS) indicates "that [in Merced City] 3,147 households earned less than 30 percent of the Median Family Income (MFI), of that number, 88.2 percent reported housing problems."<sup>2</sup> Residents have expressed their concern that UC Merced 2020 Long Range Development Plan will exacerbate the housing crisis in Merced and will result in displacement of Low and Extremely Low Income Households. Merced residents have also elevated their fear that implementation of the UCMLRDP will be void of economic opportunities despite promises to

<sup>1</sup> United States Department of Housing and Urban Development, Office of Development and Research. Retrieved 2019. <https://www.huduser.gov/portal/datasets/cp.html>

<sup>2</sup> City of Merced 2015-2020 Consolidated Plan and Annual Action Plan May 2015. <https://www.cityofmerced.org/Home/ShowDocument?id=6426>

the contrary. Dale Kasler from the Sacramento Bee writes “some Valley leaders had hoped UC Merced would do for the Valley what Stanford did for the Bay Area, generating a pipeline of inventions that would lead to a gusher of new industries. That hasn’t happened yet, either.”<sup>3</sup> A CBA could include programs and policies that would ensure that housing opportunities for the existing (and growing) Merced community will expand as the University expands as well - both in the areas near the University and in the City of Merced and Merced County’s existing neighborhoods.

1

### Transportation

Improved transportation options is a critical need for both the UC Merced community and the broader Merced community. The University, as it implements the UCMLRDP, will draw increased traffic to the region and to the UC Merced area yet the existing communities in Merced already experience severe transportation deficiencies including unmet transit needs and inadequate active transportation facilities. It is imperative that transportation resources in Merced equitably address the transportation needs and opportunities in the greater Merced region and that we do not replicate other models where development outside of existing urban areas draws an outsized share of transportation funding beyond existing neighborhoods. UC Merced can cooperate with the City and County to create and expand a sustainable transportation system that benefits students and residents alike. The University of Southern California developed sustainable transportation for faculty and students with its Mobility Hub by enabling trip-planning focused on multi-modal, alternate transit-oriented options.<sup>4</sup> UC Merced can collaborate with Merced City and County to incorporate innovative ways to promote sustainability and safety for a new transportation eco-system that invests in these neighborhoods instead of focusing only on transportation funding North-East of the city. Similarly, the City, County, and University and existing communities should develop, through a Community Benefits Agreement, processes to ensure equitable allocation of transportation resources, infrastructure, and programs.

2

### Economic and Educational Opportunities

The development of UC Merced brought hopes of economic opportunities, especially for those in disadvantaged communities. Unfortunately, Merced still has some of the highest rates of unemployment. According to Opportunity Atlas, Merced City has a 53 percent unemployment rate and Merced County has a 60 percent unemployment rate.<sup>5</sup> The CBA can include an employment and economic development element, which can further merge a collaborative partnership with disadvantaged communities by providing unprecedented career, job, and educational opportunities to the region. If UC Merced fails to include these elements it will only continue to create disparity in this region, and strain an already fragile relationship.

3

### Environmental Quality

Continued expansion of the University could put greater stressors on the already vulnerable environment in the region. According to the United States Environmental Protection Agency (EPA), the San Joaquin Valley has some of the nation’s worst air quality and drinking water

4

<sup>3</sup> Dave Kasler. How the Central Valley became the ‘Appalachia of the West.’ Now, new threats loom for economy. September 2019. <https://www.sacbee.com/news/california/big-valley/article233551287.html>.

<sup>4</sup> University of Southern California, USC Sustainability. Retrieved 2019. <https://green.usc.edu/programs/transportation/>.

<sup>5</sup> The United States Census, Opportunity Atlas. Retrieved (2019). <https://www.opportunityatlas.org/>.

contaminants. Also, The Merced Subbasin was labeled as a critically-overdrafted groundwater basin in California by the Sustainable Groundwater Management Act (SGMA) in 2014. UC Merced has the opportunity to engage with Merced City and County to advance solutions to complex environmental issues facing millions of residents in this region; not only as an institution that provides research but as an engaged, pro-active system that incorporates the needs of nearby communities. These are a few of the priorities communities have brought up through our ongoing work and should be implemented in a community benefits agreement.

4

\*

\*

\*

UC Merced's 2020 LRDP has the opportunity to rebuild the community's trust by incorporating a CBA. It will set forth a process to work towards a range of mutually beneficial objectives. This will allow community residents to become stakeholders in future development projects set forth by the university, as well as adhere to inclusivity and transparency. UC Merced is still fairly new to this region; it is imperative that residents and community feel engaged in this process. UC Merced has the advantage of creating a long-term relationship with residents and community leaders by working towards equitable growth. This partnership can include various aspects of the county's development, such as: housing and economic development in the surrounding area; hiring residents and adding a comprehensive training program; incentives for local small businesses; dedicating space for a community services facility or youth center; investing and aiding in Merced's Regional Transportation Plan; collaborating and finding solutions to the region's complex environmental issues; as well as how these commitments will be monitored and enforced. These are but a few examples of benefits requested through successful CBA's.

There have been several CBA's created to ensure disadvantaged communities guide and benefit from new development. University of Southern California is a prime example of successfully incorporating surrounding community stakeholders into discussions regarding future construction. USC has provided educational and extracurricular support for local schools, built a regal fire station, affordable housing funding, training for small business owners, and a mobility hub where people can get information on transit passes, car rental, bicycle sharing, and free transit schedules and maps.<sup>6</sup> They have also ensured that their development partner has committed to providing specific community benefits, such as creating a job training fund and hiring residents for construction jobs that live near projects. As well as, reserving a percentage of that towards residents with barriers to employment - disadvantaged workers.<sup>7</sup> Another example of a successful partnership is the LAX CBA which provides a wide range of environmental mitigations and benefits by curbing dangerous air pollutants by up to 90%, a five-year program for converting trucks and buses to alternative fuels, electrifying cargo operations areas, and funds for a comprehensive air quality study.<sup>8</sup> As Previously stated, UC Merced also has the opportunity to address environmental issues through a CBA. This is essential since Merced California lies within the San Joaquin Valley which has unique environmental challenges, including some of the nation's worst air quality, high rates of childhood asthma, and contaminated drinking water.

5

<sup>6</sup> Rachel Cohrs. USC Promised Millions in Community Benefits with The Village. Did it Deliver? February 2018.

<sup>7</sup> Eastside LEADS. USC Agrees to Eastside Coalition's Community Benefits Agreement. January 2019.

<sup>8</sup> Gross, J., LeRoy, G., Janis-Aparicio, M. Community Benefits Agreement. 2005.

For these reasons, we strongly urge UC Merced's 2020 LRDP to incorporate a Community Benefits Agreement. It is the first step to building trust and an equitable collaboration with Merced's residents and communities; and setting UC Merced as a prominent renowned university in this region.

Thank you for your attention to this matter. We hope to work with the University, in collaboration with other organizations and community leaders, to reach a resolution that protects the interests of residents from disadvantaged communities.

Sincerely,

Jovana Morales  
Policy Advocate  
Leadership Counsel for Justice and Accountability

cc:

Anne L. Shaw  
UC Regents Secretary and Chief of Staff  
[regentsoffice@ucop.edu](mailto:regentsoffice@ucop.edu)

James Brown  
Merced County Executive Officer  
[james.brown@countyofmerced.com](mailto:james.brown@countyofmerced.com)

Steve Carrigan  
Merced City Manager  
[CarriganS@cityofmerced.org](mailto:CarriganS@cityofmerced.org)

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**Commenter ORG-1**

**Leadership Council for Justice & Accountability (February 3, 2020)**

**Response ORG-1-1**

The potential impacts of the proposed 2020 LRDP on population and housing are analyzed in Section 4.6 of the Recirculated Draft SEIR. The analysis is consistent with the State CEQA Guidelines and focuses on the adequacy of the study area housing resources to serve the project-related population. The Recirculated Draft SEIR does not analyze any indirect socioeconomic effects, such as the cost of housing that could result from the campus-related demand for housing. CEQA does not require a discussion of socioeconomic effects, except where they would result in physical changes, and states that social or economic effects shall not be treated as significant effects (see *State CEQA Guidelines* Sections 15064(e) and 15131).

With respect to the economic benefits of the proposed 2020 LRDP to the region, an evaluation of economic benefits of a project is not required under CEQA. However, the University brings economic benefits to the region in terms of construction and permanent jobs, workforce education, and through the Campus' investment in the local community.

The commenter's suggestion that a Community Benefits Agreement (CBA) be put in place to expand housing opportunities for the Merced community is acknowledged and will be provided to the decision makers for their review and consideration.

**Response ORG-1-2**

The transportation impacts of the 2020 LRDP, including those on transit and alternative modes, are analyzed and disclosed in Section 4.8 of the Recirculated Draft SEIR. The commenter's suggestion that a CBA be put in place to ensure equitable allocation of transportation resources and program is acknowledged and will be provided to the decision makers for their review and consideration.

**Response ORG-1-3**

The commenter's suggestion that the CBA include an economic element for UC Merced to collaborate with the community regarding career and job opportunities is acknowledged and will be provided to

the decision makers for their review and consideration.

**Response ORG-1-4**

The potential environmental effects of the proposed 2020 LRDP on air quality are fully analyzed in Section 4.1 of the Recirculated Draft SEIR. Section 4.4 of the Recirculated Draft SEIR fully analyzes the Project's potential environmental effects on groundwater. As set forth in those sections, UC Merced will implement mitigation measures LRDP MM AQ-1a, AQ-1b, AQ-2a, AQ-2b and C-AQ-1 to minimize its effect on air quality and will continue to implement existing and expanded programs to minimize its use of groundwater.

**Response ORG-1-5**

The commenter's suggestion that a CBA be put in place for the campus to work collaboratively with the Merced community is acknowledged and will be provided to the decision makers for their review and consideration.



Recirculated Draft SEIR and Draft 2020 LRDP  
February 3, 2020

San Joaquin Raptor/Wildlife Rescue Center  
P.O. Box 778  
Merced, CA 95341  
(209) 723-9283, ph. & fax  
[sjrcc@sbcglobal.net](mailto:sjrcc@sbcglobal.net)

February 3, 2020

Via Electronic Mail

Phillip Woods  
Director of Physical & Environmental Planning 2 Physical Operations  
Planning and Development University of California, Merced  
5200 North Lake Road,  
Merced, California 95343  
[pwoods3@ucmerced.edu](mailto:pwoods3@ucmerced.edu)

Email address: [2020LRDP@ucmerced.edu](mailto:2020LRDP@ucmerced.edu).

Re: Recirculated Subsequent Environmental Impact Report (SEIR) and Draft Merced 2020 Long Range Development Plan (LRDP).

Dear Mr. Woods:

### Comments

We intend this letter to include our comments on the Draft Subsequent Environmental Impact Report for the University of California, Merced 2020 Long Range Development Plan. But we begin with a complaint about the process behind this document and others associated with it.

The San Joaquin Raptor/Wildlife Rescue Center and other groups have had to make two state Public Records Act requests to obtain documents of reference and cited data that UC Merced hasn't produced upon request.

The present UCM environmental document in question is called the Draft Subsequent Environmental Impact Report for the University of California, Merced 2020 Long Range Development Plan.

SJRRC or any other member of the public should not be required to submit a CPRA request in order to see the record behind this document for two reasons.

First, because the CEQA Guidelines provides:

***15162. Subsequent EIRs and Negative Declarations***

*(d) A subsequent EIR or subsequent negative declaration shall be given the same notice and public review as required under Section 15087 or Section 15072. A subsequent EIR or negative declaration shall state where the previous document is available and can be reviewed.*

#### **15087. Public Review of Draft EIR**

*(5) The address where copies of the EIR and all documents referenced in the EIR will be available for public review. This location shall be readily accessible to the public during the lead agency's normal working hours.*

Second, because the DSEIR tiers off documents that in turn tier off prior environmental documents back to the 2001 Initial Study. The entire record for the UC Merced project should be available to the public for inspection at a repository like or a continuation of the one established and maintained by Chris Adams, Rick Notini and Brad Samuelson, past members of the UCM staff. Under Chris Adams, the record was available at UCM's Olive Avenue address. Under Samuelson and Notini, the record was located at UCM offices at the former Castle Air Force Base.

As the result of complaints made to the California Governor's Office of Planning and Research by SJRRC, Protect Our Water, and other groups about UCM and County of Merced non-responsiveness to numerous PRAs, OPR's Terry Roberts ordered UCM and County to make publicly accessible repositories.

#### **Redline version.**

It is settled law that revisions to a draft EIR/EIS must be presented in a redline-version form.

**2.0 REVISIONS TO THE DRAFT EIS/EIR** *Revisions have been made to the Draft Environmental Impact Statement/Environmental Impact Report (EIS/EIR) as a result of comments received from agencies, organizations, and individuals on the document. This chapter provides the location (either chapter or section number), title, and page number from the Draft EIS/EIR, and shows the complete sentence(s) where the change was made. Text added to the Draft EIS/EIR is shown in underline format, and deleted text is shown in strikethrough. . This chapter, in combination with the Draft EIS/EIR, and the responses to comments section constitutes the Final EIS/EIR. Due to the nature of the text changes that are presented below, the changes are cited individually rather than in a reproduction of the entire Draft EIS/EIR. This presentation of revisions to the Draft EIS/EIR is consistent with California Environmental Quality Act (CEQA) Guidelines Section 15162 and 40 Code of Federal Regulations (CFR) 1503.4 detailing required Final EIS/EIR contents*

#### **Chaff, a military metaphor**

Chaff, in military vocabulary, stands for clouds of metallic bits dispensed from aircraft or ships in an attempt to confuse radar guided-missile attacks. CEQA was not designed for this use but UCM, partner of Lawrence Livermore National Laboratory, is evidently mimicking this defense.

Recirculated Draft SEIR and Draft 2020 LRDP  
February 3, 2020

The university has generated 42 separate, distinct CEQA documents including a number of inaccessible addenda. The project's State Clearing House number has changed three times since 2002: #2001021065; (2009) #2008041009; and (2020) #2018041010. These different SCH numbers suggest different projects, at least different clusters or waves of environmental documents. And given the changes to Merced since the millennium. 2002-2009 saw a record-breaking period of growth, real estate-value inflation, and a real estate crash the ripples of which still fill back pages of the newspaper with foreclosure notices. And this great spasm of growth was caused by the top magnet for growth in California, UC Merced. For months as the real estate market crashed in 2006-2008, Merced, Modesto and Stockton were in the top five cities in the nation for per capita foreclosure rates.

3

Between the 2009 EIS/EIR and the 2020 Recirculated SEIR, rents in Merced increased dramatically under pressure of demand from people foreclosed upon, a growing student/staff/faculty population at the university, and the banks' practice of keeping houses off the market until home-sales prices rise. For most of the decade we were in a drought while the tremendous world-wide boom in almond demand continued, causing Merced farmers (and others throughout the valley) for lack of surface irrigation water from low rivers to dig deeper and deeper wells. This caused the state to act, passing the Sustainable Groundwater Management Act (SGMA) in 2014. This act, coupled with state Fish and Wildlife's enhanced ability to protect and mitigate for state-listed species should have triggered the need for a new, separate EIR and, because the natural habitat surrounding the campus is an integral part of it, an aspect of its development defined per mandate of the Biological Opinion as the Conservation Strategy, a new EIS is required.

4

Not only has UCM scattered its CEQA documents around it to foil public inquiry, it has apparently dismantled its CEQA record repository and failed to replace it. This is a gross violation of the state Public Record Act. Our authorities include UC's own ABC's of Public Records Act requests.

5

The proliferation of CEQA documents has failed completely to fill in the data gaps. How many revisions, amendments, tiering, supplementals and subsequentals is a project allowed before it requires a new EIS/EIR?

6

UC is simply using SEIRs as a means of piecemealing a whole new project.

**From:** UCM Public Records [mailto:publicrecords@ucmerced.edu]

**Sent:** Friday, January 31, 2020 2:46 PM

**To:** San Joaquin Raptor Rescue Center <sjrrc@sbcglobal.net>

**Cc:** protectourwater@sbcglobal.net; CVSEN@sbcglobal.net

**Subject:** RE: CPR Request for LRDP, SEIR, and Recirculated Draft SEIR Records 1-22-2020 2nd

7

Dear Lydia Miller:

The University of California, Merced is responding to your California Public Records Act request dated January 22, 2020.

The University must extend the time limit within which to provide a determination of whether your request seeks disclosable public records by fourteen days (California Government Code Section 6253(c)) because of the need to search for, collect, and appropriately examine a voluminous amount of separate and distinct records that are demanded in a single request.

We expect to be able to send you a written determination by February 14, 2020.

Sincerely,  
Eric Kalmin

**From:** San Joaquin Raptor Rescue Center <[sjrcc@sbcglobal.net](mailto:sjrcc@sbcglobal.net)>  
**Sent:** Wednesday, January 22, 2020 3:19 PM  
**To:** UCM Public Records <[publicrecords@ucmerced.edu](mailto:publicrecords@ucmerced.edu)>  
**Cc:** [SJRRC@sbcglobal.net](mailto:SJRRC@sbcglobal.net); [protectourwater@sbcglobal.net](mailto:protectourwater@sbcglobal.net); [CVSEN@sbcglobal.net](mailto:CVSEN@sbcglobal.net)  
**Subject:** CPR Request for LRDP, SEIR, and Recirculated Draft SEIR Records 1-22-2020 2nd

January 22, 2020

Via Electronic Mail

ERIC KALMIN  
DIRECTOR, RECORDS MANAGEMENT AND INFORMATION PRACTICES  
OFFICE OF LEGAL AFFAIRS  
5200 Lake Road | Merced, California 95343  
[legalaffairs.ucmerced.edu](mailto:legalaffairs.ucmerced.edu) / | 209285.8708  
UCM Public Records [publicrecords@ucmerced.edu](mailto:publicrecords@ucmerced.edu)

RE: Second California Public Records Act Request for Draft SEIR and Recirculated Draft SEIR  
2020 LRDP Records

Dear Mr. Kalmin:

Attached is our second CPRA request because our first request was not adequately addressed by the university.

Lydia Miller, President  
San Joaquin Wildlife/Raptor Rescue Center  
P.O. Box 778  
Merced, CA 95341  
(209) 723-9283, ph. & fax  
[sjrrc@sbcglobal.net](mailto:sjrrc@sbcglobal.net)

8

## **RECORDS REPOSITORY AND PRA**

### **Repository:**

There is no repository. UCM has not kept a repository or added to the repository established for the 2002 LRDP EIS/EIR.

9

A UCM repository was established by UCOP staff, Chris Adams, in 2001-2002 at the direction of OPR. The county was also told to establish a repository, it didn't, Raptor and POW sued it under the PRA, and we won.

UCM repository was established at Olive Ave. office of Chris Adams. Later it was moved to UCM offices at Castle, during the time when Tomlinson-Keasey was chancellor and Rick Notini and Brad Samuelson were staff.

### **15162. Subsequent EIRs and Negative Declarations**

*(d) A subsequent EIR or subsequent negative declaration shall be given the same notice and public review as required under Section 15087 or Section 15072. A subsequent EIR or negative declaration shall state where the previous document is available and can be reviewed.*

10

### **15087. Public Review of Draft EIR**

*(5) The address where copies of the EIR and all documents referenced in the EIR will be available for public review. This location shall be readily accessible to the public during the lead agency's normal working hours.*

11

We have made two PRA requests for documents that should have been available in a repository containing documents going back to the 2002 LRDP EIS/EIR.

### **Information Technology Services**

12

**Records Management Committee**

*The University Records Management Committee (RMC) is charged by University policy, [RMP-1](#), "University Records Management Program," with coordinating records management across the University to ensure that administrative records are appropriately managed and preserved, and can be retrieved as needed. The RMC is responsible for guiding University records management and privacy policy, developing and maintaining the university-wide records retention schedule, and developing guidelines and procedures supporting best practices and regulatory requirements.*

12

*The committee is composed of the records management coordinator from each campus, the Lawrence Berkeley National Laboratory, Agriculture and Natural Resources, and the Office of the President, as well as four ex-officio members representing the General Counsel of The Regents, the UC Archivists Council, the University Auditor in the Office of the President, and the Chief Financial Officer in the Office of the President. The Associate Vice President for Information Technology Services is responsible for overseeing records management and information practices policy and is chair of the committee.*

**THE ABC'S OF PRIVACY & PUBLIC RECORDS**

- **Two Competing Interests: Access to Public Records and Privacy**

*"The Legislature, mindful of the right of individuals to privacy, finds and declares that access to information concerning the conduct of the people's business is a fundamental and necessary right of every person in this state." (California Government Code section 6250; see also California Constitution, Article I, Section 3(b))*

13

**CALIFORNIA PUBLIC RECORDS ACT (PRA) (Gov. Code Section 6250)**

- *The Legislative intent says that: "access to information concerning the conduct of the people's business is a **fundamental and necessary right of every person in this state.**"*
- *Proposition 59, passed November, 2004. Created Constitutional right of access to public meetings and public records. PRA rules still apply (Prop. 59 expressly grandfathered existing exemptions).*

- **Presumption** favoring disclosure of public record: If a record is a “public record” as defined, then there is a presumption that the public has a right of access to that record.
- Statutory **exemptions** allowing for non-disclosure must be read narrowly.

#### WHAT IS A “PUBLIC RECORD”?

- **Public Record:** includes “Any writing containing information relating to the conduct of the public’s business prepared, owned, used, or retained” by the University, “regardless of physical form or characteristics.”

*Note: This includes not just the records that we create, but any record in our possession.*

*Purely personal email or other records (shopping list, birthday card) would not be considered “public records,” because they are not related to the conduct of the public’s business. But if there is any relation to University business at all, they are “public records.”*

- **Writing:** includes “any handwriting, typewriting, printing, photostating, photographing, photocopying, transmitting by electronic mail or facsimile, and every other means of recording upon any tangible thing any form of communication or representation, including letters, words, pictures, sounds, or symbols, or combinations thereof, and any record thereby created, regardless of the manner in which the record has been stored.”

*Note: This is a broad definition that includes any form in which information can be retained. This includes handwritten notes, e-mail, and information contained in databases.*

#### EXEMPTIONS FROM DISCLOSURE

*“Public records” must be disclosed upon request, unless a specific exemption applies. Exemptions must be narrowly interpreted.*

*Key exemptions include:*



- ***Preliminary drafts, notes, or memoranda*** not retained in ordinary course of business. Retained drafts are subject to disclosure.
- Records relating to ***“pending litigation”***. Pending litigation narrowly defined by courts: documents must be specifically prepared for litigation in which the university is a party.
- ***Personnel, medical, or similar files*** where the disclosure would constitute an ***“unwarranted invasion of privacy.”***
- ***Police*** files, including investigatory or security files compiled by any state or local police agency.
- ***Real estate appraisals*** may be withheld until the property is acquired.
- Exemptions based on prohibitions of disclosure under federal or state law, including provisions in Evidence Code relating to privilege.
  - Includes doctor-patient and ***attorney-client/attorney work product*** privileges.
  - Includes ***“Official Information”*** privilege (Evidence Code 1040). *“Official information”* is *“information acquired in confidence by a public employee in the course of his or her duty and not open, or officially disclosed, to the public prior to the time the claim of privilege is made”* However, the University must also balance the public interest in non-disclosure vs. the public interest in disclosure.
  - Includes ***“Trade Secret”*** privilege (Evidence Code 1060). *“Trade Secret”* is defined as *“information, including a formula, pattern, compilation, program, device, method, technique, or process, that: (1) Derives independent economic value, actual or potential, from not being generally known to the public or to other persons who can obtain economic value from its disclosure or use; and (2) Is the subject of efforts that are reasonable under the circumstances to maintain its secrecy.*
  - Includes any other state or federal law protecting records: HIPAA, FERPA, etc.
- ***“Catch-all” or “Balancing Test”*** Exemption: Public Interest in Non-Disclosure



- *Applies to protect records, even when there is no other exemption that would apply, where: "on the facts of the particular case the public interest served by not making the record public clearly outweighs the public interest served by disclosure of the record."*
- *Balance the public interest in disclosure against the public interest (not strictly the University's interest) in withholding.*
- *Courts do not like to allow the use of the public interest exemption, read it very narrowly.*
- *Includes the "Deliberative Process" privilege, to protect candid internal pre-decisional deliberations. (California cases have relied on this privilege to protect: Governor's calendars, telephone records, application materials submitted to Governor by persons seeking appointment to board of supervisors, list of persons considered for a police captain position).*
- *Includes "burdensomeness." A request might be so burdensome, and the public interest in the material so small, that the balancing test might allow us to deny the request. This is very unusual. In most cases, we have to comply even if it is burdensome.*

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#### PROCEDURAL REQUIREMENTS

- *The PRA says that public records are open to inspection at all times during the office hours of the state agency. However, we do not generally permit requestors to look through University files that have not been reviewed for any needed redactions. Rather, we ask the requestor to submit a request in writing (email is acceptable), and we will provide a written response.*
- *Statute allows **10 calendar days** to respond to a request with a determination letter (can be extended to 24 days for voluminous/complex requests). The records themselves need not be released in 10 days, but they must be compiled in a reasonable amount of time after the determination letter is sent.*
- *The University is required to "assist the member of the public make a focused and effective request that reasonably describes an identifiable record."*

- *The University does not have to create new records or answer questions. The PRA simply requires access and disclosure of existing records. However, we are required to extract data from a database upon request.*
- *Requestor may **inspect** records at no cost. **Copies** must be provided upon request, for a per-page copying fee (which may not exceed the direct cost of duplication). Staff time for reviewing and redacting documents, searching for files, etc. is not considered to fall within the “direct cost of duplication.”*
- *The University can also charge for **computer programming** time required to create a record that requires data extraction or manipulation.*
- *Whenever the University discloses a record which is otherwise exempt from disclosure to any member of the public, the disclosure will be construed as a **waiver** of any exemption, so the document cannot be withheld from another member of the public. (California Government Code section 6254.5)*
- *The University may not consider the identity of the requestor or the purpose for the request, in making its determination. For this reason, we do permit anonymous PRA requests.*
- ***Emails** are just like any other record: subject to disclosure unless there is a specific exemption. Delete emails that are not required to be retained under the University record retention policy, so long as there is no ongoing business need to retain them. However, do not delete emails or purge other records where a request for access has been made, or where there is a “litigation hold” requiring you to retain all relevant documents. **Be conscious of the content of the email records you are creating and retaining; you may want to use the phone for very sensitive communications.***
- *The University is not required under the Act to search for deleted email messages that may still be stored somewhere in a back-up or archive system. **However, the same would not necessarily be true of records sought in litigation pursuant to the discovery process (e.g. through a subpoena).***

## LOCAL COURT DECISIONS ON PRA AND ADMINISTRATIVE RECORD

Merced Sun-Star, Merced, Calif. MONDAY, November 25, 2002

“Everybody thinks that we make money from the lawsuit. We don’t.”  
LYDIA MILLER, San Joaquin Raptor Rescue Center

# Records suit costs county \$22,000

*Court orders reimbursement for group's court costs*

By Cheri Carlson  
CARLSON@MERCEDSUN-STAR.COM

Two local environmental groups that successfully sued Merced County earlier this year have won more than their right to view public records. In fact, they won nearly \$22,000.

Superior Court Judge William T. Ivey on Friday awarded the groups their court costs, which must be paid for by the county.

Neither of the organizations – the San Joaquin Raptor Rescue Center and Protect Our Water – nor the individuals involved in the suit – Lydia Miller and Steve Burke – will actually see the money. It will go straight to their attorney, Bruce Owdom.

Owdom said Friday that when he took the public records case it was on a full contingency basis, which means if they lost, his firm wouldn't get paid.

But they won, and now Merced County – and taxpayers – must foot the bill.

Not the entire bill, however.

Owdom said he was disappointed that the court decided to award only about half the amount he had requested.

He had sought about \$42,000 in fees, but the judge awarded \$21,796 instead, stating that the issues involved were not complex. He added that the \$42,000 figure was based on the 222 hours he said his firm worked on the case.

Miller, Burke and their organizations filed a lawsuit in May claiming the county had repeatedly ignored or denied requests for information related to the University of California, Merced.

Miller said at the time that the information the groups had requested was “a pretty substantial file” of information that they felt the community needed to review, and the county had said, “No, we’re not giving it to you.”

The county argued that some of the requests were denied because the documents had already been provided. Other requests, according to the

COUNTY  
CONTINUED FROM PAGE A1

county, were vague and the requesting parties couldn't clarify them.

In June, Ivey ruled in favor of the environmental groups and ordered the county to respond to the requests and to produce any of the public records that the county may have.

Owdom said Friday that since Ivey issued that order, the county has complied and produced more than 100 separately identified documents that hadn't previously been made available to his clients.

Awarding court costs is necessary, according to Owdom, so public interest groups can find lawyers who'll take these types of cases.

“Attorneys are only willing to take these cases if they have some assurance of getting fees awarded,” he said. “Nonprofit (groups) can't afford to pay attorneys' fees.”

Dennis Myers, the county's attorney, said Friday that the judge's order for the county to pay the environmental groups' court costs adhered to state law.

Court costs and reasonable attorney fees are awarded to the plaintiff if they prevail in litigation regarding public record compliance, according to California code. The fees

are paid by the public agency.

The code also states that if the court finds that the plaintiff's case “is clearly frivolous,” it should award court costs and reasonable attorney fees to the public agency.

According to Myers, which account within the county's funds will provide the money has not been decided since more than one department was involved.

Miller said Friday that she and Burke took their case to court “on behalf of the public,” and one of the benefits is that the court awarded them their attorney's fees.

“Everybody thinks that we make money from the lawsuit,” she said. “We don’t.”

SEE COUNTY, PAGE A4

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### PROTECT OUR WATER v. Calaveras Materials, Inc., Real Party in Interest.

Court of Appeal, Fifth District, California.

PROTECT OUR WATER et al., Plaintiffs and Appellants, v. COUNTY OF MERCED,  
Defendant and Respondent, Calaveras Materials, Inc., Real Party in Interest.

No. F044896.

Decided: May 25, 2005

...Our Opinion did not address the merits of the substantive issues raised by POW but instead concluded that the administrative record was so inadequate that the County could not demonstrate on appeal that it had made the CEQA findings required for approval of the project. Although we chided POW (who had elected to prepare the administrative record) for the poor organization of that record and the deficient master index, we placed primary responsibility for the problem-laden record on the County because the County had failed to properly label or draft the documents it was required to prepare in order to satisfy CEQA's requirement of disclosure “to the public the reasons for a project's approval if the project has significant environmental effects.” (Protect Our Water v. County of Merced, supra, 110 Cal.App.4th at p. 373, 1 Cal.Rptr.3d 726.)<sup>3</sup>

8-1-05

## **California Planning and Development Report Court Makes Clear Who Won Merced County EIR Lawsuit**

### **Staff report**

Not often does a case already decided by the state Court of Appeal return to the same court for an interpretation of who won. However, the Fifth District Court of Appeal has issued a second ruling on a California Environmental Quality Act (CEQA) case from Merced County, making it perfectly clear that environmentalists won and the county lost.

The case stems from Calaveras Materials' proposal for a 450-acre gravel quarry on farmland next to the Merced River. Environmentalists led by the group Protect Our Water (POW) sued, arguing that the environmental impact report was defective. In a ruling issued two years ago, the Fifth District overturned the project approval because, the court said bluntly, Merced County's administrative record was such a mess that the justices could not even find CEQA essential documents. (*Protect Our Water v. County of Merced*, 110 Cal.App4th 362; see *CP&DR Legal Digest*, September 2003.)

When the case returned to Merced County Superior Court, POW attorney Rose Zoia requested attorney fees under Code of Civil Procedure § 1021.5. In an early 2004 ruling, Superior Court Judge William Ivey ordered the county to set aside its approval of the project as required by the Fifth District. But Judge Ivey found that the appellate court's decision did not require the county to set aside the EIR, and he refused to award attorney fees to POW.

The case returned to the Fifth District, where POW argued that it was entitled to fees because it was the prevailing party in the litigation and because its victory resulted in a significant benefit to the public — namely, the preparation of an adequate record of environmental review. The Fifth District agreed with POW.

“Reduced to basics, the county was the loser,” Justice Nickolas Dibiaso wrote for the court. “POW sought an order setting aside the county's approval of the project. Our opinion directed exactly that result. POW also sought an order setting aside the county's certification of the EIR. Although this court did not direct that result because we did not reach the merits on appeal, and although the trial court concluded that our opinion did not require such a result, we did state that

the administrative record as it stood was inadequate to support the certification. This was tantamount to a determination that the certification could not stand on the then current record.”

The county pointed out that POW took it upon itself to prepare the administrative record. Thus, the county argued, POW should not benefit from the inadequate record. The court had little patience for this contention, however.

“We unequivocally stated in our opinion and during oral argument that the county, not POW, bore the primary responsibility for the inadequate record,” Dibiaso wrote. “Although our opinion and comments at argument included complaints about the poor organization and lack of index in the record — for which POW was to blame — we stated explicitly that the critical inadequacy of the record was more fundamental than organizational.”

As for a public benefit, the court noted that it published its 2003 opinion and that the decision should have prompted the county to improve its methods of creating and managing CEQA records. Hence, there was “no reasonable basis” for denying POW’s request for attorney fees.

The Fifth District sent the case back to Superior Court with the direction to award the attorney fees.

The Case:

*Protect Our Water v. County of Merced*, No. F044896, 05 C.D.O.S. 5422, 2005 DJDAR 7395. Filed May 25, 2005. Modified and ordered published June 21, 2005.

The Lawyers:

For POW: Rose Zoia, (707) 526-5894.

For the county: James Fincher, deputy county counsel, (209) 385-7564.

For Calaveras Materials: William Gnass, Mason, Robbins, Gnass & Browning, (209) 383-9334.

3-16-17

**California Policy Center**

**On One Day in Two Decisions, Courts Reaffirm Californians’ Right to Know**

By [Craig Alexander](#)

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<https://californiapolicycenter.org/on-one-day-in-two-decisions-ca-courts-reaffirm-publics-right-to-know/>

Two California courts on a single day broadened the public's access to government documents via a [California Public Records Act](#) ("CPRA") request.

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In one case (*City of San Jose v. Superior Court (Smith)*), the California Supreme Court unanimously declared on March 2 that public officials' e-mails and texts are in fact public documents, even when they are sent over personal devices...

#### **EVALUATION OF ENVIRONMENTAL IMPACTS FROM INITIAL STUDY: APRIL 2018**

This section fails for lack of notice to federal agencies, selective notice of state agencies and local agencies, and no notice to local public groups with long, well-known historical connection to the UCM project.

UCM doesn't mention the 2002 EIS/EIR or provide any evidence of success or failure of the 2002 Mitigation and Monitoring programs. We participated in the 2009 EIS/EIR and were instrumental in creating the Conservation Strategy mandated by the 2002 BO. We commented on both 2002 and 2009 environmental documents. We were also instrumental in the UCM decision to reduce the campus footprint.

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An essential contradiction in the 2020 LRDP RSEIR is the addition of 211 acres while reducing the student-population projection, even though it is nearly twice the present population. If we had been notified on the NOP, we would have said these things. We didn't get that opportunity,

The use of these newly included 211 acres has not been defined or studied in adequate detail.

We disagree with your assumptions in the Initial Study.

Regarding the evaluation of environmental factors potentially affected, we disagree with much of your analysis.

**Aesthetics:** Parts a, c, and d need analysis. Increased density and more lighting will adversely affect the environment day and night. The designations CBRSL, TOS, ERL and CMU are unacceptably obscure chaff.

15

UCM has failed to achieve the mitigation and monitoring goals established 2002, 2009 and in the Conservation Strategy, yet continues to grow and shove biological resource baselines forward (cumulative impacts) to extirpate of habitat and species under its alleged stewardship.

It is unacceptable to rely on the 2009 EIS/EIR.

**Agriculture and Forest Resources:** This section fails because it relies on the 2009 EIS/EIR. Part E. is obsolete. It has been piecemealed into incoherence by subsequent partial EIRs: 2002 -- 17 projects; 2009 -- 24 projects; 2020 -- already three documents tiered; 44 total documents tiered off the three major EIRs, separately numbered by the State Clearing House.

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**Biological resource:** We disagree because a, b, c, and d weren't circulated to the federal resource agencies. D. should have received more analysis. E. should be marked and analyzed. It is unacceptable to defer the cumulative impacts to a later document. You mention a non-existent HCP but don't mention the BO-mandated Conservation Strategy and the 1 and 2-Tier Conservation Lands.

17

UCM has failed to achieve the mitigation and monitoring goals established 2002, 2009 and in the Conservation Strategy, yet continues to grow and shove biological resource baselines forward (cumulative impacts) to extirpate of habitat and species under its alleged stewardship.

It is unacceptable to rely on the 2009 EIS/EIR.

### **Geology and Soils**

A 1. 2. There are active faults this region. There have been strong seismic events. D. We disagree with your lack of analysis. UCM sits on wetlands and expansive clay soils and is surrounded by the same.

18

### **Greenhouse-gas emissions:**

#### **4.3 GREENHOUSE GAS EMISSIONS of 2020 DSEIR**

#### **UC Merced Sustainability Strategic Plan 2017-2022**

*UC Merced Climate Action Plan In 2018, UC Merced developed an updated CAP which builds on the previous CAP and extends out to 2025,*

*According to the 2020 LRDP, a daily population of 11,280 persons is projected for the campus in 2030 (4.3-25)*

*For each year of analysis, i.e., 2005, 2020, and 2030, Scope 2 emissions were estimated by deriving a per capita rate for the study year based on the average growth in per capita emissions obtained from the reported Scope 2 emissions for years 2009 through 2017 and multiplying the rate with the total population for that year. (4.3-27)*

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*UC Plans and Policies The 2020 LRDP is a projected development program for the Merced campus for the years 2020 through 2030. Under the plan, the campus is anticipated to add about 1.83 million square feet of building space by 2030. **The campus population is projected to increase to about 17,400 persons by 2030.** The addition of building space would increase the use of energy on the campus and the additional population would result in more persons commuting to the campus. Increased on-campus population would also increase water use, wastewater*

*generation and solid waste generation. All of these changes would have the potential to increase the campus' GHG emissions. However, as under existing conditions, campus development under the 2020 LRDP would continue to be completed in a manner that it is compliant with the UC Sustainability Policy, UC Merced Sustainability Strategic Plan, and the UC Merced CAP. Campus projects under the 2020 LRDP will continue to achieve a minimum of a Silver rating under the LEED Green Building Rating System. 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 would 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. ( 4.3-34)*

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This section is deferred to the DSEIR, which is fatally flawed because much of it depends on projections of population, and these projects, out to 2030, vary between 11,280 (p. 4.3-25) and 17,400 (4.3-34), a **35-percent disparity**.

Neither the downtown campus or the Castle Air Force Base locations and, critically, the daily traffic of UC staff and faculty between these locations and the campus, are even mentioned. This chapter and the entire document are invalidated by these disparate population estimates. Thirty-five percent is beyond any permissible level of flexibility. There is no analysis of the 6,209 parking spaces, the asphalt required, the runoff, etc.

**Hazards and Hazardous Waste:** We disagree on items A-H because there is no additional analysis since 2009. H is particularly unacceptable because the fire danger from the fields east of the campus is growing as the climate changes.

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All hazardous waste material must be stored at Castle AFB, already a superfund site.

**Hydrology and Water:** The cumulative impacts item is unacceptable because it relies on 2009 EIS/EIR. UCM has failed to participate and communicate fully with the Sustainable Groundwater Management Act group in eastern Merced County and analyses this section as if unaware of the tremendous growth in orchards and groundwater pumping since the campus opened and the increase of municipal groundwater pumping due residential growth.

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**Land use and Planning:** The impact of UCM is key driver for growth to the north of City of Merced. Loop road also pushes growth all along it. The “analysis” in this section fails because it ignores this widely known and published information, upon which the City is making land-use decisions to extend its borders to wrap around the UCM campus – the essence of induced growth.

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The analysis also fails because it ignored the UC amicus brief in the state Supreme Court case, City of Marina vs. CSUMB, which states that UC Merced owes \$200 million for its impacts to its local and regional environment.



We are disgusted by the use of the term “coincident” to describe the pattern of growth around UCM. “Consequent” is the proper word choice.

Lack of local or regional controls doesn’t negate state and federal environmental law and regulation. The UCM BA and BO require a Conservation Strategy, which we participated in formulating in 2009.

UCM has failed to achieve the mitigation and monitoring goals established 2002, 2009 and in the Conservation Strategy, yet continues to grow and shove biological resource baselines forward (cumulative impacts) to extirpate habitat and species under its alleged stewardship.

It is unacceptable to rely on the 2009 EIS/EIR

**Mineral resources:** The analysis fails to notice that **UCM** is impacting the river corridors in Merced and Tuolumne rivers because its growth demands aggregate mining, which occurs in rivers, river-bottom land, and sand deposits in agricultural land.

UCM has failed to achieve the mitigation and monitoring goals established 2002, 2009 and in the Conservation Strategy, yet continues to grow and shove biological resource baselines forward (cumulative impacts) to extirpate of habitat and species under its alleged stewardship.

It is unacceptable to rely on the 2009 EIS/EIR

**Noise:** It is unacceptable to rely on the 2009 EIS/EIR

**Population and Housing:** No reference to either Merced county or city general plans or the city’s north Merced annexation plan, all of which are being driven north of Merced by the existence of the campus. And, let us point out, “reduced enrollment projections” still nearly double the campus student population, which will drive need for additional staff and instructors.

The displacement of people and housing is not the problem foreseen by the Conservation Strategy, which UCM fails to recognize. State and federal environmental law and regulation deals with restrictions on the displacement of habitat for threatened and endangered species.

**Public Services:** a (I) Relies on 2009 EIS/EIR. Also, for practically the entire period between the 2009 EIS/EIR and the 2020 SEIR, California was in drought. The real environmental consequence of not having a fire station is the danger of wildfire, not dependent on the size of the student body. A (iii) UCM has failed to achieve the mitigation and monitoring goals established 2002, 2009 and in the Conservation Strategy, yet continues to grow and shove biological resource baselines forward (cumulative impacts) to extirpate of habitat and species under its alleged stewardship.

It is unacceptable to rely on the 2009 EIS/EIR

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### Parks and Recreation

We disagree because a., b., and Cumulative Impacts all rely on the 2009 EIS/EIR and on mitigation measures suggested in that document that have not yet been realized, monitored or found to be effective. Meanwhile, because of UC Merced-driven growth, we can expect many more Mercedians of the near future to take advantage of the recreational opportunity of Lake Yosemite, beginning with the 5 G Yosemite Lakes project and the Bandoni Park site on Cardella Rd.

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UCM has failed to achieve the mitigation and monitoring goals established 2002, 2009 and in the Conservation Strategy, yet continues to grow and shove biological resource baselines forward (cumulative impacts) to extirpation of habitat and species under its alleged stewardship.

**Transportation:** We disagree because of the use of 2009 EIS/EIR and the University's failure to recognize itself as the anchor tenant for the entire City's North Merced Annexation Plan that will add far more traffic to the roads.

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### Utilities

**Waste Water:** a., b., and e. are invalid because they rely on the outdated 2009 EIS/EIR. In the North Merced Annexation Feasibility study session on Jan. 27, held by the City, Merced Co. LAFCO noted that the lower number of UC students than anticipated in the 2009 EIS/EIR would free up 3,350 residential hookups or 10 m. ft<sup>2</sup> of office space. But the city is considering other Out-of-Boundary Service Agreements like the one UC was illegally granted by the City Council in violation of its own ordinance -- yet another aspect of UC corruption that will be copied by developers moving in next to the campus, like heirs of former UC Regent, Leo Kolligian. UC-driven growth will necessitate larger sewer and water capacity from the City than it now provides. Proper UC Merced mitigation would include a sizeable payment from the \$200 million it claimed in its amicus brief on the City of Marina vs. CSUMB case, settled against the claim that a public university bears no responsibility for its environmental impact beyond its boundaries.

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d. We disagree because the decision is based on an outdated EIS/EIR and fails to reference the City's planning for North Merced, which was included in its Vision 2015 General Plan. It also neglects the 2013 Merced County General Plan and its updates.

1. c. Storm water facilities less than significant. 2009 EIS/EIR was completed in severe drought.

[www.water.ca.gov/LegacyFiles/waterconditions/docs/DroughtReport2010.pdf](http://www.water.ca.gov/LegacyFiles/waterconditions/docs/DroughtReport2010.pdf)

The 2007–09 drought was California's first drought for which a statewide proclamation of drought emergency was issued.

It was also a banner year for not finding vernal pools but it was not considered typical at all.

From this we basically know nothing about how the facilities would function in a heavy winter.

f. and g. fail for on out-of-date EIS/EIR and Cumulative Impacts are deferred.

read:<https://goldrushcam.com/sierrasuntimes/index.php/news/local-news/21821-more-rain-and-less-snow-means-increased-flood-risk-stanford-study-reveals>

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## **Mandatory Findings**

### **Discussion**

c. The UC chose a rural environmental setting and is surrounded on three sides by natural habitat. Its environmental commitments are mandated by the BA and BO of 2002 to be guided by the Conservation Strategy. This document addresses the ongoing catastrophe of adverse impacts on Nature, not just on human beings, the only species which UCM singles out for special concern.

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## **MITIGATION AND MONITORING**

We disagree with the Mitigation and Monitoring, Section 7, of the 2020 Recirculated DSEIR. First, despite the blurb, there is no evidence that UCM either contacted or noticed any federal agencies.

*Section 7.0, Report Preparation, identifies lead agency staff and consultants who prepared the Draft SEIR under contract to the University. It also identifies all federal, state, or local agencies, and individuals consulted during the preparation of the Draft SEIR. Volume II, which is provided on a flash drive attached to the back cover of Volume I, includes all the appendices.*

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*Each Responsible Agency needs to be sent a Notice of Preparation as well as every federal agency that is involved in approving or funding the project. Each Trustee Agency responsible for natural resources affected by the project also needs to be informed. ([14 California Code of Regulations §§15080 - 15096](#))*

The NOP, the IS, and the Scoping Meetings are invalid for lack of proper notice either to the public or federal agencies and only selective choice of state agencies.

And where was the flash drive? What is on it? What is Volume II?

## **Changes in Environment and Law 2002-2020 invalidate the UCM Mitigation and Monitoring Program**

The advent of the mitigation programs of the California Department of Fish and Wildlife.

Between the 2009 LRDP EIS/EIR and present recirculated DSEIR for the 2020 LRDP, the state Fish and Wildlife Department developed its own mitigation program. In light of this program, the Conservation Strategy and the entire Mitigation and Monitoring component of the numerous CEQA documents UCM has produced since 2012 need to be revised (Chapter 7.9 state Fish and Game Code). And in 2014, the state Legislature passed the Sustainable Groundwater

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Management Act (SGMA), mandating that the users of every overdrafted aquifer in the state should create a plan for sustainable management of their aquifers by 2030.

Since University of California is its own land-use authority, where is UC Merced's sustainable groundwater management plan, its integrated surface/groundwater management plan, and its own independent sewer and wastewater management plan?

The Project Description in the 2020 SEIR is fatally flawed. This does not affect the 2030 enrollment projection which UC Merced still projects will be 15,000 students. That number is used in the SEIR for all impact analysis. (3.0-12 UC Merced 2020 LRDP Recirculated Draft SEIR December 2019)

*Furthermore, the proposed 2020 LRDP is a plan to guide future development and growth on the campus and is not a specific development project. As such, no other permits and approvals are required for the adoption of the 2020 LRDP. Projects implemented under the 2020 LRDP will be subject to future environmental review and approval, including permits as needed. (3.0-23 UC Merced 2020 LRDP Recirculated Draft SEIR December 2019)*

This is a grossly inadequate document. You have recirculated this document in 2018, 2019, and 2020 and you still haven't cured the fundamental inconsistencies. The population is the basis for all projections and yet in different parts even of the same section your numbers vary absurdly widely – a 35-percent discrepancy. Members of the public cannot in good faith continue to try to find meaning in a report so random, careless, and disrespectful of truth, readers and resources. You haven't supplied the public and agencies with accurate numbers, accurate impacts, accurate monitoring or mitigation, accurate notice, accurate description; you have deferred analysis, monitoring, mitigation, consultation, and proper notification of local, state and federal agencies. It is evident that your regulatory strategy has been to produce frequent inaccurate, limited and deceitful data sets with huge gaps producing a mirage just below the level of regulatory concern that would trigger agency demands for new, complete and compliant environmental documents.

There has been a large element of bad faith in UCM relations with the public, especially environmental NGO's. This bad faith arises from a contradiction that UCOP and UCM public-relations agents are unable to conceal except by lies. UCM and UCOP claim credit for every action or goal UCM has set that might help conserve the ecosystem where UCOP decided to locate the campus. The truth is that environmental NGO's and resource agencies forced the university to do everything it has reluctantly done or promised to do to conserve that ecosystem. It sounds so much better if every idea, every plan and strategy was initiated by the university and its team of world-renowned experts. But it's balderdash. We were there. Year after year of fresh lipstick has not transformed this pig.

UC Merced staff did not make available to the public the 2018 scoping meeting. In 2019, UCM held two meetings. We submitted comments and a PRA and UCM recirculated the SEIR. We submitted a second PRA in January. UCM held a meeting later in January which we attended.

UC Merced’s responses to our PRA requests have not been legally compliant because it doesn’t have a record repository for the project.

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UCM requested a 14-day extension to respond to our second PRA, not to comply. That deadline put the university beyond the Feb. 3 close-of-comment period for the RSEIR. In other words, UCM can’t comply with two PRAs now, while in the past it has been able to comply with PRA’s because it once had a legally mandated repository of the referenced data and record material about the campus. Chris Adams, Rick Notini, and Brad Samuelson were the main custodians of the repository.

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We have participated in the UC Merced development process since the early 1990’s. There has been a lie at the bottom of this development from the beginning: it wasn’t about education; it was always about unprincipled land speculation, a collusion between local landowners, banks and real estate operators, developers and speculators including members of the Board of Regents at that time. To combine the two best comments ever made in the state Capitol about UC Merced: “Biggest boondoggle I’ve ever seen.” (State Sen. Pro Tem John Burton); “Nothing but a land deal.” (Sacramento Bee columnist, Dan Walters). Yes, UC Merced resembles those comments today no less than it did when local legislators and various claimants to the crown of “Mr. UC Merced” were babbling all over town that UC Merced was a “done deal” long before the dirty deal was actually done.

In conclusion, it is very difficult to continue to respond to these extremely defective documents. We are flabbergasted that the university doesn’t understand the cumulative negative impact to the citizens of the Merced area, around \$200 million according to UC’s top attorney at the time. It’s clear that the university and a few speculators want to build a new town and new town commercial center and a business/research office complex on and adjacent to the campus. Meanwhile, our downtown is rotting. The university made promises to help enhance the downtown areas of both Merced and Atwater before developing its own commercial center. UCM bought the Mondo Building toward this goal and built its downtown center. It established offices at Castle AFB to help that region. But these UCM promises appear to have been made in bad faith. Downtown Merced and Atwater will further deteriorate when the loop road is finished and lined with commercial and residential development terminating at UC Merced and its tasteful village of high-end boutiques, medical and psychiatrists’ offices and aimless, restless academics. The anchor campus and the loop road will suck the commercial life out of two cities, Merced and Atwater.

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UCM was built on lies such as these, frequently uttered by administrators and Merced civic leaders and press: that it was the only UC campus in the Central Valley; that there were no other universities in the San Joaquin Valley; that Hispanics needed a university nearby because they wouldn’t leave home; and our favorite: that proximity to a UC campus would make us smarter. And your scientists study the effects of *bovine* flatulence in the second largest dairy county in the nation?

UCM officials continue to lie about everything from its instant academic research prestige and accomplishment to the size of its student body to the excellence of its teacher-training programs. But UCM is a disgrace to the whole idea of higher education. It's just a public-private partnership with a transnational developer for real estate growth and prosperity for a few landowners, speculators, and, if history is a guide, more UC regents.

The best way to describe the spirit behind UC Merced is contemptible, stupid, and random aggression against natural resources. Whatever academic hypocrisies the UCM chooses at any given time to hide behind, its attitude toward its natural environment was perfectly expressed in a sordid, slanderous, so-called "student" history of the founding, called "The Fairy Shrimp Chronicles." UCM's sense of truth and taste is right down there with East Merced Resource Conservation District "Fairy Shrimp Barbecue" once held on the ranch owned by the husband of former Supervisor Diedre Kelsey. These "Fairy Shrimp Chronicles" were put in the mouths of UC students in a History class. These UC students were supposed to be learning the tools of historical research. Instead they were taught how to manufacture anti-environmental propaganda. This is just one of no doubt many examples to be found on campus of how the lies and corruption buried in the foundation of UC Merced seep into the classrooms.

We conclude by asking that UCM undertake a new federal and state process and produce a new, updated and accurate Environmental Impact Statement for federal agencies and a new, updated and accurate Environmental Impact Report for state resource agencies. We also ask that the Conservation Strategy, which you are bound by the Biological Opinion to follow, be brought out of mothballs and updated to reflect the damage done to the ecosystem since the last EIS/EIR.

#### **Indexed to referenced material attached.**

Second California Public Records Act Request for Draft SEIR and Recirculated Draft SEIR  
2020 LRDP Records  
UC CEQA Projects 2001-2020  
North Merced Feasibility Study  
Sierra Sun-Times

Below you will find an index to the attachments for our Nov. 4, 2019 letter.

2020 LRDP Comments and California Public Records Request

Monday, November 4, 2019 4:23 PM  
Attachments to Letter 5 from San Joaquin  
Raptor/Wildlife Rescue Center and Protect Our  
Water

**December 7, 2004 agenda; 5: 30 P. M. GOVERNMENT CODE SECTION 54950  
COMPLIANCE (LATE AGENDA ITEMS) UC DEVELOPMENT OFFICE -  
CONTINUED PUBLIC HEARING: To consider a proposed amendment to the  
Merced County General Plan and associated Environmental Review Report. Said**



amendment is the University Community Plan which lays out the regulatory and policy framework for the development of a new community on 2,100 acres located immediately south of the UC Merced campus.

**December 7, 2004 agenda; Public Hearing item**

To consider a proposed amendment to the Merced County General Plan and associated Environmental Review Report. Said amendment is the University Community Plan which lays out the regulatory and policy framework for the development of a new community on 2,100 acres located immediately south of the UC Merced campus. At full build out, the University Community is envisioned to have a population of 31,250 people, a total of 11,600 dwelling units and 2,023,000 square feet of commercial, office and business park development. The University Community Plan also sets forth Area Plan policies to address issues outside of the planning boundaries. The proposed University Community is located adjacent to the south of the proposed UC Merced Campus, east of Lake Road and north of Yosemite Avenue. The site is generally flat and contains various agricultural land uses, including cattle grazing and row crops. In addition to the University Community Plan, this General Plan Amendment includes an amendment of the University Community Specific Urban Development Plan (SUDP) Boundary, the re-designation of rural lands to "UC Merced" and "Multiple Use Urban Development" and various technical changes throughout the County General Plan reflecting the addition of the University Community Plan.

**Comments on Environmental Impact Reports**

Long Range Development Plan and University Community Plan  
October 4, 2001

*City of Marina and Fort Ord Reuse Authority v. Board of Trustees of the California State University (Case No. S117816); Amicus Curiae Letter*

Sept 12, 2003 James E Holst

**S117816  
IN THE SUPREME COURT  
OF THE STATE OF CALIFORNIA  
SIXTH APPELLATE DISTRICT**

Proposal -- To amend the Merced County General Plan Circulation Chapter (Chapter II) by establishing an expressway standard and designate an expressway alignment, known as "Campus Parkway", east of the City of Merced from Coffee Street to Yosemite Avenue. Campus Parkway will be approximately a 4.5-mile route; and 2006 Cycle IV General Plan Amendment: General Plan Text Amendment No. GPTA06-001- Campus Parkway. December 19, 2006

December 19, 2006

Proposal -- To amend the Merced County General Plan Circulation Chapter (Chapter II) by establishing an expressway standard and designate an expressway alignment, known as "Campus Parkway", east of the City of Merced from Coffee Street to Yosemite Avenue. Campus Parkway will be approximately a 4.5-mile route; and 2006 Cycle IV General Plan Amendment: General Plan Text Amendment No. GPTA06-001- Campus Parkway.

Very truly yours,



Cc: Protect Our Water [protectourwater@sbcglobal.net](mailto:protectourwater@sbcglobal.net)  
Central Valley Safe Environment Network [cvsen@sbcglobal.net](mailto:cvsen@sbcglobal.net)  
Other Interested Parties

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**Commenter ORG-2**

**San Joaquin Raptor/Wildlife Rescue Center (February 3, 2020)**

*Attachments to this comment letter are included in Appendix A. All attachments were reviewed and considered in the preparation of the responses below. The attachments did not contain any specific comments that required separate responses.*

**Response ORG-2-1**

The University has fully complied with CEQA's requirements related to providing the public access to the 2009 LRDP EIS/EIR and addenda that the SEIR supplements, as well as the studies used in the preparation of the SEIR. Hard copies of all the documents were made available for review at the UC Merced Downtown Campus Center and were also made available online on the UC Merced website. The SEIR complies with *State CEQA Guidelines* Sections 15162 and 15087 and states clearly on page 1.0-11 where the documents were available for review during the 45-day Draft SEIR review period.

As all the materials were available both on the UC Merced website and at the Downtown Campus Center, the commenter did not need to submit a public records act request for the materials.

The commenter erroneously states that this SEIR tiers from prior environmental documents that date back to 2001. As stated on page 1.0-9 of the Recirculated Draft SEIR, this SEIR is a First Tier/Program EIR that supplements the 2009 LRDP EIS/EIR. Neither the 2009 LRDP EIS/EIR nor the current SEIR are tiered from any prior EIR. All of the information that is relevant to the proposed 2020 LRDP is contained either in the current SEIR or in the 2009 LRDP EIS/EIR and its addenda. The University is not required to maintain a repository of all environmental documents dating back to the early years of campus establishment as those documents are not relevant to the project at hand and were not used in the preparation of the current SEIR.

As discussed on page 1.03 of the Recirculated Draft SEIR, in 2002 The Regents approved the first LRDP for the development of the campus on a 910-acre site near Lake Yosemite and proceeded with the development of the first facilities on a portion of the campus site that was previously developed with a golf course. As no wetlands were present on the portion of the golf course where the Phase 1 campus facilities were proposed, a permit from the U.S. Army Corps of Engineers (USACE) was not needed. In this process, the USACE and the University also consulted with the U.S. Fish and Wildlife Service

(USFWS) and a 2002 Biological Opinion (BO) was issued by USFWS that set forth that while the construction of the Phase 1 facilities would not affect any federally listed species, the University must prepare and implement a Conservation Strategy to mitigate impacts on listed species habitat from the development of the rest of the campus and the University Community. While the first phase of campus development required no permits, because the campus site contained a high concentration of vernal pool and other seasonal wetlands, especially near Lake Yosemite Regional Park, the University commenced a formal application process with the USACE for a Department of Army permit under Section 404 of the Clean Water Act and began working with federal and state agencies and other stakeholders to adjust and refine the campus site to minimize impacts on the Waters of the U.S. As a result of this process, the campus site was shifted to the south of the former 910-acre site and was reduced to 815 acres. Once agreement on the campus site and development footprint was achieved, the University commenced the preparation of a new LRDP for the new site, and both the USACE and the University commenced the preparation of a joint EIS/EIR to cover the development of the campus on the new site and completed that process in 2009. Note that the 2002 LRDP covered a much larger and a more northerly campus site whereas in 2009, the campus site was reduced by almost 100 acres to 815 acres and was moved south of the 2002 campus site. Furthermore, the 2009 LRDP land use map was substantially different from the 2002 LRDP land use map. For all of these reasons, since the approval of the 2009 LRDP, the 2002 LRDP and the related EIR have not been relevant to campus development. Also note that the 2009 LRDP EIS/EIR was a stand-alone and complete Program/Project EIR for the 2009 LRDP and a project EIR for the 2020 Project. That EIR fully replaced the prior 2002 LRDP EIR. Since 2009, the University has been using the 2009 LRDP EIR as a First Tier EIR to approve and construct specific development projects that are within the scope of development covered by the 2009 LRDP.

#### **Response ORG-2-2**

*State CEQA Guidelines* Section 15162 is cited in the comment to assert that revisions to a draft EIR must be presented in a redline-version/format. The CEQA section that is cited does not set forth any such a requirement for a recirculated Draft EIR, therefore the Recirculated Draft SEIR does not present the changes to the Draft SEIR in redline. However, for ease of review by agencies and the public, the University did include in Section 1.0 of the Recirculated Draft SEIR a table that lists the sections of the

Draft SEIR that were revised and the nature of the revisions included. See pages 1.0-14 and -15 in the Recirculated Draft SEIR.

**Response ORG-2-3**

The comment does not concern the Recirculated Draft SEIR, and a response is not required. The comment is, however, acknowledged and will be provided to the decision makers for their review and consideration.

Please note that the population and housing impacts from the implementation of the 2020 LRDP are analyzed in Section 4.6 of the Recirculated Draft SEIR. With regard to the State Clearinghouse (SCH) numbers listed in the comment, please note that the SCH assigns a new number every time a Notice of Preparation for a new EIR is submitted to the SCH. The three numbers cited in the comment were assigned by the SCH for the 2002 LRDP EIR, the 2009 LRDP EIR, and the 2020 LRDP SEIR, respectively. Please also see Response ORG-2-1 above, which explains why the 2009 LRDP EIS/EIR fully replaced the previous 2002 LRDP EIR.

**Response ORG-2-4**

The SEIR states explicitly that while the main reason an SEIR has been prepared is to analyze and disclose the environmental impacts that could result from the implementation of the 2020 LRDP, the new analysis has been completed taking fully into account the changes in circumstances in which the project would be implemented. As discussed in the Recirculated Draft SEIR, these include the changes in housing resources, changes in groundwater withdrawal and use, changes in state law related to groundwater management (including the Sustainable Groundwater Management Act or SGMA), and any new species that have been listed by the State. Current species lists from the California Natural Diversity Database, California Native Plant Society, and the USFWS were reviewed as part of the preparation of the Draft SEIR, and Tables 4.2-4 and 4.2-5 were updated accordingly. As reflected in the analysis in Section 4.2, no new species have been listed under the federal Endangered Species Act that are in the project area and could be affected by campus development under the 2020 LRDP. The Recirculated Draft SEIR includes an updated population and housing section and does not rely on the 2009 LRDP EIS/EIR. Similarly, the Recirculated Draft SEIR includes an updated Hydrology and Water Quality section that analyzes and discloses updated groundwater impacts and it includes an updated

Biological Resources section that analyzes and discloses impacts to wetlands, other sensitive habitats, and federal and state listed species, including the recently state-listed Crotch bumble bee.

An EIS pursuant to the National Environmental Policy Act (NEPA) would only be required if a project involved the use of federal funds or required approval from a federal agency, and qualified as a major federal action. Implementation of the 2020 LRDP would not involve the use of federal funds, nor does the University need any federal approvals to develop new facilities on the campus under the 2020 LRDP. As discussed in Response ORG-2-1, the USACE prepared an EIS that formed the basis, among other things, for the DA permit that was issued to the University in 2009 by the USACE. The DA permit authorizes the filling of all Waters of the U.S. present within the 815-acre campus site and the 833-acre University Community North site. The 1,026-acre campus site is a sub area of the permit's geographic coverage area, and the University can fill the remaining wetlands on the Campus site under the existing permit. Based on the land use plan included in the 2020 LRDP, it is unlikely that the University will fill the remaining unfilled waters that are located on lands designated as passive open space. Please note that the University has already provided compensatory wetlands mitigation for all the acreage that it is permitted to be filled, except for about 4.8 acres. This is discussed in detail in Section 4.2, Biological Resources, in the Recirculated Draft SEIR.

In conjunction with the processing of the DA permit and under Section 7 of the federal Endangered Species Act, the USACE undertook consultation with the USFWS for the development of the Campus and University Community North on the 815-acre and 833-acre sites respectively, and upon completion of the consultation process, USFWS issued a Biological Opinion and incidental take permit. The 2009 BO addresses project effects on federally listed species and authorizes incidental take of these species. As discussed above, a BO was previously issued by the USFWS in 2002 that allowed the University to proceed with Phase 1 of campus development. The 2002 BO required the preparation of a Conservation Strategy to compensate for the loss of listed species habitat from the development of the rest of the campus site and the University Community North. In 2008, the University prepared the Final 2008 Conservation Strategy and, as discussed in the Recirculated Draft SEIR Section 4.2, the University has proceeded with preserving listed species habitat in eastern Merced County in compliance with that strategy. That completed Conservation Strategy was also considered by the USFWS in issuing the 2009 BO. The 2009 BO and take permit fully cover the affected listed species, campus development activities,

and the geographic area that would be developed with facilities under the 2020 LRDP. As no new approvals from federal agencies are required, compliance with NEPA is not triggered and an EIS is not required for the 2020 LRDP.

**Response ORG-2-5**

The University is not required to maintain a repository of all prior CEQA documents. As noted in Response ORG-2-1 above, all the materials relevant to the current SEIR were made available to the public both on the UC Merced website and at the Downtown Campus Center. The commenter did not need to submit a California Public Records Act request for the materials.

**Response ORG-2-6**

With regard to the addenda prepared by the University since 2009, those were prepared in conjunction with the approval of minor changes to the LRDP land use map to accommodate the 2020 Project and to address other minor changes to the 2020 Project. Note that the 2020 Project was evaluated in Volume 3 of the 2009 LRDP EIS/EIR at a project level.

The University has not “piece-mealed” the review of the 2020 LRDP. *State CEQA Guidelines* contain numerous sections that emphasize the importance of stream-lined review and encourage the use of prior CEQA documents to avoid repetitive discussions of the same issues in successive EIRs. The use of stream-lined review also helps minimize a waste of public funds. When the University commenced the preparation of the 2020 LRDP, it reviewed the 2009 LRDP EIS/EIR in light of the proposed LRDP and found that the impact analysis under seven resource topics was still valid for the proposed LRDP, and that new analysis was needed for 11 resource topics. Therefore, the University proceeded with the preparation of an SEIR that supplements the 2009 LRDP EIS/EIR and provides an updated analysis of environmental impacts for 11 of the 18 resource topics included on the CEQA checklist. Both the 2009 LRDP EIS/EIR and the current SEIR provide a complete picture of the environmental impacts of the 2020 LRDP.

**Response ORG-2-7**

This comment appears to be a reproduction of correspondence from the Campus to the commenter relating to a California Public Records Act request. This is not a comment on the Recirculated Draft

SEIR. No response is required. The comment is, however, acknowledged for the record and will be provided to the decision makers for their review and consideration.

**Response ORG-2-8**

This comment appears to be a reproduction of correspondence to the Campus from the commenter relating to a California Public Records Act request. This is not a comment on the Recirculated Draft SEIR. No response is required. The comment is, however, acknowledged for the record and will be provided to the decision makers for their review and consideration.

**Response ORG-2-9**

Please see Response ORG-2-5 above.

**Response ORG-2-10**

The SEIR complies with *State CEQA Guidelines* Section 15162 and states clearly on page 1.0-11 where the documents were available for review during the 45-day Draft SEIR review period.

**Response ORG-2-11**

Please see Response ORG-2-1 above, which clearly explains why the 2002 LRDP EIR and studies are not relevant to the current project. A repository containing materials related to prior CEQA documents not relevant to the project is not required.

**Response ORG-2-12**

This is not a comment on the Recirculated Draft SEIR. No response is required. Note that all of the documents relevant to the current project were made available to the public.

**Response ORG-2-13**

This comment is about the California Public Records Act and is not a comment on the Recirculated Draft SEIR. No response is required. The University will respond to all Public Records Act requests in compliance with the law.

**Response ORG-2-14**

The Initial Study was published with the NOP for the SEIR and was circulated for 30 days. The Initial Study clearly indicated which environmental resource topics would be analyzed in detail in the SEIR and those that did not require any evaluation or were adequately addressed in the 2009 LRDP EIS/EIR. The noticing of the NOP was conducted in compliance with CEQA. The notice of availability of the NOP/Initial Study was posted at the County Clerk's office and mailed to the local agencies. The public was informed via web posting and a notice in the local newspaper. The NOP/Initial Study was also submitted to the SCH for notification to state agencies. UC Merced also directly mailed the NOP/Initial Study to the USACE, USFWS, U.S. Environmental Protection Agency, CDFW (Central Valley Region), and the Regional Water Quality Control Board (Central Valley). None of these agencies provided any comments on the NOP/Initial Study.

Please see Response ORG-2-1 above, which explains why the SEIR does not discuss the 2002 LRDP EIR. The success of the University's mitigation program is documented in Section 4.2 of the Recirculated Draft SEIR. That section provides a detailed discussion of the mitigation that the University has completed since 2002. The University complied with the mitigation measures that were imposed on the campus in 2002 by the resource agencies and proceeded with placing conservation easements on several thousand acres of land in eastern Merced County. The University complied with the 2002 BO and prepared and implemented the 2008 Conservation Strategy and it also continues to comply with the 2009 BO (which was also subsequently amended), and the incidental take permit issued by the USFWS. The final mitigation programs related to impacts on the Waters of the U.S. were approved by the federal and state agencies in 2009 in conjunction with the issuance of the federal and state permits under the Clean Water Act for the development of the Campus and University Community North. Following the issuance of the permits, the University proceeded with providing all of the compensatory mitigations required by the final permits, which included creation of compensatory wetlands and conservation of additional upland habitat. In summary, the University has complied fully with state and federal permits and has provided the required mitigation.

The change in the campus acreage with the addition of about 211 acres of land that was formerly part of the University Community is a result of the dissolution of the University Community Land Company (UCLC). The addition of that acreage has allowed the University to develop a land use map

for the campus that is much improved over the previous land use map and has allowed the University to set aside more land as passive open space. While the 2009 LRDP land use map included 70 acres of passive open space, the 2020 LRDP land use map includes 283 acres of passive open space. Further, this passive open space is provided along the eastern boundary of the campus and will serve to buffer the adjacent Merced Vernal Pools and Grassland Reserve from any indirect development effects.

Figure 1.0-1 in the Recirculated Draft SEIR shows the outline of the 815-acre campus and the revised 1,026-acre campus. The 211 acres added to the campus site are shown on that graphic, and the land uses that would be developed on the added land are shown on Figure 3.0-5. As that graphic shows, the land uses include Campus Mixed Use (CMU) in the area close to Lake Road where campus facilities may be built under this LRDP, Campus Building Support and Reserve Land (CBSRL) which would not be developed under the 2020 LRDP, Research Open Space (ROS) which may be used for field research by the campus faculty, and Passive Open Space (POS) which will not be developed.

Development of the campus under the 2020 LRDP is analyzed at a program level in the Recirculated Draft SEIR and includes an analysis of the effects of development of new campus facilities on lands designated CMU and the use of ROS lands for field research.

With regard to the commenter's assertion about lack of an opportunity to comment on the change in the campus size in response to the NOP, please note that the University provided the public with two opportunities to review the Draft SEIR as set forth in Section 1.1 of this Final SEIR. The public was provided ample time to review the SEIR to fully understand the change in the campus site and the revised development footprint of UC Merced.

#### **Response ORG-2-15**

The commenter does not provide any specific information as to why she asserts that increased density and light will adversely affect the environment. As noted in the Initial Study, compared to the expansive development of the Campus and University Community North that was analyzed in the 2009 LRDP EIS/EIR, with the approval of the 2020 LRDP, the University will develop new facilities only within the lands designated CMU. This is an area of about 274 acres and is fully contained within the area that was planned for Campus and University Community development under the 2009 LRDP



and the University Community Plan. The new buildings that would be added are expected to be similar to those constructed as part of the 2020 Project in terms of building heights and density. The effects of this level of development density were analyzed in the 2009 LRDP EIS/EIR. Therefore, the Initial Study correctly concluded that no further analysis was required.

With respect to environmental mitigation for the impacts of campus development, including mitigation for cumulative impacts, please see Response ORG-2-14 above. The University has fully complied with federal and state laws and regulations in developing the Merced campus, including all applicable prior mitigation requirements as well as mitigation measures set forth in the campus EIRs. The University also complies with the mitigation monitoring requirements of the 2009 LRDP MMRP when implementing projects under the 2009 LRDP. The University has provided the required mitigation and complied fully with state and federal permits. The University has placed conservation easements on almost 24,000 acres of land in eastern Merced, resulting in the protection of that habitat not only from urban development but also agricultural conversions such as conversions of range land to orchards.

**Response ORG-2-16**

Section 5.2 in the Initial Study explains that due to the addition of 211 acres of land to the campus site, campus development under the 2020 LRDP would have the potential to affect an additional 16 acres of Important Farmland. However, the loss of these 16 acres was included in the Important Farmland impact of the University Community North as these 16 acres were anticipated to be converted to urban uses as part of the University Community North. Therefore, the change in campus site boundary would not result in a greater farmland impact than was analyzed and disclosed in the 2009 LRDP EIS/EIR for the Campus and University Community North. Furthermore, the loss of Important Farmland from the development of the Campus has been more than compensated by the conservation of more than 70 acres of Important Farmland and almost 24,000 acres of grazing land in eastern Merced County that were placed under the conservation easements by the University. The SEIR appropriately relies on the 2009 LRDP EIS/EIR analysis for impacts on agricultural resources.

The comment related to item (e) of the checklist is unclear. Item (e) of the checklist concerns conversion of forest lands. The issue is not a concern as there are no forests on the campus site.

Please see Response ORG-2-1 about the relationship of this SEIR to the 2009 LRDP EIS/EIR. This EIR is not tiered from any previous CEQA document.

**Response ORG-2-17**

The commenter is referred to the Biological Resources section in the Recirculated Draft SEIR where impacts on special-status species, sensitive habitats, wetlands, and cumulative resources are fully analyzed and disclosed. As discussed in the SEIR analysis, campus development under the proposed 2020 LRDP would occur over a much smaller area than previously analyzed, and would not affect any additional resources beyond those that were analyzed in the 2009 LRDP EIS/EIR, and also formed the basis of the permits and approvals issued to the University by the USACE, Regional Water Quality Control Board (Regional Board), USFWS, and CDFW. As the impacts of campus development would not be greater, further review by federal agencies is not required. Please also see Response ORG-2-4 above regarding conditions under which federal agencies are involved in the environmental review of projects; those conditions do not apply to the 2020 LRDP.

Checklist item (d) concerns wildlife movement. The Initial Study explains why further analysis of wildlife movement is not required. This is because campus development under the 2020 LRDP would occur over a much smaller area than previously analyzed. Furthermore, the analysis in the 2009 LRDP EIS/EIR shows that the campus site is not part of a movement corridor for any species. As far as movement of the kit fox is concerned, while no kit foxes have been observed in the campus vicinity before and since the establishment of the campus, the approximately 6,500-acre Merced Vernal Pool Grassland Preserve continues to provide movement habitat for the species, should it disperse through this portion of eastern Merced County. The University appropriately relies on the 2009 LRDP EIS/EIR for this issue.

Checklist item (f) concerns an HCP. The Initial Study notes that no HCP applies to the project area. The checklist question does not concern a conservation strategy and therefore, that is not discussed in the Initial Study. The Conservation Strategy, as referenced by the commenter, was developed in 2008 to meet the requirements of the BO issued by the USFWS in August 2002. In 2009, an updated BO and an incidental take authorization for the development of the campus was issued by the USFWS. The 2008 Conservation Strategy provides a comprehensive approach for the conservation of certain species and

their habitats and provides guidance for developing and implementing conservation measures to conserve wildlife and plant species affected by the construction of the campus. Specific strategies include implementation of standard and site-specific avoidance and minimization measures, obtaining required regulatory permits and adhering to their conditions, land acquisition for long-term conservation of habitats and species, acquisition of conservation easements, adaptively managing conservation lands, and development and implementation of a monitoring program.

The University has fully complied with federal and state laws and regulations in developing the Merced campus, including all applicable prior mitigation requirements as well as mitigation measures set forth in the campus EIRs. The University also complies with the mitigation monitoring requirements of the 2009 LRDP MMRP when implementing projects under the 2009 LRDP. The University has been in full compliance with both the 2002 BO and the updated 2009 BO, as well as other permits listed in Section 4.2.1 of the Recirculated Draft SEIR and has completed and continues to complete conservation actions consistent with the BO and Conservation Strategy. For example, the Campus manages the Tier 1 Conservation Lands in accordance with the agency-approved 2008 *Management Plan for Conservation Lands and the Adjacent Campus Buildout Lands for the University of California, Merced*, which was prepared to address the requirements of the 2002 BO. The Campus submits annual compliance reports to the agencies documenting compliance with the Management Plan. Separately, the Campus also submits annual reports to the agencies documenting compliance with the permit conditions.

Please note that the Biological Resource section in the Recirculated Draft SEIR includes a table and graphics that show the Tier 1 and 2 Conservation Lands that the University has placed under conservation easements along with two additional properties (Yosemite Land Conservation Area and Merced County Preserve) where it has created and/or preserved vernal pool and other seasonal wetlands and surrounding uplands. Contrary to the commenter's assertion, the University has complied with its permits and approvals, as described in Response ORG-2-14 above and has completed environmental mitigations consistent with the permit requirements.

#### **Response ORG-2-18**

There are no active faults near the campus that could result in significant seismic hazards. Although

the Foothills fault system is approximately 15 miles northeast of the project site, this system is not considered to be active. The nearest active fault is in the western portion of Merced County, a distance from the campus such that activity on that fault would not be expected to have significant impacts at the project site. Further, new buildings on the campus would be constructed per the California Building Code.

With respect to expansive soils, the Initial Study acknowledges the presence of such soils and states that the 2009 LRDP EIS/EIR fully analyzed the impact and imposed 2009 LRDP Mitigation Measure GEO-2 to minimize and avoid any impacts to new buildings from construction on expansive soils. As the prior EIS/EIR fully discloses the impact and provides mitigation, no further analysis. The University appropriately relies on the 2009 LRDP EIS/EIR.

As shown in **Section 5.0, Mitigation Monitoring and Reporting Program** (MMRP) of this Final SEIR, 2009 LRDP Mitigation Measure GEO-2 has been incorporated into the MMRP for the 2020 LRDP and will readopted and implemented by UC Merced in conjunction with building projects proposed for development under the 2020 LRDP.

#### **Response ORG-2-19**

The commenter states that there is a discrepancy in the total 2030 campus population reported in Section 4.3 of the Recirculated Draft SEIR. As shown in Table 3.0-2 in Section 3.0, Project Description, the total on-campus population of UC Merced is projected to be about 17,411 persons in 2030. The Recirculated Draft SEIR uses 17,411 persons in the analysis of all 2030 impacts as the 2020 LRDP applies to the main campus. The 300 staff located off campus are taken into account for all cumulative analysis. Although UC Merced staff that is located off campus is not part of the 2020 LRDP, if the 300 staff that would be located off-campus are included, the total UC Merced population in 2030 would be about 17,711 persons. Similarly, the Recirculated Draft SEIR includes a total on-campus population of 10,980 persons for the year 2020, and if the 300 staff that would be located off-campus are included, the total 2020 population of UC Merced is estimated at 11,280 persons.

The text on page 4.3-25 erroneously states that the total campus population would be 11,280 persons in 2030. That number is actually the total campus population (both on-campus and off-campus) analyzed

for the year 2020 in Section 4.3. Text on page 4.3-25 has been corrected to clarify the population numbers for the years 2020 and 2030. The population number reported on page 4.2-34 is accurate. However, text has been added to that page to further clarify the numbers used in the analysis. Text changes to the Recirculated Draft SEIR are presented in **Chapter 4, Draft SEIR Text Changes**. Please note that the SEIR analysis of greenhouse gas (GHG) impact uses the total UC Merced population inclusive of the off-campus population.

The commenter asserts that because the population numbers reported in the SEIR are inconsistent, the analysis is flawed. To address this concern, all population numbers used to estimate GHG emissions were reexamined. This examination confirmed that although the 2020 population numbers were correct and consistently used in estimating the 2020 GHG emissions, there was an input error in one spreadsheet related to the total on-campus staff in 2030, which did result in an underestimation of the total 2030 GHG emissions. The spreadsheet used a population of 16,111 persons in 2030, instead of 17,411 on-campus persons, or 17,711 total (on- and off-campus) persons in 2030. The input error was corrected and the GHG emissions were recalculated. Two tables are presented below. The first one, SEIR Table 4.3-4, is from the Recirculated Draft SEIR page 4.3-40 and shows the previously reported 2030 emissions. The second table, Revised Table 4.3-4, reports the recalculated GHG emissions based on the corrected total population estimate for 2030. Please see **Appendix B** for spreadsheet calculations of operational emissions with both the original and corrected total population estimates.

SEIR Table 4.3-4  
Estimated UC Merced Operational GHG Emissions (in MTCO<sub>2</sub>e)

GHG Emissions Source	Historical 2005 Emissions	Existing 2017 Emissions	Future 2020 Emissions	Future 2030 Emissions
<b>Direct Sources</b>				
Scope 1 Area Sources <sup>a</sup> and Campus Fleet	1,341	4,045	4,044	3,160
Total Direct	1,341	4,045	4,044	3,160
<b>Indirect Sources</b>				
Scope 2 Electricity	2,519	2,740	2,291 <sup>c</sup>	987 <sup>c</sup>
Scope 3 Commuting	2,131	2,895	3,497	4,994
Scope 3 Water Supply <sup>b</sup>	349	53	34	8
Scope 3 Wastewater <sup>b</sup>	4	26	31	44
Scope 3 Solid Waste	126	721	817	944
Total Indirect	5,129	6,435	4,379	5,990
<b>All Sources</b>				
Total (direct and indirect)	6,469	10,479	10,712	10,137

Source: Impact Sciences and Barati Consulting 2019.

Notes:

- a. Area source emissions based on natural gas combustion on the campus.
- b. UC Merced also reports Scope 3 business air travel and Scope 3 business ground travel emissions, which are not included in this table as those emissions sources are not typically analyzed under CEQA. In contrast, the Campus does not report Scope 3 water supply wastewater and solid waste emissions; however, those emissions are included in this table since guidance put forth by the CARB states that GHG emissions from these sources should be included in the estimated GHG emissions under CEQA.
- c. By 2020, UC Merced and MCRWMA anticipate to complete a landfill gas to energy project that would involve the conveyance of treated landfill gas (methane) to the campus to operate three to four microturbines to generate electricity and hot water, while also allowing UC Merced to discontinue the use of three natural gas fired hot water boilers. Although combustion of methane in the microturbines would result in GHG emissions, overall the project would result in less GHG emissions than are currently produced at the landfill from the flaring of landfill gas (MCRWMA 2019).

**Revised Table 4.3-4**  
**Estimated UC Merced Operational GHG Emissions (in MTCO<sub>2</sub>e)**

GHG Emissions Source	Historical 2005 Emissions	Existing 2017 Emissions	Future 2020 Emissions	Future 2030 Emissions
<b>Direct Sources</b>				
Scope 1 Area Sources <sup>a</sup> and Campus Fleet	1,341	4,045	4,044	3,474
Total Direct	1,341	4,045	4,044	3,474
<b>Indirect Sources</b>				
Scope 2 Electricity	2,519	2,740	2,291 <sup>c</sup>	1,085 <sup>c</sup>
Scope 3 Commuting	2,131	2,895	3,497	5,490
Scope 3 Water Supply <sup>b</sup>	349	53	34	8
Scope 3 Wastewater <sup>b</sup>	4	26	31	48
Scope 3 Solid Waste	126	721	817	944
Total Indirect	5,129	6,435	4,379	7,575
<b>All Sources</b>				
Total (direct and indirect)	6,469	10,479	10,712	11,049

Source: Barati Consulting 2020.

Notes:

- a. Area source emissions based on natural gas combustion on the campus.
- b. UC Merced also reports Scope 3 business air travel and Scope 3 business ground travel emissions, which are not included in this table as those emissions sources are not typically analyzed under CEQA. In contrast, the Campus does not report Scope 3 water supply wastewater and solid waste emissions; however, those emissions are included in this table since guidance put forth by the CARB states that GHG emissions from these sources should be included in the estimated GHG emissions under CEQA.
- c. By 2020, UC Merced and MCRWMA anticipate to complete a landfill gas to energy project that would involve the conveyance of treated landfill gas (methane) to the campus to operate three to four microturbines to generate electricity and hot water, while also allowing UC Merced to discontinue the use of three natural gas fired hot water boilers. Although combustion of methane in the microturbines would result in GHG emissions, overall the project would result in less GHG emissions than are currently produced at the landfill from the flaring of landfill gas (MCRWMA 2019).
- d. After 2025, 100 percent of the electricity used at UC Merced will come from renewable sources, and the electricity-related emissions would be zero.

As Revised Table 4.3-4 above shows, the total estimated emissions would be greater than previously reported by about 912 MTCO<sub>2</sub>e /year. This increase in total emissions does not change the significance of the previously reported impact. To demonstrate this point, Table 4.3-5 from the Recirculated Draft SEIR is reproduced below (titled SEIR Table 4.3-5), followed by Revised Table 4.3-5 which includes the updated GHG emission estimate for 2030. As the revised table shows, the impact of the project remains unchanged.

SEIR Table 4.3-5  
Comparison of Projected Emissions to Thresholds

GHG Emissions Source	Historic 2005 Emissions	Existing 2017 Emissions	2020 Emissions	Future 2030 Emissions
<b>Comparison to 2030 Threshold Based on Total Emissions (MTCO<sub>2</sub>e/year)</b>				
Total Emissions	6,469	10,479	10,712	10,137
UC Merced 2030 Total Emissions Target (based on AB 32 and SB 32)	–	–	–	3,300
Total Emissions Target Met?	–	–	–	NO
<b>Comparison to Thresholds Based on Per Capita Emissions (MTCO<sub>2</sub>e/service person/year)</b>				
Total Emissions	6,469	10,479	10,712	10,137
Total Campus Population	1,352	9,417	11,280	16,111
Per Capita Emissions	4.78	1.11	0.95	0.63
UC Merced 2030 Per Capita Target (based on AB 32 and SB 32)	–	–	–	2.44
Per Capita Target Met?	–	–	–	YES

Source: Impact Sciences and Barati Consulting 2019.



**Revised Table 4.3-5  
Comparison of Projected Emissions to Thresholds**

GHG Emissions Source	Historic 2005 Emissions	Existing 2017 Emissions	2020 Emissions	Future 2030 Emissions
<b>Comparison to 2030 Threshold Based on Total Emissions (MTCO<sub>2</sub>e/year)</b>				
Total Emissions	6,469	10,479	10,712	11,049
UC Merced 2030 Total Emissions Target (based on AB 32 and SB 32)	–	–	–	3,300
Total Emissions Target Met?	–	–	–	NO
<b>Comparison to Thresholds Based on Per Capita Emissions (MTCO<sub>2</sub>e/service person/year)</b>				
Total Emissions	6,469	10,479	10,712	11,049
Total Campus Population	1,352	9,417	11,280	17,711
Per Capita Emissions	4.78	1.11	0.95	0.62
UC Merced 2030 Per Capita Target (based on AB 32 and SB 32)	–	–	–	2.44
Per Capita Target Met?	–	–	–	YES

Source: Barati Consulting 2020.

Note: Total Campus Population includes off-campus staff.

Based on a comparison of the total estimated emissions to the total emissions threshold as set forth in SEIR Table 4.3-5 above, the Recirculated Draft SEIR concluded that the project's impact would be significant. As shown in Revised Table 4.3-5 above, a comparison of the revised total emissions estimate to the threshold also shows that the impact would be significant. Both the original and the revised total emissions estimates are conservative as they include about 1,000 MTCO<sub>2</sub>e/year of emissions from electricity. These emissions would not occur because in compliance with the UC Sustainable Practices Policy all of the electricity used on the campus after 2025 will be from renewable sources and will result in zero GHG emissions.

The slightly higher 2030 annual emissions do not require any revisions to the mitigation measure presented in the Recirculated Draft SEIR, which essentially sets forth a performance standard and requires the Campus to reduce its annual emissions to be below 3,300 MTCO<sub>2</sub>e/year. Because the impact significance and mitigation measure are unchanged, the University is not required to recirculate

the GHG section of the SEIR.

Regarding the remainder of the comment, please note that GHG emissions associated with traffic, including travel between the Downtown Campus Center, Castle, and the campus, are accounted for in the estimated commuting emissions. The comment regarding parking is not relevant to the GHG emissions analysis. For the analysis of changes in storm water runoff due to development under the 2020 LRDP, please see Recirculated Draft SEIR Section 4.4, Hydrology and Water Quality.

**Response ORG-2-20**

The types of hazardous materials that would be transported, stored, used, and disposed under the 2020 LRDP would not be any different from those that are currently used on the campus or those that were expected to be used under the 2009 LRDP. Accordingly, the Initial Study concludes that the hazardous material impacts under the 2020 LRDP would be no different or greater than those analyzed in the 2009 LRDP EIS/EIR for the 2009 LRDP, and in fact would likely be less than previously projected for 2030 because the campus would be smaller (15,000 students instead of 25,000 students by 2030). The Initial Study appropriately concludes that no further analysis is required.

Regarding the potential wildfire threat from the grasslands to the east of the campus within the Merced Vernal Pool Grassland Reserve (previously called the Campus Natural Reserve), as stated in the Initial Study, that area is subject to the Management Plan for Conservation Lands which includes a series of measures that the University is currently implementing and will continue to implement to minimize the threat of wildland fires. Also note that unlike the 2009 LRDP, which planned for the development of campus facilities on lands adjacent to the Reserve (see Recirculated Draft SEIR Figure 3.0-4), the proposed 2020 LRDP places an open space buffer along the campus's eastern boundary (see Recirculated Draft SEIR Figure 3.0-5), and based on the proposed plan, developed campus facilities which would be located within the area designated CMU would be at least 2,000 feet from the nearest eastern boundary of the campus, and therefore, at this distance from the Reserve. The Initial Study appropriately concludes that no further analysis is required.

Hazardous waste generated on the campus will continue to be handled and disposed in the same manner as is done at the present time. Hazardous waste is temporarily stored in the buildings where

it is generated and then moved to a central hazardous waste storage site that was developed as part of the 2020 Project. From this location, the waste is shipped out for recycling or disposal at a permitted site. The leased facilities at Castle Air Force base will not be used for hazardous waste storage.

**Response ORG-2-21**

The commenter is referred to the Recirculated Draft SEIR Section 4.4, Hydrology and Water Quality, which includes an updated analysis of the project's groundwater impacts that is based on the latest Urban Water Management Plan (UWMP) prepared by the City of Merced. The UWMP is updated every five years and takes into account the changes to the groundwater basin, including changes in withdrawal and measures implemented by the City to encourage water conservation. The SEIR section includes both a LRDP-level impact analysis and a cumulative impact analysis of the project's potential effects on groundwater, including a discussion of the project's groundwater demand in the context of the Merced Groundwater Sustainability Plan (GSP) that was recently adopted by the Merced groundwater sustainability agencies, including the City and Merced Irrigation District, in compliance with the Sustainable Groundwater Management Act.

**Response ORG-2-22**

The Initial Study addresses the CEQA threshold question, which is whether the proposed project, i.e., the 2020 LRDP, would conflict with an adopted land use plan or policy. As noted in the Initial Study, the lands to the south of the campus are currently undeveloped and included in the County's General Plan as UC Merced SUDP. The proposed 2020 LRDP would not conflict with the SUDP, which is a designation in the County's General Plan for areas that may be developed with urban uses.

Regarding the commenter's concern about the northerly growth of the City, please note that the City's planning documents have always included potential development of the city in a northerly direction. Further, the growth inducing effects of the Campus were fully analyzed in the 2009 LRDP EIS/EIR, and that analysis discussed the potential growth of the City along the Bellevue corridor based on the City's General Plan EIR. The University has fully complied with federal and state laws and regulations in developing the Merced campus, including all applicable prior mitigation requirements as well as mitigation measures set forth in the campus EIRs. Ongoing and future development on the campus will continue to comply with the terms and conditions set forth in the DA permit issued by the USACE,

the BOs and incidental take permit issued by the USFWS, and the incidental take permit issued by CDFW. The University also complies with the mitigation monitoring requirements of the 2009 LRDP MMRP when implementing projects under the 2009 LRDP.

**Response ORG-2-23**

The analysis in Section 5.11 of the Initial Study addresses the CEQA checklist question, which is whether the proposed project would result in loss of availability of a known mineral resource. There are no mineral resources on the campus that would become unavailable due to the proposed 2020 LRDP. As the Initial Study indicates, CEQA does not require that remote secondary effects, such as those related to increased aggregate mining, be analyzed. Furthermore, such an analysis would involve speculation.

The University has fully complied with federal and state laws and regulations in developing the Merced campus, including all applicable prior mitigation requirements. Ongoing and future development on the campus will continue to comply with the terms and conditions of the DA permit issued by the USACE, the BOs and incidental take permit issued by the USFWS, and the incidental take permit issued by CDFW.

The University appropriately relies on the 2009 LRDP EIS/EIR for LRDP impacts on mineral resources.

**Response ORG-2-24**

The commenter is referred to Section 4.5 in the Recirculated Draft SEIR that presents an updated analysis of noise impacts from the implementation of the 2020 LRDP. The University does not rely on the 2009 LRDP EIS/EIR for this resource topic.

**Response ORG-2-25**

The commenter is referred to Section 4.6 in the Recirculated Draft SEIR for an analysis of population and housing impacts. The City and the County were contacted in 2018 during the preparation of the SEIR to obtain list of current and foreseeable projects. These project lists were used for the transportation impact analysis as well as to estimate the number of additional housing units that would be added to the area. Please see Table 4.0-1 for the projects identified by the City and the County and

used in the SEIR analysis. The Housing Element of the City's General Plan, which is updated periodically, was also used as a source for information on the number of housing units that could be developed in Merced based on land zoned for housing. The North Merced Annexation Plan is a recent proposal and is currently being evaluated for its feasibility. It is not an approved plan and was not provided to the University by the City when impact analysis for the SEIR was commenced and conducted. Therefore, that plan is not included in the SEIR analysis.

The comment relating displacement of housing and people to the Conservation Strategy is unclear. Therefore, a response cannot be provided. Loss of listed species habitat due to campus development under the 2020 LRDP is fully addressed in Section 4.2, Biological Resources of the Recirculated Draft SEIR.

**Response ORG-2-26**

For checklist item a (i) which relates to fire service, the Initial Study does not state that the University will rely on the 2009 LRDP EIS/EIR for an analysis of project impacts on fire service. The Recirculated Draft SEIR includes an updated analysis of fire service impact in Section 4.7, Public Services and Recreation.

Checklist item a(iii) relates to impacts on schools. The 2020 LRDP's impact on schools was reanalyzed and presented in the Recirculated Draft SEIR Section 4.7.

The commenter suggests some connection between the checklist question related to schools and the Conservation Strategy. However, no connection is apparent, and no response can be provided.

**Response ORG-2-27**

Although the Initial Study had concluded that the 2009 LRDP EIS/EIR adequately addressed impacts on parks, including Lake Yosemite Regional Park, the University elected to reanalyze and update impacts on recreational resources in the Recirculated Draft SEIR. Please see Section 4.7 for an updated analysis of recreation impacts, including cumulative impacts.

The University has fully complied with federal and state laws and regulations in developing the Merced campus, including all applicable prior mitigation requirements as well as mitigation measures

set forth in the campus EIRs. The University also complies with the mitigation monitoring requirements of the 2009 LRDP MMRP when implementing projects under the 2009 LRDP.

**Response ORG-2-28**

The University did not rely on the 2009 LRDP EIR/EIS for impacts on the transportation system. The commenter is referred to Section 4.9, Transportation in the Recirculated Draft SEIR, which presents an updated analysis of both LRDP-level and cumulative impacts on the transportation network and services. The analysis is based on the list of projects provided to the University by the City and the County when work on the SEIR was commenced in 2018; neither the City nor the County asked UC Merced to consider any other future development in the area. Further, as noted in Response ORG-3-25 above, the North Merced Annexation Plan is a recent proposal and is currently being evaluated for its feasibility. It is not an approved plan and was not provided to the University by the City when impact analysis for the SEIR was commenced and conducted.

**Response ORG-2-29**

The University did not rely on the 2009 LRDP EIR/EIS for impacts on utility systems that serve the campus. The commenter is referred to Section 4.10, Utilities and Service Systems in the Recirculated Draft SEIR, which presents an updated analysis of both LRDP-level and cumulative impacts on all utilities, including water, wastewater, and solid waste.

**Response ORG-2-30**

The comment is acknowledged for the record and will be forwarded to the decision makers for their review and consideration.

**Response ORG-2-31**

Section 7.0 in the Recirculated Draft SEIR lists the preparers of the SEIR and does not present mitigation monitoring. With regard to the agencies and entities contacted during the preparation of the SEIR, those are listed in Section 7.0.

As stated in Response ORG-2-14, the University fully complied with CEQA requirements related to noticing. The NOP was mailed to all local agencies and also sent to state agencies via the SCH as well

as directly mailed to federal and State agencies. A notice regarding the scoping meeting was published in the Merced Sun-Star and copies of the notice were sent to the local, state and federal agencies. Similarly, copies of the Draft SEIR and the Recirculated Draft SEIR were provided to the local agencies and copies were submitted to the SCH for distribution to federal and state agencies. The Notice of Availability of the Recirculated Draft SEIR was sent by email and regular mail to all persons who provided comments on the Draft SEIR.

The flash drive, which contains electronic files of Volume II (SEIR appendices), was attached to the inside cover of the hard copy of SEIR Volume I.

**Response ORG-2-32**

The commenter asserts that the California Department of Fish and Wildlife developed a mitigation program between the time the 2009 LRDP EIS/EIR was prepared and the current Recirculated Draft SEIR and, thus, the 2008 Conservation Strategy and Mitigation Monitoring and Reporting components of the CEQA documentation need to be revised. The comment references Chapter 7.9 of the California Fish and Game Code (CFGF). Chapter 7.9 of the CFGF, *Conservation Bank and Mitigation Bank Applications and Fees*, as described in Sections 1797 through 1799.1, which became effective January 1, 2013. These sections of the CFGF reference the process for establishing conservation and mitigation banks, including the required documentation, agency review times, and fees. As the project and the University's permits do not include or require the establishment of or amendment to a conservation bank or mitigation bank, this assertion is not relevant to the Recirculated Draft SEIR. Furthermore, the success of the University's compensatory mitigation program for biological resources is documented in Section 4.2 of the Recirculated Draft SEIR, as referenced in Response ORG-2-14 above.

Please see Response ORG-2-21 above regarding SGMA and the analysis of the project's water demand in the context of the GSA adopted by the local GSAs. The Campus gets water and wastewater service from the City. Therefore, it is not required to prepare a GSA for groundwater withdrawal or a plan for wastewater management.

**Response ORG-2-33**

While claiming that the Project Description in the SEIR is “fatally flawed,” the commenter does not identify any specific flaws. Therefore, a detailed response to that comment cannot be provided. The comment is, however, noted for the record and will be provided to the decision makers for their review and consideration.

The Draft SEIR was first published in September 2019 and then was recirculated in late December 2019 through early February 2020. The Draft SEIR was recirculated to provide the agencies and the public an opportunity to review and comment on two biological resource impacts that were overlooked in September 2019 Draft SEIR. The University also provided more information related to SGMA and Merced GSP in the December 2019 Draft SEIR as the Draft GSP became available and was adopted by some of the local GSAs in December 2019.

The Recirculated Draft SEIR consistently uses a student population of 15,000 students by 2030 which is the projected student population for the campus and uses approximately 17,400 persons as the total daily 2030 population which includes students, faculty and on-campus staff. Staff at other locations such as the Downtown Campus Center is not covered by the 2020 LRDP. For the discrepancy between two numbers reported in Section 4.3, Greenhouse Gas Emissions, please see Response ORG-2-19 above.

The commenter asserts that the SEIR does not provide accurate numbers, impacts, mitigation or monitoring, accurate noticing, and that analysis was deferred. The commenter is referred to Responses ORG-2-1 through 2-32 above, which demonstrate, based on substantial evidence, that the SEIR fully and accurately reflects the environmental impacts of the proposed 2020 LRDP and that the University has completed the document in good faith and in compliance with CEQA. Contrary to the commenter’s assertion, no analysis of impacts was deferred; an updated analysis of impacts for 11 of the 18 CEQA checklist resource topics was completed and presented in the Recirculated Draft SEIR, and for the seven resource topics that were not reanalyzed, substantial evidence is presented in the Initial Study showing that no new or more severe impacts would result from the implementation of the 2020 LRDP than those analyzed and disclosed in the 2009 LRDP EIS/EIR.

Finally, with regard to the commenter’s assertion about the Campus’s conduct in connection with its



environmental analysis of the proposed 2020 LRDP, UC Merced believes that it has worked with the federal and state regulators, local communities, and the residents of all of the surrounding communities. Its environmental review process has been thorough and complies with all requirements of CEQA. As stated elsewhere, UC Merced also is in compliance with all of its environmental permits, mitigation requirements, and conservation plans.

**Response ORG-2-34**

Please see Response ORG-2-31 above regarding the noticing of the scoping meeting. Please see Response ORG-2-33 above as to why the University decided to recirculate the Draft SEIR. Although a public meeting to take oral comments on a Draft EIR is not mandated by CEQA, the University elected to conduct two public meetings on the Draft SEIR and another one on the Recirculated Draft SEIR.

The Public Record Act (PRA) is a separate law and not related to CEQA. The University will respond to all PRA requests submitted by the commenter in compliance with that Act. Regarding a repository of documents, please see Response ORG-2-1 above.

**Response ORG-2-35**

The comment pertains to PRA requests submitted by the commenter and the University will respond to the requests in compliance with the PRA.

**Response ORG-2-36**

The commenter asserts that the UC Merced campus is engaged in land speculation and the development of a new town in this part of Merced County. The campus site in Merced County was selected upon completion of a lengthy site selection process that took into account a number of factors and found the site near Lake Yosemite to be the best location to serve the underserved Central Valley. The final 815-acre site of the campus and the 833-acre site of University Community North was established after almost a decade of refinements with input from not only federal, state, and local agencies but also environmental groups, including Vernal Pools.Org, San Joaquin Raptor/Wildlife Rescue Center, and Protect our Waters. Campus development under the proposed 2020 LRDP would not affect any more sensitive resources in the area than were analyzed to be affected under the 2009 LRDP and the UCP. Please also see Response ORG-2-33 above.

The University is not engaged in any development of a new community. The land south of The Regents' land is now owned wholly by the Virginia Smith Trust, which proposes to develop a residential and commercial community over time, starting with an approximately 200-acre parcel immediately south of the undeveloped portion of The Regents land. The University no longer has any financial interest in or control of that property and future development.

This comment expresses the commenter's opposition to the presence of UC Merced in the Merced area and makes various assertions about the history of campus development. These statements are not related to environmental impacts associated with the proposed 2020 LRDP but will be provided to the decision makers for consideration.

**Response ORG-2-37**

Please see Response ORG-2-4 above as to why a new EIS is not required. As far as state agencies are concerned, the NOP, Draft SEIR, and Recirculated Draft SEIR were submitted to state agencies for review and comment. Two state agencies commented on the NOP and one state agency commented on the Recirculated Draft SEIR. A new Draft EIR is not required.

With regard to the 2008 Conservation Strategy, the University has complied fully with the strategy, as well as the two BOs issued by the USFWS, the DA permit issued by the USACE, and the incidental take permit issued by CDFW. The Campus continues to submit annual reports to the federal and state resource agencies demonstrating its compliance with the permits.

The remainder of the comments do not pertain to the analysis in the SEIR, and a response is not required. The comments are however, acknowledged for the record and will be provided to the decision makers for review and consideration.

2020 LONG RANGE DEVELOPMENT PLAN

SUBSEQUENT DRAFT EIR

PUBLIC HEARING

--o0o--

**TRANSCRIPT OF HEARING**

Merced, California  
Thursday, January 16, 2020, at 5:04 p.m.

--o0o--

Reported by: Christine M. Cradit, CSR No. 3805

ASSOCIATED REPORTERS

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## 1 APPEARANCES

2 Phillip Woods, AIA, AICP  
3 Director of Physical and Environmental Planning  
4 Office of Planning and Budget  
5 U.C. MERCED  
6 5200 N. Lake Road  
7 Merced, California 95340  
8 209.228.4481  
9 pwoods@ucmerced.edu

10 --o0o--

11 ALSO PRESENT: Kristin Nurmela, LSA  
12 Associate/Environmental Planner

13 Rita Bohlmer, Spanish interpreter

14 Koua Moua, Hmong Interpreter

15 --o0o--

1           The above-entitled hearing took place on the  
2   16th day of January, 2020, at 5:04 p.m., at U.C.  
3   Merced, 655 West 18th Street, Merced, California,  
4   before Christine M. Cradit, Certified Shorthand  
5   Reporter, in and for the State of California.

6                       --o0o--

7           MR. WOODS:   Good evening, everyone.  
8   Welcome, everyone.   As housekeeping for tonight's  
9   meeting, we actually have available both Hmong and  
10  Spanish translators, so if you want to use  
11  translation services, please raise your hand, and  
12  actually your translators are located in the back  
13  row, so is there anyone in the audience that needs  
14  translation?   Okay.   Good.

15           I'd like to welcome everyone to this  
16  meeting.

17           AUDIENCE MEMBER:   I can't hear you.

18           MR. WOODS:   Good evening.   Just want to  
19  welcome everyone.   My name is Phillip Woods.   I'm  
20  the Planning Director at U.C. Merced, and also  
21  this evening, we have our consultant who has  
22  helped prepare the environment document, Kristin  
23  Nurmela.

24           We'll basically be giving a presentation  
25  on the Long Range Development Plan.   This evening

1 we'll also be talking about the CEQA process, the  
2 Subsequent EIR, which is the subject of this  
3 public hearing, and then open it up for public  
4 comment and then adjourn the meeting.

5 The purpose of this meeting really is to  
6 inform agencies and the public about the 2020  
7 LRDP, Subsequent EIR and the overall CEQA process.

8 We'll present the proposed project and  
9 hear from you as far as the analysis of  
10 environmental impacts and mitigation measures  
11 presented that are in the Draft SEIR, also  
12 evaluation of alternatives presented in the Draft  
13 SEIR as well. And finally recirculation of the  
14 Draft SEIR.

15 Another kind of housekeeping, our  
16 documents are actually -- we have them located --  
17 the hard copies and documents, we keep a set at  
18 the downtown center right at the front desk. You  
19 guys came through that way. Also at the campus  
20 library, the collegiate library, there's a set of  
21 documents there as well. And then, finally, we  
22 have all the documents on our website as well. I  
23 think that's in the original notice, and if you  
24 have any questions where it's at, I have my  
25 business card in the front, and I can direct you

1 where that's at.

2           What I'd like to discuss first is the  
3 overview. So the Long Range Development Plan,  
4 each U.C. campus has a Long Range Development  
5 Plan. Essentially it's a land use plan that kind  
6 of shows kind of a road map for where and how  
7 we're going to be growing on the campus, where  
8 site development is going to occur.

9           What you're seeing up here is a map  
10 showing the land uses, what we're proposing in the  
11 LRDP.

12           Just to point out a couple of things, it  
13 does not constitute approval of any future  
14 development projects. All projects will have to  
15 go through its own independent review and  
16 approval. Also, the LRDP does not drive the  
17 timing of future growth.

18           The campus here, you see, is kind of in  
19 different colors. Primary areas where we're  
20 growing the campus, mixed use, which is the purple  
21 area on the map.

22           Just a few highlights. This actually  
23 updates our current 2009 LRDP. Typically most  
24 U.C. campuses update their long range development  
25 plans every ten years, so we're pretty much right

1 on target with our update.

2 One kind of key thing actually the Land  
3 Use Plan does is really try to identify what  
4 adequate resources are needed for what we are  
5 projecting out for future growth of the campus.

6 Some key highlights of this document, you  
7 know, couple of things, we're carrying forward the  
8 themes of the earlier documents, really trying to  
9 enforce growing on a compact footprint.

10 You might be familiar with the 2020  
11 Project cut the growth of the campus into much  
12 more kind of a smaller footprint. Also kind of in  
13 this plan, we're looking at really preserving,  
14 expanding more open space on the campus, and  
15 trying to develop the campus in a very sustainable  
16 manner.

17 With that, I'll have Kristin Nurmela kind  
18 of go over the CEQA process.

19 MS. NURMELA: Hi. Again, my name is  
20 Kristen Nurmela. I work with LSA. We're an  
21 environmental consulting firm and, as Phil  
22 mentioned, we've been working with --

23 AUDIENCE MEMBER: You know, we can't hear  
24 you. Is there any way you have a microphone?

25 MR. WOODS: We don't have a microphone,



1 but we definitely can speak louder, and there's  
2 seats also kind of closer up here as well.

3 AUDIENCE MEMBER: No microphone?

4 MR. WOODS: No. But you have an option --  
5 we can speak louder and also --

6 MS. NURMELA: I'll try and project. Is  
7 that better?

8 MR. WOODS: There's also seats in the  
9 front as well.

10 AUDIENCE MEMBER: There's a lot of noise  
11 coming through the door, so maybe --

12 MR. WOODS: We can close the door, yeah.  
13 And just raise your hand. If you can't hear us,  
14 just raise your hand. We'll speak louder too.

15 MS. NURMELA: All right. I'll try this  
16 again. My name is Kristen Nurmela. I work with  
17 LSA. We're an environmental consulting firm.

18 As Phil mentioned, we've been working with  
19 the U.C. on the environmental documentation for  
20 the 2020 Long Range Development Plan, and these  
21 first couple of slides just provide a little bit  
22 of background history related to the LRDP process.

23 The first LRDP for U.C. Merced was adopted  
24 in 2002. In 2009, it was updated for a revised  
25 815-acre campus site. At that time, a joint

1 environmental impact statement, environmental  
2 impact report was prepared that covered this  
3 815-acre campus site and a mixed-use community on  
4 a site to the south of the campus.

5 The campus development was analyzed in  
6 this environmental document for an enrollment  
7 level of 25,000 students by the year 2030, and  
8 since that time, there have been some changes.

9 The University has acquired more land for  
10 the campus. I believe it's just over a thousand  
11 acres now.

12 The enrollment projections have been  
13 revised down from 25,000 to 15,000 students by the  
14 year 2030. And, as Phil mentioned, the plans are  
15 to accommodate the enrollment growth in a more  
16 sustainable manner so we have a more compact  
17 campus. So, as a result, there's a new Long Range  
18 Development Plan that includes the revised land  
19 use map that Phil showed you earlier.

20 So a little bit about CEQA. CEQA stands  
21 for the California Environmental Quality Act. It  
22 applies to any discretionary project that's  
23 proposed to be carried out or approved by public  
24 agencies such as this Long Range Development Plan.  
25 Therefore, the University is obligated to evaluate

1 and look at the potential environmental impacts of  
2 the Long Range Development Plan before it can be  
3 adopted by the U.C. Board of Regents.

4 So in terms of the type of EIR that's been  
5 prepared, as I mentioned, the 2009 EIS/EIR  
6 evaluated a full build-out of the campus to  
7 accommodate 25,000 students by the year 2030.

8 The 2020 Long Range Development Plan  
9 reflects a slower enrollment growth and a more  
10 compact footprint, as we mentioned, so therefore a  
11 Subsequent EIR is appropriate for the 2020 Long  
12 Range Development Plan.

13 So some of you may have attended one of  
14 these meetings when they were held in September.  
15 Is that right?

16 MR. WOODS: September, yeah.

17 MS. NURMELA: September. The documents --  
18 there was an EIR that was circulated from  
19 September through November, and the U.C. has  
20 decided to recirculate that document and that's  
21 why we're having this meeting tonight.

22 So the recirculated Draft Subsequent EIR  
23 is being recirculated primarily to disclose some  
24 new biological resource impacts and mitigation  
25 measures, one relating to a bumble bee species

1 that is proposed for listing under the state  
2 Endangered Species Act. There's also an analysis  
3 in that section now with bird collisions with  
4 campus buildings, so between September and with  
5 this document now, the bio resources section has  
6 been updated.

7 The Subsequent EIR has also been updated  
8 to clarify the relationship between this document  
9 and the previous 2009 Long Range Development Plan  
10 EIS/EIR, and also to identify for those interested  
11 in reviewing the previous environmental  
12 documentation where all of that is to be found.

13 If you're interested in knowing what  
14 changed between the September document and the  
15 recirculated document, a good place to look is  
16 Section 1.8. There's a table there that provides  
17 a detailed breakdown.

18 AUDIENCE MEMBER: Could you repeat that in  
19 a loud voice?

20 MS. NURMELA: Yes. I'm sorry.

21 AUDIENCE MEMBER: Thank you.

22 MS. NURMELA: For those of you that are  
23 interested in comparing or understanding better  
24 the differences between the September 2019  
25 document that was out for review and this

1    recirculated document, you should look at Section  
2    1.8 of the recirculated draft document. There's a  
3    table there that lists all the sections in the  
4    environmental document and what changed between  
5    those versions.

6            It's important to note, however, that  
7    there were no new significant impacts or issues  
8    that were not previously addressed. And it's  
9    important to note that the Draft SEIR is available  
10   online at the website here.

11           And as Phil mentioned, there are also  
12   copies here, and there's some at the library at  
13   the main campus as well.

14           So for the Subsequent EIS/EIR or -- I'm  
15   sorry. For the Subsequent Environmental Impact  
16   Report that we've prepared now, there are some  
17   sections where we've relied on the analysis in the  
18   previous 2009 EIS/EIR, and we determined that they  
19   were sufficiently addressed in that environmental  
20   document.

21           So these topics listed here, aesthetics,  
22   ag and forest resources, cultural resources,  
23   geology and soils, hazards and hazardous material,  
24   land use and planning, and mineral resources are  
25   addressed in the 2009 EIS/EIR, and they're

1 referenced in the recirculated Draft EIR.

2 And then these topics that you see listed  
3 here, they were fully evaluated in the -- or  
4 re-examined in the SEIR, so air quality,  
5 biological resources, greenhouse gas emissions,  
6 hydrology and water quality, noise, population and  
7 housing, public services, recreation,  
8 transportation and circulation, tribal cultural  
9 resources and utilities and service systems.

10 CEQA also requires that an environmental  
11 impact report also contain an evaluation of  
12 alternatives. So the Subsequent EIR Draft does  
13 contain alternatives that were examined and there  
14 are other mandated CEQA requirements including  
15 cumulative affects, growth inducement and  
16 significant irreversible environmental changes  
17 that are also addressed in the Draft EIR.

18 So this is a flow chart. I understand  
19 it's a little hard to read, but the next light  
20 goes through kind of the milestones of where we  
21 are.

22 So the first bubble at the top, that  
23 references the notice of preparation period. From  
24 that point, there was an EIR scoping process that  
25 occurred and there was a meeting associated with

1 that whereby comments from the public were  
2 received. And then over the course of about a  
3 year, a Draft EIR was prepared. There were two  
4 public meetings previously for the Draft that was  
5 circulated in September of 2019. We have another  
6 one right now. And the public review period is  
7 where we are currently. So there's a 45-day  
8 public review period whereby you have an  
9 opportunity to review the environmental document  
10 and provide your comments.

11 And then the next step in the process is  
12 to prepare the final EIR documents. That's where  
13 all of the comments that are received are  
14 reviewed, and there are formal responses that are  
15 provided in that document.

16 And then the last step in the process is a  
17 review of the final EIR, and the Board of Regents  
18 will approve the LRDP and certify the document.

19 So this is just an overview of the  
20 milestones that I just referenced for you. So, as  
21 I said, the notice of preparation that occurred in  
22 April of 2018, and that was to indicate that an  
23 EIR would be prepared; there was a scoping meeting  
24 later that same month; and then the publication of  
25 the Draft EIR first occurred in September of 2019.

1           We've now revised the document and it's  
2 out for recirculation, so that's where we are now.  
3 The final SEIR is planned for early in March of  
4 2020. And then the Board of Regents review and  
5 certification of the EIR should occur in March of  
6 2020.

7           So with public comment, you have various  
8 ways in which you can provide comment. You may  
9 provide comment tonight here. You may send your  
10 written documents via mail to Phil Woods whose  
11 address is there. It's also included in the -- I  
12 believe the introduction section of the EIR. You  
13 may also send email comments to the address listed  
14 there, 2020LRPD@ucmerced.edu.

15           The end of the comment period is  
16 February 3rd, 2020 at 5:00 p.m.

17           And I think that concludes our formal  
18 presentation. So at this point, for those of you  
19 that would like to provide your comments, there  
20 are speaker cards that you can obtain to state  
21 your name, and then they'll be handed to us, and  
22 then when we call your name, you may come up,  
23 state your name and your comment, and tonight I  
24 believe we're trying to keep all comments to about  
25 three minutes or so. And then if there's extra



1 time at the end of the meeting, you may come back.

2 MR. WOODS: Also, to add to that, there's  
3 also -- right adjacent, there's a paper if you  
4 want to write your comments down as well. So  
5 Desiree can help you with a pen and clipboard if  
6 you want to write down comments as well this  
7 evening. So we have two speaker cards.

8 MS. NURMELA: Yes, and I apologize in  
9 advance if I mispronounce your name. Deja  
10 Villanueva. **Commenter 1**

11 MS. VILLANUEVA: Hi. How are you guys  
12 doing this evening. Hi, my name is Deja  
13 Villanueva. I am with Community for New  
14 California Education Fund, and I'm speaking on  
15 behalf of local residents in the City of Merced.

16 So since our local and state-elected  
17 officials first made plans, our City's residents  
18 have been excited to welcome the newest campus in  
19 the U.C. system, U.C. Merced.

20 All along, we have been told that, with  
21 the University and its expansion that our local  
22 economy and the quality of life would improve over  
23 time.

24 As we mentioned in the prior hearing in  
25 November and December, the University's expansion

1 has negative effects on housing in our community.

2 We ask that the University's leadership  
3 work with community organizations that are  
4 dedicated to representing the community residents  
5 and advocating for issues on their behalf.

6 Since that hearing, no one from the  
7 University has reached out to us to discuss how we  
8 can work together to build support for an  
9 expansion that would benefit the community. We  
10 are asking of the University leadership to meet  
11 with organizations that represent and advocate for  
12 the community's residents so that we can advocate  
13 and for expansion plans that offers greater  
14 benefits of the community's residents.

15 I also have some written up in my phone as  
16 well. Okay. So our coalition, the Community  
17 Alliance for U.C. Sustainable Expansion has a  
18 vision of U.C. expansion that includes Community  
19 Benefits Agreement -- that includes Community  
20 Benefits Agreement, CBA.

21 A Community Benefits Agreement, also known  
22 as CBA, would include local hiring mandates and  
23 affordable housing trust, shared space, funding  
24 for parks and recreation, and funding for local  
25 health clinics.

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1           We demand that the University meet with us  
2 to incorporate a Community Benefits Agreement, a  
3 contract between a developer and a coalition into  
4 their RFP for the expansion.

5           If it is not, then we do not support any  
6 RFP process that does not have a -- that does not  
7 have a contractual provision for the community  
8 negotiated with the community. Thank you.

9           MS. NURMELA: Thank you.

10          Next to speak is Keila Luna. **Commenter 2**

11          MS. LUNA: Good evening. My name is Keila  
12 Luna. I'm with Communities for New California,  
13 and I'm speaking today because I want to raise  
14 concerns about the housing analysis in the SEIR.

15          The SEIR population housing section relies  
16 on permit approvals as evidence of current supply  
17 of housing stock. It states that the City of  
18 Merced does not prepare projections of additional  
19 housing that could be built in the future.

20          However, an estimate of additional housing  
21 in the City that could be considered foreseeable  
22 can be derived based on the applications that are  
23 on file with the City for a new housing  
24 development.

25          Based on proposed and pending projects

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1 that are listed in Table 4.0-1, cumulative  
2 projects listed in Section 4.0, about 3,662 units  
3 would be added to the housing stock in the city.

4 However, the Merced County of Public  
5 Health Impact Assessment, HIA, on the Draft 2018  
6 U.C. Merced Long Range Development Report titled  
7 "A Look At the Housing Affordability, Health  
8 Impacts and Strategies For Growth" raise a serious  
9 question about the assumption in the SEIR'S  
10 population and housing section.

11 First, although the number of building  
12 permits have increased, the report states that not  
13 all of these permits will be resulting in  
14 construction and completion of dwellings and  
15 nothing for the number of units actually built.

16 In reality, most permits are not  
17 materializing into actual development.

18 Second, the report states that from 2015  
19 to 2018, the City of Merced issued 985  
20 single-family building permits but only 17  
21 multi-family unit building permits, and that, as  
22 of May 2019, there has been 213 single-family home  
23 permits and no multi-family unit building permits  
24 issued for this year.

25 Third, although the SEIR cites a list of

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1 tentative and current projects given to them by  
2 the City and County of Merced, it does not use any  
3 data for the units actually completed.

4 The HIA further states that 1,546 units  
5 would have been needed to be created by the end of  
6 2019 have kept up with the projected demand, and  
7 that the current vacancy rate is non-sustainable.

8 The SEIR claims that U.C. related  
9 expansion will not result in unplanned population  
10 growth or development and that there is no need  
11 for housing mitigation to be added, yet the HIA  
12 report in our separate analysis concludes that  
13 current housing availability trends in Merced is  
14 unsustainable. Thank you.

15 MS. NURMELA: Next speaker is Rosa  
16 Inguanzo, so Rosa. **Commenter 3**

17 MS. INGUANZO: Hi. My name is Rosa  
18 Inguanzo. I'm with Communities for a New  
19 California.

20 I am speaking today because I'm concerned  
21 that the recirculated SEIR does not contain a  
22 population and housing analysis that was developed  
23 in good faith.

24 The recirculated SEIR still cites the  
25 Merced Vision 2030 General Plan. The Merced

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1 Vision 2030 General Plan in turn cites an outdated  
2 2009 U.C. Merced Long Range Development Plan,  
3 which in turn references a cancelled University  
4 Community Plan.

5 If the University Community Plan was  
6 scrapped and a new LRDP has been adopted, then the  
7 Merced Vision 2030 General Plan should incorporate  
8 those changes before a recirculated SEIR cites the  
9 General Plan as evidence of current or projected  
10 housing availability.

11 Thank you.

12 MS. NURMELA: Does anyone else wish to  
13 speak?

14 MS. XIONG: Good evening. My name is  
15 Sheng Xiong and I work with Leadership Council for  
16 Justice and Accountability. **Commenter 4**

17 I have been to the last public hearing and  
18 have heard from residents too about the concern  
19 about being pushed out and displaced when they --  
20 if you know Merced, you know that north Merced is  
21 a nice area and a lot of families really strive to  
22 move their way out there because, in some ways,  
23 they see that as moving up too, right, and so they  
24 don't feel like they are able -- they can't even  
25 afford to live out there, and many people have

1 moved out to Winton and places that are more  
2 affordable.

3 I know that the SEIR asserts that it does  
4 not, you know, control the housing market or  
5 whatnot, but I think that with the U.C. coming  
6 here, we want to see the benefits of it and so our  
7 children and students have access to it. It's not  
8 really being felt. For example, we can't even use  
9 the space after 5 o'clock when community  
10 organizations and residents need a place to meet,  
11 right.

12 So one of the things that I think is a  
13 huge concern is that there's nothing in the  
14 housing portion of this SEIR that really addresses  
15 the need for affordable housing in Merced, let  
16 alone affordable housing on that side of town.

17 I think that, even as students who come  
18 here, they come here and they push out families,  
19 right, and they're becoming the identifiers  
20 because -- even though they come from backgrounds  
21 that are very poor. I know that I come from a  
22 poor family, but when I moved to go to school, I  
23 pushed out families because I have financial aid  
24 or loans, and so I think that even though we don't  
25 feel like it's our responsibility, it's the fact

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1 that we are pushing people out away from the U.C.  
2 is a huge concern.

3 And the other day, we even went to a  
4 meeting where a developer was building a mixed-use  
5 area, and just hearing the people who live in that  
6 neighborhood come out to say that we don't mind  
7 retailers, restaurants, you know, coming here, but  
8 we don't want high density houses, right, or  
9 complexes because -- like for students' housing,  
10 right. And so there's very much of a segregation  
11 that is happening. And -- I mean, on top of the  
12 housing shortage itself. And I'm really surprised  
13 that the City of Merced doesn't have a minimum  
14 requirement of affordable housing that they have  
15 to build and could project for that. So --

16 AUDIENCE MEMBER: But they don't.

17 MS. XIONG: Yes. So I think that, you  
18 know, regardless of what this SEIR is responsible  
19 for, I think residents have come here before to  
20 voice their concerns and problems with like the  
21 expansion of the University where they are not  
22 feeling the benefits of it, you know, and they  
23 might never have a child who goes to the  
24 University, right? So I think that it's a huge  
25 concern, and to state that it doesn't affect the



1 population growth or projections for Merced at all  
2 is just really outrageous.

3           So I think that taken the concerns we have  
4 heard from residents before, you know, we need to  
5 do something about it.

6           And, also, Assembly Bill 1482 passed, and  
7 it gives rent protections to renters, right, and  
8 who live in multi-family housing, but you have to  
9 have lived there for a year to even be eligible  
10 for these rent projections. And students move  
11 every year. I remember I moved four or five times  
12 a year in college, right, so I'm never going to be  
13 eligible for these rent protections, and  
14 everywhere I go, the rent is always going to  
15 increase. And so I think that, you know, these  
16 need to be addressed and like we were hoping that  
17 something would have been said more to address  
18 this in this recirculated round, but it doesn't  
19 sound like it.

20           And so, you know, residents are not here  
21 in numbers tonight, but, you know, meeting after  
22 meeting, I don't feel like they think they're  
23 being heard.

24           So that's something I wanted to reiterate,  
25 and also just -- you know, the students aren't

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1 even here, you know, because they just simply  
2 accept that this is college life and they're just  
3 going to have to pay for it and move on. And  
4 hopefully they make enough money in their careers  
5 where they don't have to complain about this.

6 Thank you.

### Commenter 5

7 MS. NURMELA: Any other speakers?

8 MS. VILLANUEVA: Like what Sheng was  
9 saying is that we -- we don't hire -- the U.C.  
10 Merced doesn't hire locally. I know that for a  
11 fact. It's contracted out in southern California,  
12 all around California except Merced. There's no  
13 hiring going on locally.

14 And so, yeah, that's what a Community  
15 Benefits Agreement would propose, would, you know,  
16 have there in writing and have to abide by it. So  
17 that's why, you know, we are asking for Community  
18 Benefits Agreement because that would guarantee a  
19 local hiring mandate, also an affordable housing  
20 trust too, as well, a shared space, funding for  
21 parks and recreation, and local health clinics.

22 So we really, like the residents, what  
23 we're speaking right now, this is the third  
24 hearing, public hearing that we've been to, and  
25 it's caused nothing -- it's come up that, you

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1 know, that there's nothing but housing -- the  
2 concerns of housing, the rent costs. Yeah. And  
3 parks and recreation. So that's why we're asking  
4 for a Community Benefits Agreement too. And I do  
5 have -- I have a question. Do you guys know when  
6 the Board of Regents will be voting on this SEIR?

7 MR. WOODS: It is proposed to go to  
8 Regents in March -- I think it's March 17th is the  
9 date. But also there's -- the Regents' website,  
10 they put their agendas on the website and it will  
11 have, you know, what's on the agenda. But, you  
12 know, it's going up in March.

13 MS. VILLANUEVA: Okay. And then they'll  
14 vote on this for this year, and they'll vote the  
15 day of.

16 MR. WOODS: The date is March. I believe  
17 March 17th that they will be hearing that.

18 MS. VILLANUEVA: March 17. So nothing  
19 happening in February?

20 MR. WOODS: No.

21 AUDIENCE MEMBER: Where?

22 MR. WOODS: It's at UCLA.

23 MS. VILLANUEVA: UCLA. March 17th. Okay.  
24 That's all I have.

25 MS. NURMELA: Thank you.

1           MR. WOODS: Are there any other members of  
2 the public that would like to speak this evening?  
3 I guess not.

4           Also, if there's any other additional  
5 comments, obviously this is my email address, and  
6 also you can send comments directly to our 2020  
7 LRDP email address as well. And as mentioned  
8 before, the documents are here at the downtown  
9 center available from 8:00 to 5:00, and also at  
10 the collegiate library on campus from 8:00 to  
11 midnight, and also on our website as well.

12           So with that, this ends our public  
13 meeting. Thank you all.

14                       --o0o--

1 STATE OF CALIFORNIA, )  
2 COUNTY OF MERCED ) : ss.

3 I, Christine M. Cradit, do hereby  
4 certify:

5 That I am a licensed, Certified Shorthand  
6 Reporter, duly qualified and certified as such by  
7 the State of California;

8 That the said foregoing transcript was by  
9 me recorded stenographically at the time and place  
10 first therein mentioned; and the foregoing pages  
11 constitute a full, true, complete and correct  
12 record made;

13 That I am a disinterested person, not  
14 being in any way interested in the outcome of said  
15 action, nor connected with, nor related to any of  
16 the parties in said action, or to their respective  
17 counsel, in any manner whatsoever.

18 Dated this 27th day of January, 2020.

19   
20 \_\_\_\_\_  
21 C.M. CRADIT, CSR No. 3805

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23  
24  
25

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**Public Meeting (January 16, 2020)**

**PM Commenter 1 – Deja Villanueva**

**Response PM-1-1**

The commenter requests that a Community Benefits Agreement (CBA) be completed between the University and the Community Alliance for UC Sustainable Expansion. The comment is acknowledged for the record and will be forwarded to the decision makers for their review and consideration.

**PM Commenter 2 – Keila Luna**

**Response PM-2-1**

The commenter states that, based on a Merced County report, building permits issued by the City are not materializing into new housing. The commenter also states that the Recirculated Draft SEIR discusses the planned and projected housing development but does not mention the number of housing units completed. Please note that campus growth under the 2020 LRDP would occur over a period of at least 10 years, if not more. Therefore, the SEIR analyzes impacts at full development of the campus under this LRDP in 2030, and in order to do that, it looks at the current housing stock and vacancy rates as well as potential increase in housing stock over the next 10 years. To estimate the additional units that may be built in and around Merced, the SEIR uses a list of projects provided by the City and the County. Based on the calculated demand for off-campus housing and the available supply, there would be adequate housing to serve the project and the impact would be less than significant, and no mitigation is required. As stated in the Recirculated Draft SEIR, the campus-related new population would live not only in Merced but also in other communities, generally within about 40 miles of the campus. The commenter's disagreement with the SEIR conclusion related to impact on housing is acknowledged for the record and will be forwarded to the decision makers for their review and consideration.

**PM Commenter 3 – Rosa Inguanzo**

**Response PM-3-1**

The Recirculated Draft SEIR discusses the Merced Vision 2030 General Plan EIR in the context of the analysis in the 2009 LRDP EIS/EIR (see page 4.6-9). When that EIS/EIR was prepared, the University Community was planned to the south of the campus and was expected to house a substantial portion of the population associated with the campus. The current SEIR notes that a University Community has not developed so far and is not foreseeable within the timeframe of this LRDP; therefore, the SEIR presents an updated analysis of the impact of the proposed 2020 LRDP on population and housing.

Regarding the comment that the SEIR should not use Merced Vision 2030 General Plan as evidence of current or projected housing because the plan has not incorporated the changes to the University Plan and the LRDP, please note that the Housing Element of the General Plan is updated periodically, with the last update completed in 2016. The SEIR uses the updated Housing Element to discuss the City's Regional Housing Needs Assessment (RHNA) and availability of an adequate amount of land zoned for housing in Merced.

**PM Commenter 4 – Sheng Xiong**

**Response PM-4-1**

The analysis of potential impacts of the proposed 2020 LRDP on population and housing in Section 4.6 of the Recirculated Draft SEIR is consistent with the *State CEQA Guidelines* and focuses on the adequacy of the study area housing resources to serve the project-related population. The Recirculated Draft SEIR does not analyze any indirect socioeconomic effects, such as effects on affordable housing or the cost of housing that could result from the campus-related demand for housing. This is because CEQA does not require a discussion of socioeconomic effects, except where they would result in physical changes, and states that social or economic effects shall not be treated as significant effects (see *State CEQA Guidelines* Sections 15064(e) and 15131).



**Response PM-4-2**

The commenter's disagreement with the SEIR conclusion related to population and housing impacts is acknowledged for the record and will be forwarded to the decision makers for their review and consideration.

**Response PM-4-3**

The Recirculated Draft SEIR does not analyze any indirect socioeconomic effects, such as effects on the cost of housing that could result from the campus-related demand for housing. This is because CEQA does not require a discussion of socioeconomic effects, except where they would result in physical changes, and states that social or economic effects shall not be treated as significant effects (see *State CEQA Guidelines* Sections 15064(e) and 15131).

**PM Commenter 5 – Deja Villanueva**

**Response PM-5-1**

The comment regarding a CBA is acknowledged for the record and will be forwarded to the decision makers for their review and consideration.

### 3.3 COMMENTS ON THE DRAFT SEIR

#### 3.3.1 Index to Comments

Comments on the Draft SEIR were submitted to UC Merced during the public review period by the agencies, organizations, and individuals listed below in **Table 3.0-2, Index to Comments on the Draft SEIR**. The comments are grouped by the affiliation of the commenting entity as follows: Local agencies (LA), organizations (ORG), individuals (I), and public meeting participants (PM).

**Table 3.0-2**  
**Index to Comments on the Draft SEIR**

Commenter No.	Agency/Organization/Individual
<b>Local Agencies</b>	
LA-1	Merced County Community and Economic Development; Steve Maxey, Deputy Director - Planning (November 4, 2019)
LA-2	Merced County Farm Bureau; Breanne Ramos, Executive Director (November 3, 2019)
LA-3	City of Merced; Scott McBride, Director of Development Services (November 1, 2019)
<b>Organizations</b>	
ORG-1	Communities for a New California; Deja Villanueva (October 22, 2019)
ORG-2	Community Alliance for a UC Sustainable Expansion; Ana Maria Padilla (October 18, 2019)
ORG-3	San Joaquin Raptor/Wildlife Rescue Center; Lydia Miller (November 4, 2019)
ORG-4	Virginia Smith Trust (Buchalter); Alicia Guerra (November 4, 2019)
ORG-5	Merced Irrigation District; Ronald Price (November 14, 2019)
<b>Individuals</b>	
IND-1	Roger Bales, UC Merced Professor of Engineering (September 20, 2019)

Commenter No.	Agency/Organization/Individual
IND-2	Edward Flores, UC Merced Professor of Sociology (November 4, 2019)
IND-3	Nelly Juarez-Manrique, UC Merced Student (October 17, 2019)
<b>Public Meeting No. 1 (October 17, 2019)</b>	
PM1-1	Sophia Duarte, UC Merced student
PM1-2	Durinda Radanof, Merced resident
PM1-3	Deja Villanueva, Communities for a New California
PM1-4	Keila Luna, UC Merced student alumni
PM1-5	Phoebe Seaton, Leadership Council for Justice & Accountability
<b>Public Meeting No. 2 (October 28, 2019)</b>	
PM2-1	Joanna Morales, Leadership Council for Justice & Accountability
PM2-2	J. Chavez, Atwater resident
PM2-3	Carlos Vega, Merced resident
PM2-4	Maite DeMaria, Merced resident
PM2-5	Paul Garcia, San Joaquin Valley resident
PM2-6	Deja Villanueva, Communities for a New California
PM2-7	Elvia Robles, Merced County resident
PM2-8	Edward Flores, UC Merced Professor of Sociology
PM2-9	Gracey Villarreal, Merced County resident
PM2-10	Deja Villanueva, Communities for a New California

### **3.3.2 Draft SEIR Comments and Responses**

This section includes a reproduction of each letter that provided comments on the Draft SEIR. The comments are numbered consecutively following the acronym identifying the commenter. Individual comments within the letters are numbered consecutively and are annotated in the margin of each letter.

Written letters received during the public comment period on the Draft SEIR are provided in their entirety (including attachments) in the following pages. The transcripts of the two public meetings are reproduced in full and the relevant oral comments provided at the public meetings are bracketed in the two transcripts. Each letter or public meeting transcript is immediately followed by responses keyed to the specific comments.



## COMMUNITY AND ECONOMIC DEVELOPMENT

Mark Hendrickson  
Director

Steve Maxey  
Deputy Director

Mark Mimms  
Deputy Director

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Merced, CA 95340  
(209) 385-7654

LA-1

November 4, 2019

Phillip Woods  
Director of Physical and Environmental Planning  
UC Merced  
5200 Lake Road  
Merced, CA 95343

RE: UC Merced 2019 Draft Long Range Development Plan SEIR

Dear Mr. Woods:

Thank you for the opportunity to review and provide comment on the UC Merced Long Range Development Plan Subsequent Environmental Impact Report (SEIR). Merced County respectfully submits the following comments for potential analysis within the Final SEIR and for consideration by the UC:

### Public Services

The County's comments are primarily concerned with the potential impacts of the LRDP's increased population and development densities with regard to fire service. CEQA analysis of public services includes, among other requirements, examination of whether the project would result in substantial adverse physical impacts associated with the need for new or physically altered governmental facilities that are required to maintain acceptable service ratios, response times, or other performance objectives for fire protection.

1. The 2013 amendment of the LRDP included the creation of the "Campus Mixed Use" designation, which "enabled flexibility to implement the amended UCM 2020 project at higher densities than previously envisioned" (Addendum 7 to 2009 LRDP EIS/EIR, p. 6). This high-density development, along with larger-scale buildings and mixed uses was developed as part of the 2020 project bid process, well after consideration and analysis of the EIR and without any public input with regard to potential environmental impacts resulting from increased service needs.
  - a. As a result of the above, analysis within the SEIR does not adequately identify existing fire service ratios, response times, or other performance objectives, especially with regard to the existing building scale and density, and service population on the main campus. The resulting development's impact on fire demand has not been adequately addressed within the SEIR as a baseline analysis, and as a result there is no support for the assumption that the LRDP project "could" directly require additional fire protection services, equipment, or facility expansion.
2. The SEIR fails to forecast changes to performance objectives or identify how the LRDP could specifically impact these objectives (e.g. response time), especially as circulation patterns change and/or additional traffic impacts are experienced on roadways serving campus (e.g. termination of access via Lake Road, or project impacts leading to increased delays or long queues at Bellevue/Lake intersection resulting in increased response time). See *Circulation* below, for related comments.

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3. The LRDP and SEIR do not identify expected densities or development standards. Similar land use designations to the existing LRDP, however, are utilized (e.g. CMU). This suggests that development may take place at a scale and/or density similar to the 2020 project. Such development may result in impacts to fire department performance objectives, and there is a lack of analysis within the SEIR that supports the conclusion that there would not be an immediate need for increased fire service or additional resources as a result of the project, and how expansion of services or resources may impact the environment.
4. The County would appreciate opportunities to discuss continuing fire service and opportunities to engage in ongoing agreement with the UC regarding expansion and operation of fire facilities as a result of UC development as highlighted above.

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## **Transportation**

### General

1. On March 19, 2009, the Regents approved the 2009 LRDP and certified a joint EIS/EIR identifying the associated impacts. On April 6, 2009, the Chancellor of UC Merced sent a letter (known as the "Kang Letter") summarizing the terms and conditions for roadway improvements in addition to the required mitigation measures identified in the 2009 LRDP EIS/EIR. It is the County's understanding that the University intends to uphold commitments of the Kang letter, especially with regard to future construction of Campus Parkway.
2. The status of Campus Parkway Segment IV (Yosemite Avenue north to Campus) in consideration of the LRDP is unclear for the following reasons:
  - a. Page 32 of the LRDP indicates that the LRDP Circulation Plan "provides the approximate location within the Campus Parkway Open Space (CPOS) of the alignment of Campus Parkway which is planned to serve the area in the future." The Vehicular Circulation Map (Figure 3.3) does not include any alignment for Campus Parkway.
  - b. The Figure (map) on Page 91 of the 2017 LRDP indicates that Lake Road would be terminated via cul-de-sac south of Bellevue. In prior meetings and discussions with UC staff, the County has shared the understanding the Lake Road would be terminated and Campus Parkway would provide primary access to campus. The proposed LRDP narrative and circulation maps are unclear with regard to the status of Lake Road. At a minimum, primary access via Campus Parkway should be described and considered as an alternative within the SEIR.
  - c. The project circulation maps indicate access roads/intersections from Lake Road, crossing what would be the future alignment of Campus Parkway Segment IV, based on the language in 1.a, above. It is unclear how the LRDP or SEIR intend to address intersections and signalization across Campus Parkway if signalization is also proposed at Lake Road with no through-access.

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3. The County reaffirms its stance that Campus Parkway should be the primary access road to UC Merced, and Lake Road should be terminated for access to the campus from Yosemite Avenue. It is unclear how the SEIR analysis arrives at the conclusion that construction of Campus Parkway Segment IV is not anticipated by 2030 or 2035 (p. 4.8-33, SEIR), when previous discussions between UC and County staff and other pending land use plans within the County reflect a potential alignment and development that may take place during the horizon of the LRDP. In addition, the inclusion of the CPOS land use designation along with potential alignment of Campus Parkway appears to contradict the SEIR assumption that Campus Parkway will not be constructed within the horizon of the LRDP. The UC should clarify the nature of Campus Parkway's alignment in long-range planning efforts. The County also requests that the UC consider Campus Parkway in its transportation analysis, particularly as a primary roadway for campus access. At a minimum, the UC should consider Campus Parkway Segment IV as an alternative.
4. The County respectfully requests the University enter into a Transportation Improvement Agreement with the County and begin discussions regarding Yosemite/Lake intersection improvements and Campus Parkway north of Yosemite in order to maintain acceptable levels of service and ensure the improvements are funded, planned, designed, and constructed in a coordinated and economic manner.

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Technical Analysis

5. TRANS-1: Campus Traffic Mitigation Program (CTMP): Implementation of the 2020 LRDP has more significant impacts than the study area intersections identified. A reference is made to Lake Road due to a revised circulation pattern and new driveways (Intersections #18 and #19) however the LRDP will continue to contribute to traffic growth on 18 roadway segments including Lake Road between Yosemite Avenue and Bellevue Road and Bellevue Road between G Street and Lake Road previously identified in the 2009 LRDP.
6. TRANS-1d: Campus Traffic Impact Monitoring: Section 4.8 evaluated Intersections and Freeway Segments and completely neglected major streets relevant to campus growth and future access, including no mention of Campus Parkway. The EIS/EIR must describe both the existing and planned future role of Campus Parkway, since it will serve a large share of trips between the campus and Highway 99.
7. TRANS-1f: Mitigation Payments: The University has previously agreed to monetary contributions to roadway improvements adjacent to the campus. The University shall pay a proportional share of Campus Parkway between Yosemite Avenue and Bellevue Road and widen Bellevue Road from 2 to 4 lanes from G Street to Lake Road. These contributions must be recalculated based on the 2020 LRDP and dissolution of the University Community development.
8. Cumulative C-TRANS-1: Table 4.8-12 Affected Intersections and Recommended Capacity Improvements is insufficient. Per the 2009 Kang Letter, the University is 100% responsible for the intersection improvements at Yosemite/Lake. The cumulative impacts must include the roadway segments.

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## COMMUNITY AND ECONOMIC DEVELOPMENT

Mark Hendrickson  
Director

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LA-1

- |   |    |
|---|----|
| 9. Transportation Impact Assessment (TIA): The methodology for selecting study intersections is inadequate because it omits intersections impacted by 50 or more peak-hour vehicle trips, including intersections on Campus Parkway and Highway 140/Yosemite Parkway.   | 13 |
| 10. Description of existing roadway network is inadequate because it does not specify whether bicycle lanes and sidewalks are provided on each of the roadways and does not describe the level of transit service. These descriptions are relevant given the LRDP's stated emphasis on bicycle, pedestrian and transit travel to serve the campus.  | 14 |
| 11. Descriptions of existing bicycle facilities are inadequate. The information provided only defines the three classes of bicycle facilities in California and includes a reference to the Santa Clara County VTA Bicycle Guidelines.  | 15 |
| 12. Description of existing pedestrian facilities is inadequate. The plan does not identify key gaps in the sidewalk network relevant to campus access.   | 16 |
| 13. Project trip distribution and assignment is inadequate because its quantitative description is limited to trip enter/exit from Bellevue Road (30 percent) or Lake Road (70 percent), while the overall distribution pattern is not explained. The 2020 LRDP will modify this distribution. The report states that data on existing student and staff residences within Merced and the surrounding region were provided by the university, and that "Trips were further distributed to various zones within the City and in other areas outside the City based on the residence data". In relying on existing residence data, the TIA should indicate whether or not that anticipated levels of housing growth within Merced, and in the surrounding region, would allow existing trip patterns to continue as the campus doubles in size. | 17 |

Again, the County appreciates the opportunity to review the LRDP and its associated SEIR. We welcome any discussion and opportunities for collaboration on any of the above issues, and look forward to continuing to build on our relationship with UC Merced.

Sincerely,

Steve Maxey  
Deputy Director - Planning

cc:

James Brown – Merced County Executive Officer  
Division Chief Jeremy Rahn – Merced County Fire  
Dana Hertfelder – Merced County Public Works  
Mark Hendrickson – Merced County Community and Economic Development



**Commenter LA-1**

**Merced County Community and Economic Development - Steve Maxey, Deputy Director,  
Planning (November 4, 2019)**

**Response LA-1-1**

The commenter asserts that the high-density 2020 Project “was developed as part of the bid process, well after the 2009 LRDP EIS/EIR and without public input on the environmental impacts resulting from increased service needs.” That is not accurate. The 2020 Project was analyzed in the 2009 LRDP EIS/EIR, Volume 3, and the change to allow the construction of 2020 Project facilities within a more compact footprint at a higher density was evaluated in an addendum to the 2009 LRDP EIS/EIR that was completed before the project was bid. CEQA provides that a lead agency may use an addendum to an EIR if the change to the previously evaluated project would not result in new or more severe environmental impacts. The addendum demonstrated that no new or more severe environmental impacts would result from the change to the 2020 Project.

The County asserts that without information on response times or other fire department performance metrics, the SEIR cannot conclude that the LRDP project would require expanded fire service. The 2020 LRDP is not a specific development project but rather a long-range development plan to guide campus growth and development over the next 10 years. The 2020 LRDP would support the planning and development of new buildings on campus to accommodate the projected growth in enrollment and employment at the campus. Regardless of what current response times or other performance standards are, the increase in building space and campus population would likely lead to more fire or EMT-related emergencies and therefore result in the need for greater fire service than the campus requires at the present time.

While information regarding current response times or other performance standards used by the County is not necessary for the University to conclude that the implementation of the 2020 LRDP would require expanded fire service, the environmental setting section in Section 4.7, Public Services and Recreation in the Recirculated Draft SEIR was expanded to report on the existing fire service ratios and response times as well as other issues related to fire service provided by Merced County Fire Department, including the new service agreement completed between the Campus and Merced

County. Note that this information expanded the information already reported in the SEIR and simply provided more context. It did not change the impact conclusions in the Recirculated Draft SEIR. Also note that the impact analysis and conclusions regarding the environmental impacts related to fire service as reported in both the Draft SEIR and the Recirculated Draft SEIR are consistent with the analysis and conclusions regarding fire service impacts in the County's 2030 General Plan PEIR. As with the 2020 LRDP SEIR, the County's PEIR also notes that as the County's population increases, the demand for fire services will increase and will require new or expanded fire services, including fire stations. However, the impacts from expanded or new fire stations would be less than significant.

**Response LA-1-2**

There are no off-campus circulation system changes proposed under the 2020 LRDP that could affect the County or the City's fire department response time in the vicinity of and to the campus. No modifications to Lake Road, such as termination of access via Lake Road, would be made in connection with the proposed LRDP as the University does not own or control Lake Road. With regard to the claim that increased response times could result from congestion at Bellevue/Lake intersection, please see the traffic analysis for this intersection in Table 4.8-8 on page 4.8-39 in Draft SEIR Section 4.8, Transportation. This intersection would continue to operate acceptably (LOS B) in the AM peak hour in 2030 even with the implementation of the 2020 LRDP. The intersection would degrade to LOS F in the PM peak hour. However, the traffic improvements identified for this intersection in the Draft SEIR would improve intersection operations in the PM peak hour to LOS B (Draft SEIR Table 4.9-9 on page 4.8-41). Furthermore, as stated under LRDP Mitigation Measure TRANS-1, since this intersection directly serves the campus, the University will be responsible for the entire cost of improvements at this intersection. Therefore, the University will ensure that unacceptable congestion does not occur at this intersection, and fire department response times are not adversely affected.

**Response LA-1-3**

The 2020 LRDP, like all other LRDPs prepared by the University, is similar to a general plan in that it focuses on designating land uses for portions of the campus. It does not specify densities or development standards, and the University has the discretion to develop the land at densities that are consistent with its specific programmatic needs. The land use designation Campus Mixed Use (CMU)

does not stipulate any specific density of development; its primary purpose is to provide UC Merced flexibility to locate campus land uses as it sees fit within the CMU area, as well as the flexibility to collocate a number of campus land uses, such as academic, residential and student services, on the same project site.

The scale and density of future phases of campus development are not known at this time. The scale and density of future campus development would be determined by the specific programmatic needs of the campus as well as available funding. What can be reasonably projected at this time is that as campus enrollment increases to 15,000 students between 2020 and 2030, there would be an accompanying increase in building space on the campus, which the 2020 LRDP projects will be on the order of about 1.83 million gsf of additional space, and more mid-rise buildings would be added to the campus. The growth in both enrollment and building space would occur incrementally over the planning horizon of the 2020 LRDP. Therefore, there would not be an immediate need for increased fire service or additional resources from the fire department. Note that when specific development projects are proposed at UC Merced under the 2020 LRDP, they will be subject to project-level review, as appropriate, pursuant to CEQA.

As stated in the Draft SEIR and the Recirculated Draft SEIR (page 4.7-9), the demand for fire services would increase incrementally as the campus population and building space increase under the 2020 LRDP. Any additional demand for equipment and/or staff to serve campus growth to comply with performance standards would not, in itself, represent an environmental impact. However, if the demand for equipment and/or staff were to result in the need for new or expanded fire station facilities, the environmental impacts from fire station construction or modification would be a concern. The Recirculated Draft SEIR states that if fire service to the campus continues to be provided by the County and an expanded service from the County is required, an expansion of the County fire station may be required to serve the expanded campus. The Recirculated Draft SEIR also includes a discussion of the potential for environmental impacts from the expansion of the fire station, should an expansion be needed. The County is referred to the analysis on page 4.7-10.

**Response LA-1-4**

UC Merced has been and will continue to work collaboratively with the County regarding fire services. UC Merced entered into an agreement with the County in December to provide funding for additional fire station staff and joint training exercises to serve the campus. The Campus notes that a need for an expansion of the fire station has not been identified at this time.

**Response LA-1-5**

The April 6, 2009 letter from Chancellor Kang cited in this comment included roadway improvements that were identified at that time based on the traffic analysis included in the 2009 UC Merced/University Community Plan EIS/EIR ("2009 LRDP EIS/EIR"). With regard to Campus Parkway north of East Yosemite Avenue, that analysis is no longer relevant because, as noted in Section 4.8.2 of the Recirculated Draft SEIR, no funding has been identified by the Merced County Association of Governments nor Merced County for this section and it is not foreseeable that this section would be constructed between 2020 and 2030. In addition, the campus is not anticipated to grow to an enrollment level of 25,000 students by 2030. UC Merced has updated its traffic analysis; both the Draft SEIR and the Recirculated Draft SEIR assess the environmental impacts from a much smaller amount of development: a 15,000-student campus (17,500 students in the longer-term, although there are currently no plans nor funding to build beyond 15,000 students) and no University Community development (since no development of the University Community was proposed when the SEIR analysis was commenced), whereas the 2009 LRDP EIS/EIR assessed a 25,000-student campus and full development of the University Community. As such, the traffic impacts, including cumulative impacts with other development throughout the City of Merced and Merced County within and near the campus, are substantially less than those identified in the 2009 LRDP EIS/EIR. With the certification of the 2020 LRDP SEIR and adoption of the 2020 LRDP, the University will replace the Transportation mitigation measures previously identified in the 2009 LRDP EIS/EIR and the improvements identified in the 2009 letter with the updated mitigations and improvements identified in the 2020 LRDP SEIR.

**Response LA-1-6**

This is a comment on the LRDP and not related to the impact analysis in the Draft SEIR or the Recirculated Draft SEIR. The 2020 LRDP reserves space for the potential future construction of Campus Parkway within the UC Merced campus. However, because construction of Campus Parkway north of East Yosemite Avenue currently has no funding identified by either the Merced County Association of Governments or Merced County, and would depend on funding and alignment studies conducted by developers of the properties to the south of UC Merced, the University cannot plan on this roadway being completed within the planning horizon of the 2020 LRDP. Therefore, the University intends to reserve space for a potential future Campus Parkway facility while planning the current and projected campus roadway network to function with the public roadway network currently in place. UC Merced will work with the County to implement the final configuration of Campus Parkway, Lake Road, and access to the campus when it proceeds with these roadway improvements.

**Response LA-1-7**

Please see Response LA-1-6, above. In addition, it is noted that the CPOS designation includes an approximately 300-foot-wide reserve located immediately to the east of Lake Road to accommodate a potential future Campus Parkway roadway, which provides flexibility for connections to the alignment to the south of the UC Merced campus, as well as flexibility for the roadway design and cross section.

**Response LA-1-8**

The University believes that the 2020 LRDP EIR Mitigation Monitoring and Reporting Program will provide a reliable mechanism for ensuring that the referenced improvements are provided as required by the relevant mitigation measures, and that the University's obligations regarding those improvements are met.

**Response LA-1-9**

The referenced roadway segment impacts were identified in the 2009 LRDP EIS/EIR, which, as noted in Response LA-1-5, assessed a much larger amount of development, including a 25,000-student campus and full development of the University Community. That EIS/EIR's traffic analysis also included regional growth as projected by the MCAG Travel Demand Model and many roadway

network expansions, which were not funded or only partially funded. The 2020 LRDP Draft SEIR traffic analysis does not assume unfunded roadway improvements would be in place, and projects traffic volumes based on actual planned and proposed residential and commercial development within the City and County of Merced. The resulting traffic projections – both for the campus under the 2020 LRDP and the other development in the area – do not indicate the need for roadway widenings, beyond the potential need to widen Lake Road along the campus frontage as part of potential signalization of new campus intersections. The traffic analysis in the Draft SEIR and the Recirculated Draft SEIR does indicate the need for several intersection improvements which, when provided, would allow the roadway network to function acceptably.

**Response LA-1-10**

The scope of the 2020 LRDP Draft SEIR (as well as the Recirculated Draft SEIR) traffic analysis included intersections near the campus, which would serve the highest number of project trips; intersections identified as significant impact locations in the 2009 LRDP EIS/EIR; and additional intersections requested by the City of Merced during project scoping. Merced County did not request an analysis of additional intersections at that time. As noted in Response LA-1-9, a roadway segment analysis was determined not to be needed based on the lower traffic forecasts generated by the 2020 LRDP project and other development in the City and County of Merced.

Regarding the request to analyze traffic impacts on intersections along Campus Parkway, the 2020 LRDP SEIR traffic analysis assigns between 9 and 116 directional project trips (depending on the analysis period and scenario, 2030 or 2035) to or from East Yosemite Avenue east of Lake Road, reflecting traffic designed to the east and southeast of the city. Some of this traffic would choose Campus Parkway, once it is constructed to East Yosemite Avenue. If all of these trips used Campus Parkway, this would constitute about 4 percent to 6 percent of the approximate capacity of the roadway, using an approximate capacity of 1,800 vehicles per hour per direction (900 vehicles per hour per lane). Based on this small proportional use of the roadway's capacity, and the fact that the roadway is already funded and under construction, analysis of the project's impacts on Campus Parkway was determined not to be needed. It is also noted that the Campus Parkway EIR documentation does not provide intersection-level traffic forecasts for new intersections along Campus Parkway, and therefore insufficient data was available to perform an analysis of intersections along the future roadway.

**Response LA-1-11**

The Transportation mitigation measures for the 2020 LRDP reflect the University's current development plans, and will, therefore, supersede the mitigation measures adopted when the 2009 LRDP was approved. The 2009 Transportation mitigation measures related to the projected impacts of the then-planned development under the 2009 LRDP, which is no longer proposed by the University.

**Response LA-1-12**

Please see Responses LA-1-5 and LA-1-9.

**Response LA-1-13**

The 50-trip threshold for selecting analysis intersections was not requested by Merced County during the traffic analysis scoping period. Please see Response LA-1-10 for a description of how the analysis intersections were selected and a description of the project's traffic contribution to Campus Parkway south of East Yosemite Avenue.

**Response LA-1-14**

A description of the transit service serving the project site and the local area bicycle and pedestrian facilities are provided on pages 4.8-12 through 4.8-16 of the Draft SEIR and the Recirculated Draft SEIR. This information is not repeated in the roadway network overview. A comprehensive description of the presence or absence of sidewalks and bicycle lanes/routes throughout the City of Merced roadway network was not considered necessary to adequately describe the setting for bicyclists and pedestrians for the purposes of the 2020 LRDP SEIR transportation impact analysis.

**Response LA-1-15**

Draft SEIR Chapter 4.8 contains an abbreviated version of the bicycle facilities description; however, Draft SEIR Appendix 4.8 – Transportation Impact Assessment provides a description of Class IV bikeways. A description of Class IV bikeways was added to the Recirculated Draft SEIR.

The reference to the Santa Clara County VTA Bicycle Guidelines was included inadvertently in Appendix 4.8 and was deleted in the Recirculated Draft SEIR.

**Response LA-1-16**

The *Pedestrian and Bicycle Facilities* section on page 4.6-16 of the Draft SEIR noted that sidewalks are generally present adjacent to development and absent in undeveloped areas, and notes that sidewalks are typically provided as adjacent development occurs. This section was edited in the Recirculated Draft SEIR to note that no sidewalks exist along Bellevue Avenue nor Lake Road within two miles of the project site. The section does note the presence of the multi-use path east of Lake Road that connects the campus to East Yosemite Avenue.

**Response LA-1-17**

The Draft SEIR and the Recirculated Draft SEIR report the trip distribution in the immediate vicinity of the campus, with 30 percent of the new trips distributed to Bellevue Road and 70 percent to Lake Road based on the manner that additional students and employees are expected to reside and that additional access points on Lake Road to parking on the campus are planned. As noted on page 4.8-27 of the Draft SEIR and the Recirculated Draft SEIR, detailed trip distribution information based on existing faculty, staff and student residence data is provided in Appendix C of Appendix 4.8. That appendix presents the percentages of students and employees expected to travel to and from the campus using the major highways and arterials that serve the City of Merced and the campus. Regarding the question of whether existing housing patterns can be expected to continue in the future, note that, based on the current housing data and the planned development data provided by the City and Merced County, the vast majority of new housing units expected to be added to the City of Merced or the adjoining areas of Merced County are proposed in North Merced or as infill within central Merced (See Figure 4.0-1 in the Draft SEIR and the Recirculated Draft SEIR). New students and staff that could potentially occupy this housing would be expected to travel to the campus in a pattern similar to the current population. Therefore, a substantial change in trip distribution is not expected.



# Merced County Farm Bureau

November 3, 2019

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

Dear Mr. Woods,

We appreciate the opportunity to review and provide formal comments on the University of California, Merced's (UC Merced) 2020 Long Range Development Plan (LRDP) Supplemental Environmental Impact Report (SEIR). As an organization, we are always watchful of projects that will contribute to possible impacts for local agriculture. Merced County Farm Bureau (MCFB) is a 102-year-old organization that advocates for approximately 1,000 farmers, ranchers and dairy families who live and/or work in Merced County.

To begin, we thank UC Merced for the greater realism in the student numbers rather than those that were projected in the 2009 LRDP. With the 2020 LRDP, we understand that UC Merced is projected to grow by approximately 5,300 students and 1,131 faculty and staff between the years of 2020 to 2030. Although we appreciate the estimation on student figures, we do have concerns in other areas upon further review.

According to page 2.0-6 of the Executive Summary, "historical agricultural uses of the campus lands have included grazing and irrigated pasture..." We understand a university, especially one that is the youngest within the system, has the ability and desire to have the most growth. Our organization is currently working on several ways to better engage and build relationships within UC Merced, yet we do have concerns when it comes to water use.

As the project was previously grazing and irrigated pasture, the amount of water usage is presumed to have dramatically increase due to the establishment of UC Merced. In reading Table 2.0-2 Summary of LRDP Impacts and Mitigation Measures, we find two impacts that interest us. These are:

**LRDP Impact HYD-1:** Campus development under the 2020 LRDP would not substantially interfere with groundwater recharge nor substantially decrease water supplies.


**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.

First, we find confusion as one states that development will not substantially decrease water supplies but the latter states that the cumulative impact will deplete groundwater supplies and contribute to the overdraft of the regional groundwater aquifer. As the document has mentioned, the Merced Subbasin is considered a critically overdrafted subbasin and many have been working on developing a sustainability plan to be submitted on January 2020 to future show sustainability by 2040. We understand that the mitigation measure for C-HYD-2 is to work with local agencies to reduce groundwater demand among several other items, however only stating that this is a plan is not enough. More must be done as depletion of groundwater supplies and continued overdraft of the regional groundwater aquifer cannot be allowed.

As noted within the document under 4.3 Greenhouse Gas Emissions, there are many developed policies and legislative bills that line out greenhouse gases and the restrictions on those increasing. UC Merced has developed policies through their own doing and through the UC system prior to their 2020 LRDP. In reading the document however there are multiple impacts to greenhouse gas emissions that UC Merced is deeming as significant. We understand that they have mitigation measures in place, however we do want to mention that we will be watchful as this continues as we are under heavy mandates. These will only increase over time and we want to ensure that all are doing their part to comply with state law.

We appreciate the opportunity to comment on this document and will be watchful as the campus continues their pattern of growth. We want to ensure that both agriculture and UC Merced can be vibrant within Merced County for future years. Should you have any questions on our comments, please contact our office at your convenience.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Breanne Ramos', is written over the word 'Sincerely,'.

Breanne Ramos  
Executive Director

**Commenter LA-2**

**Merced County Farm Bureau - Breanne Ramos, Executive Director (November 3, 2019)**

**Response LA-2-1**

The commenter is correct in noting that the Draft SEIR concludes that if campus development under the proposed 2020 LRDP were evaluated for its incremental demand for water, the amount that would be needed would not be large enough to substantially deplete groundwater resources in the area, and the impact related to depletion of groundwater would be less than significant. However, when the incremental demand for groundwater by the campus is combined with the demand associated with other foreseeable development and growth in the Merced Subbasin, that cumulative demand would have the potential to deplete groundwater substantially. In this scenario, the campus's contribution, even though small, is considered considerable.

UC Merced concurs with the Farm Bureau that continued overdraft of the regional groundwater aquifer cannot be allowed. The Campus has committed to reduce on-campus water use to the maximum extent feasible. The Campus has prepared a Water Plan, which it is implementing to reduce water use. The Campus is also working with the City and MID to reduce groundwater use by switching to canal water for irrigation and non-potable uses. UC Merced will also comply with Mitigation Measure C-HYD-2.

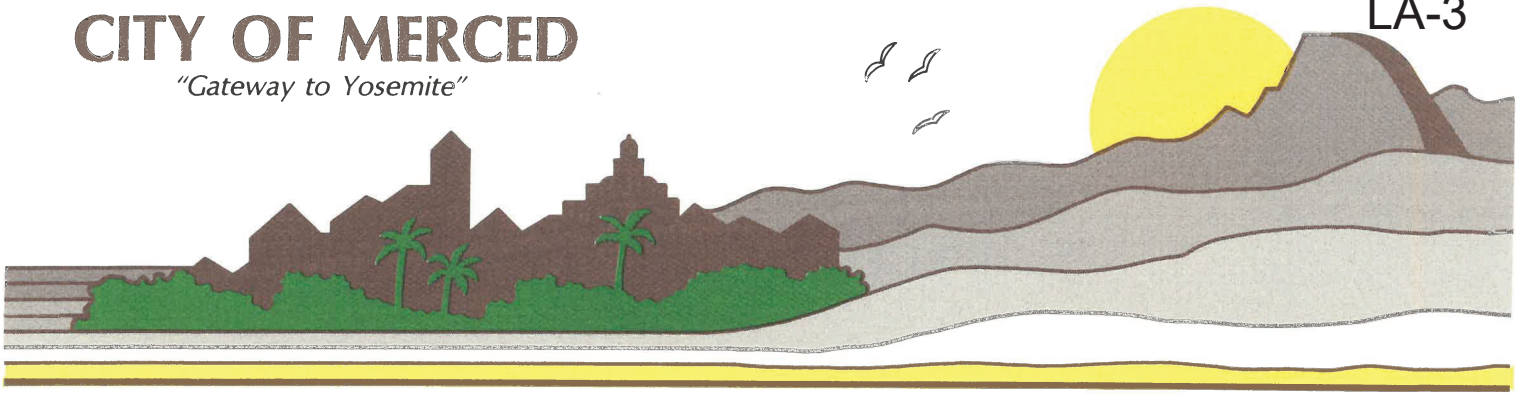
**Response LA-2-2**

Section 4.3 in the Draft SEIR and the Recirculated Draft SEIR includes a detailed analysis of the likely increase in greenhouse gas (GHG) emissions that could result from campus development and growth under the 2020 LRDP, and the significant impact from the projected increase in emissions. The analysis in the Draft SEIR and the Recirculated Draft SEIR is conservative and likely overestimates the projected emissions. Mitigation is set forth to fully mitigate the significant impact. No further mitigation is required.

# CITY OF MERCED

*"Gateway to Yosemite"*

LA-3



November 1, 2019

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

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

RE: City of Merced Comments on the Draft Subsequent Environmental Impact Report (SEIR) for the University of California Merced 2020 Long Range Development Plan (SCH No. 2018041010)

Dear Mr. Woods,

The City of Merced (City) appreciates the opportunity to review and provide comments on the Draft Subsequent Environmental Impact Report (SEIR) for the University of California Merced 2020 Long Range Development Plan (SCH No. 2018041010). We appreciate the collaborative relationship with UC Merced and look forward to continuing conversations regarding the 2020 LRDP adoption and implementation.

In addition to new comments below, please refer to the City of Merced's May 1, 2018, comments on the Notice of Preparation (NOP) and the City's July 11, 2019 comments on the Administrative Draft, which are incorporated by reference and enclosed with this letter. If there are any conflicts between our previous comments and the ones below, you may assume that the comments below are the most current. The City's comments are broken down into subject areas for ease of review.

## Chapter 4.4--Hydrology and Water

- The SEIR notes that UC's demand for water will decrease significantly for the Year 2030 from 39 gpcd to 31.4 gpcd with an overall decrease from 1406 AFY to 623 AFY. The City concurs with that evaluation but would note one minor error in the SEIR. On page 4.4-1, the reference to the City's 2015 Urban Water Management Plan indicates that it was prepared by "Brown and Caldwell," the Plan was actually prepared by "Carollo."

1



## Chapter 4.6—Population and Housing

- On pages 4.6-10 and 11 and in Table 4.6-9, the SEIR section entitled “Impact on City of Merced Housing” concludes that “given the number of units currently available (1,278), the number of units approved and planned (2,050 projected by City and 4,900 projected by MCAG between 2020 and 2030), and the fact that the City’s General Plan planned for more campus growth than is now projected through 2030 under the 2020 LRDP, there is enough housing in the City of Merced to accommodate the LRDP-related population expected to reside within the City limits (906 units).” The City respectfully disagrees with this assessment.
- As UC’s student population has grown, the City’s housing stock, especially in the area of multi-family units, has not kept up with the demand. Financing is hard to come by and multi-family units that have been approved are not being built. Subsequently, many students are living in single-family homes throughout the City, sometimes in groups of 6-10 students per home with landlords charging on a per room basis. That has contributed to driving up the cost of renting homes in the City and pricing many low and moderate income families out of the market. The projection that the City will build 4,900 new homes over a 10-year period (2020-2030) would mean that the City would have to add at least 490 units per year, which is quite optimistic given that from 2007 to 2017, the City saw the construction of only 939 units or 93 per year. Housing growth has increased over the last 2 years (600 units in 2018 and approx. 600 in 2019, almost all single-family), but it is unknown if that trend will continue. The City would, therefore, like to encourage the University to work with the City on developing a housing plan that would address the needs of students, employees, and faculty, so we can avoid these issues in the future.
- Although outside the scope of the LRDP, the City would respectfully encourage discussions between UC Merced and the City on off campus University Housing within Bellevue Ranch. The City recognizes that land is already owned and controlled by UC Merced in this area, and if developed, may provide a significant number of housing units.

2

## Chapter 4.8--Transportation

- The City was pleased to note the following statement on page 4.8-42 of the SEIR: “It is noted that 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.” However, that agreement and the EIR for the 2009 LRDP not only spells out obligations for the University but for the now dissolved University Community Land Company (UCLC), so it is not clear to the City how the legal obligations of the UCLC will ultimately be funded and constructed. Some clarification on this matter would be appreciated.
- The Transportation Agreement noted above should also be revised to reflect the various transportation mitigation measures spelled out on pages 4.8-42 through 44 to give the

3

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City assurance that these transportation improvements will be funded and constructed at the appropriate time. The City is available to begin discussions of the necessary modifications to the Agreement at the University's convenience.

4

#### Chapter 4.10—Utilities and Service Systems

- On pages 4.10-13 through 15, the SEIR notes that UC's wastewater generation in 2030 will decrease to 0.27 mgd as opposed to 1.13 mgd. The 0.27 mgd is a result of a much slower growth rate to 2030 and a population to 17,700. It also acknowledges that although there is adequate capacity in the Bellevue sewer trunk, that the G Street trunk may not have adequate capacity and will likely need additional conveyance. The City agrees with that assessment. However, in the Cumulative Impact section on page 4.10-22, the ultimate full buildout number for wastewater generation for full development of the campus (2.25 mgd) has not been changed...is there a reason for this?

5

#### Appendix 4.10—Water Supply Evaluation

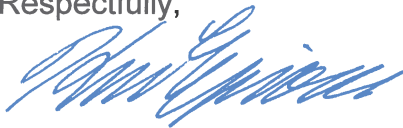
- In Section 6.1.2 on page 18 of the Water Supply Evaluation, the last sentence should be corrected to note that the City's wells vary in depth from "161 to 800 feet," not "60 to 230 feet" as noted.

6

We appreciate the opportunity to provide these comments as a part of the review of the 2020 LRDP Subsequent Environmental Impact Report. We look forward to continuing dialogue with UC Merced regarding the 2020 LRDP and its strategies for supporting the continued growth and needs of the UC Merced campus.

Please feel free to contact me at (209) 385-6858 or [espinosak@cityofmerced.org](mailto:espinosak@cityofmerced.org) if you have any questions or concerns.

Respectfully,

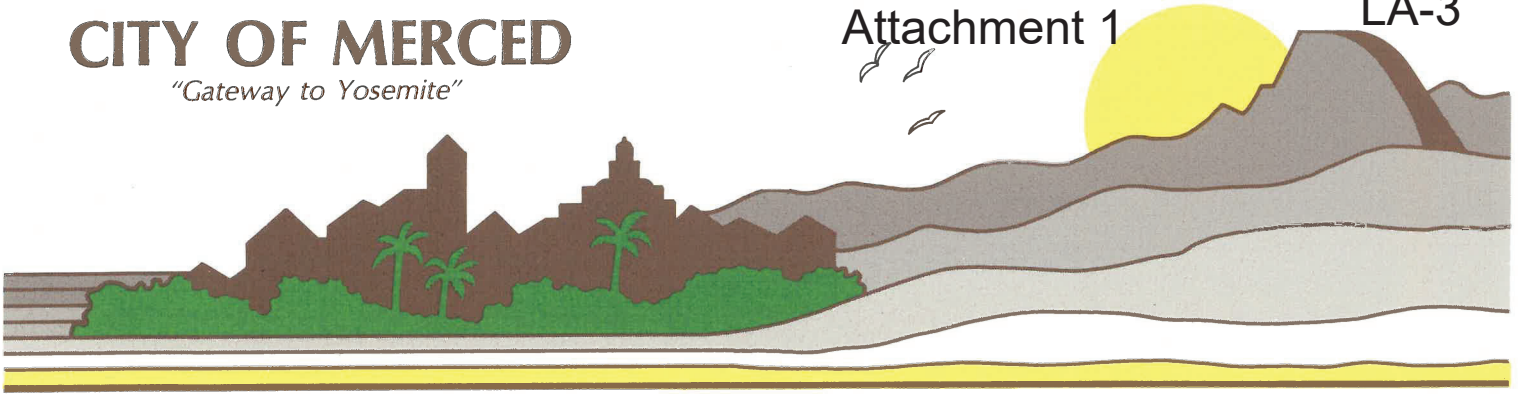


Kim Espinosa  
Planning Manager

cc: Steve Carrigan, City Manager  
Stephanie Dietz, Assistant City Manager  
Scott McBride, Director of Development Services  
Phaedra Norton, City Attorney  
Merced City Council

#### Enclosures/References

1. City Letter of May 1, 2019 on Notice of Preparation
2. City Letter of July 11, 2019 on Administrative Draft



May 1, 2018

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

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

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

Mr. Woods,

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

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

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

### **Water**

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

7

### **Population – Housing**

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

8

### **Public Services**

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

9

### **Transportation**

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

10



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

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

#### **Public Utilities and Services**

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

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

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

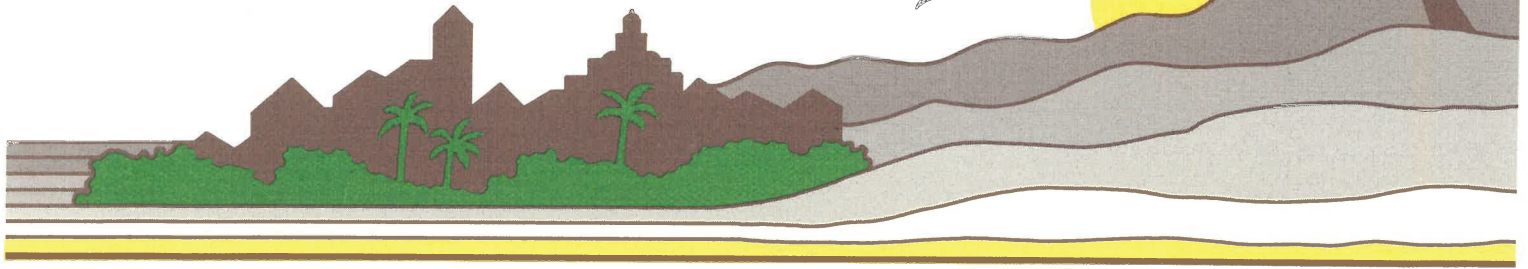
If you have any questions or concerns, please feel free to give me a call at 209-385-6818 or email to [mcbrides@cityofmerced.org](mailto:mcbrides@cityofmerced.org).

Respectfully,



Scott McBride  
Director of Development Services  
City of Merced

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



July 11, 2019

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

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

RE: City of Merced Comments on the Administrative Draft version of the University of California Merced 2019 Long Range Development Plan and Draft Traffic Impact Analysis.

The City of Merced (City) appreciates the opportunity to review and provide comments on the Administrative Draft version of UC Merced 2019 Long Range Development Plan (LRDP). We appreciate the collaborative relationship with UC Merced and look forward to continuing conversations regarding the 2019 LRDP adoption and implementation.

In addition to new comments, references to the City of Merced's May 1, 2018, comments on the Notice of Preparation (NOP) of the Environmental Impact Report (EIR) for the 2019 UC Merced LRDP project have also been incorporated into our current comments. These comments have been incorporated and restated in the spirit of continuing to guide the preparation of the 2019 LRDP and its associated EIR. The City's comments are broken down into subject areas for ease of review.

### **University Community Land Company (UCLC)**

- The 2019 LRDP notes on page 12 that, "It is anticipated that the UCLC will be dissolved in 2018." Has there been an update on the legal status of the dissolution of the UCLC? If so, the City recommends this reference be updated in the 2019 LRDP document.
- Regardless of the legal relationship to the property, the 2009 EIR places obligations of the parties within the UCLC as it relates to mitigation measures. The City would like to note that the mitigation measures still need to be applied regardless of the ownership of land area. Clearly defining the responsible parties based on the current legal status should be included.

## Water

- The 2019 LRDP should discuss Wastewater in addition to domestic water. In addition, an update to the Urban Services Agreement will be necessary especially as the existing contract with the City of Merced sets a maximum of 10,000 students for services.
- Groundwater, including current usage and the Urban Services Agreement in that context, should be discussed in the 2019 LRDP.

The City provided the following comments as a part of its May 1, 2018, letter regarding the 2019 LRDP NOP.

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

19

## Transportation

- The 2019 LRDP would benefit from further discussion of alternative modes, especially electric scooters, electric bikes, and other emerging forms of active transportation. The relationship between UC Merced and SPIN as a provider of rental scooters and/or bicycles would be especially helpful to have included within the 2019 LRDP.
- The City believes that connectivity of the campus to the surrounding transportation network should be upgraded from an implementation strategy to a Goal.
  - A strategy of this Goal could be connecting more directly the UC to the City's hubs of population (downtown, housing, etc.). Other strategies could include specific modal recommendations such as additional transit access and shorter headways to major destinations, additional bicycle infrastructure such as Class II Buffered Bike Lanes leading from the UC campus to the City, and coordination between the University, the City, and the County on a jointly-authored plan for the growth and development of a healthy and safe rental electric transportation environment (i.e. electric scooters and bicycles).
- The City recommends removing the reference to traffic signalization on page 54 from the following item (strikethrough text showing the proposed removal has been added): "Coordinate with the City of Merced and Merced County on traffic

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signalization and the connectivity of the campus to the surrounding transportation network.”

22

The City provided the following comments as a part of its May 1, 2018, letter regarding the NOP.

- *The NOP includes land set aside as "Campus Parkway Open Space" which leads the City to believe that UCM does not see the development of the Campus Parkway within the 2018 LRDP north of Yosemite, whereas the 2009 LRDP did foresee its development. The Campus Parkway south of Yosemite Avenue has recently received funding from the State of California in the amount of \$100 million and will soon begin construction. The portion of Campus Parkway within the UCM campus boundary was identified as an important entryway into the Campus and will carry significant traffic in the future, thus alleviating impacts on Lake Road which is not built or designed to carry large volumes of traffic as outlined in the 2009 LRDP. Therefore, the impacts of NOT building the portion of Campus Parkway north of Yosemite Avenue should be analyzed in the Draft EIR as it is a significant change from the proposed circulation in the 2009 LRDP. This would include the impacts on other roadways from the Campus Parkway not being constructed. At the very least, an alignment for the future Campus Parkway north of Yosemite Avenue needs to be established.*
- *As previously noted, off-campus controlled assets and property should be included in the 2018 LRDP. Traffic impacts associated with the use and development from those properties should be studied and included in the Draft EIR.*
- *Also, as previously noted, the campus will not support all housing needs and those will be absorbed into the surrounding communities. The traffic impacts associated from this approach should be studied and included in the Draft EIR.*
- *The NOP document does not mention or include any plans or impacts associated with Bellevue Road, Lake Road, the Vern Davis Bike Path, or the proposed Campus Parkway. Traffic impacts should be further studied and included in the Draft EIR.*
- *The NOP document does not mention or include any plan or approach to the intersection of Bellevue Road with Lake Road or the connection of the proposed Campus Parkway and Bellevue Road - Lake Road. The Draft EIR should include these areas and study the potential impacts the campus development will have on these facilities.*
- *There is no mention in the NOP regarding the Transportation Agreement between the City of Merced and UC Merced that was signed on April 29, 2016. This agreement spells out requirements; timing, and funding for specific transportation improvements which were required as mitigation for the development of the UCM campus. Please make sure that the Transportation Agreement is incorporated into the Draft EIR.*
- *The lack of adequate parking facilities on campus currently impacts surrounding properties. The issue of parking should be addressed in the Draft EIR.*

### Public Safety

- The 2019 LRDP does not discuss the public safety needs of the increasing population of the campus. Of particular importance to the City is Fire service; quoting from the 2009 LRDP, "...the University will contribute toward a provision of a fire station." The City would like to see it reaffirmed in the updated 2019 LRDP.

23

The City provided the following comment as a part of its May 1, 2018, letter regarding the NOP.

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

### **Public Utilities and Services**

- The 2019 LRDP should discuss or describe proposed electrical systems, particularly any solar-power installations.
- The 2019 LRDP should discuss or describe proposed natural gas lines including the proposed connection to the Merced County Regional Waste Facility.
- The 2019 LRDP should discuss or describe any other heating and cooling systems that are proposed or conceptualized.
- The 2009 LRDP mentions a need to develop a campus Utility Plan. The 2019 LRDP should provide an update on the status of any campus Utility Plan.

The City provided the following comment as a part of its May 1, 2018, letter regarding the NOP.

- *The City of Merced provides sewer conveyance and treatment for the UCM campus. Under the Amended and Restated Contract for Water, Sewer and Other Services, the City of Merced is obligated to provide sewer services to accommodate up to 10,000 students at the UCM campus. The 2019 LRDP notes growth beyond the level in the agreement. Additionally, the City of Merced is currently preparing a Waste Water Collection System Master Plan which identifies specific improvements that are needed to mitigate for future growth and development within the City's Sphere of Influence (SOI). The Draft EIR should study and include the necessary mitigations and financial contributions mechanisms that will be necessary to accommodate growth above the 10,000 student allocation to the Waste Water Treatment Plant capacity.*

### **Population – Housing**

The City provided the following comments as a part of its May 1, 2018, letter regarding the NOP.

- *As noted the campus will not be able to accommodate all student housing needs. Additionally, housing plans for the campus will not accommodate graduate students - graduate students and family or staff and faculty needs. In the 2009 LRDP, it was assumed*

*that student and other housing needs would be provided in the adjacent UC Community, directly south of the UCM campus, adjacent to Lake Road. The NOP notes that development in this area is not likely to proceed as previously planned which will shift housing to other surrounding communities. This shift may have traffic and circulation impacts that were not considered in the 2009 LRDP. Please include further analysis on the housing demand in the surrounding community and impacts that may be associated with traffic.*

- *The NOP does not include or address off-campus facilities under control or ownership of UCM. One specific area is UCM-controlled multi-family designated property in Bellevue Ranch West. The proposed use, timing, and associated impacts from future development on these properties should be included in the Draft EIR document.*

### **Public Outreach**

- Public involvement and transparency are key components of major planning efforts. The 2019 LRDP should provide details on the public engagement and outreach efforts. It should also establish future Goals and Policies for public information and engagement for future planning.

25

### **Draft Traffic Impact Analysis Review**

The City appreciates the opportunity to review the Draft Traffic Impact Analysis (TIA) prepared by Fehr and Peers for the proposed 2019 LRDP. The City has the following comments:

- The Draft Traffic Analysis should reference the Transportation Improvement Funding Agreement UC Merced Revised 2020 Project signed by the City and UC Merced on April 29, 2016, see attached. The Traffic Impact Analysis should identify where necessary modifications or amendments (if any), may be needed to the executed Agreement or if the identified mitigation measures, impacts, etc. conflict with the existing Agreement.
- On Page 52 in “The 2035 Roadway Network”, the document discusses assignment of trips to Campus Parkway. The City believes that facility will provide for greatly enhanced connectivity between the community and UC Merced and therefore “less than 50 trips per direction per peak hour appears” on this new transportation facility appears to be a low estimate in our opinion. Because of the low stated impact, several intersections and roadways along this road segment were not studied as a part of this analysis. We feel that decision may need to be revisited with a different allocation of trips. The City would be open to discussing refinement of the allocation model and inclusion of other intersections and road segments.
- As previously stated the City appreciates the opportunity to review the Draft Traffic Analysis at this time, however given the time constraints and detailed technical contents of the draft document, the City will defer more detailed comments until the review of the Draft EIR for the 2019 LRDP.

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We appreciate the opportunity to provide these comments as a part of the review of the 2019 LRDP Administrative Draft and Draft Traffic Impact Assessment. We look forward to continuing dialogue with UC Merced regarding the 2019 LRDP and its strategies for supporting the continued growth and needs of the UC Merced campus. The City also looks forward to commenting on the Draft EIR when prepared and circulated.

Please feel free to contact me at (209) 385-6858 or [mcbrides@cityofmerced.org](mailto:mcbrides@cityofmerced.org) if you have any questions or concerns.

Respectfully,



Scott McBride  
Director of Development Services

cc: Steve Carrigan, City Manager  
Stephanie Dietz, Assistant City Manager  
Phaedra Norton, City Attorney



**Commenter LA-3**

**City of Merced - Scott McBride, Director of Development Services (November 1, 2019)**

**Response LA-3-1**

The text on page 4.4-1 of the Recirculated Draft SEIR was revised to indicate that Carollo prepared the City's 2015 Urban Water Management Plan.

**Response LA-3-2**

The City states that it does not agree with the Draft SEIR conclusion under LRDP Impact PH-1 that there would be adequate housing to house the additional campus-affiliated population that would live in the city, because housing stock in the city is not likely to grow at the rate suggested in the Draft SEIR based on Merced County Association of Governments (MCAG) data. The City suggests that the University work with the City on developing a housing plan that would address the housing needs of students and employees. The City suggests that the Campus consider developing housing on land owned by the University on Bellevue Ranch.

UC Merced is committed to providing more housing on campus so that 50 percent of all enrolled students live on campus. UC Merced also has instituted a requirement that all freshmen and sophomores live on campus.

Regarding the projected housing supply that is presented in the Draft EIR, please note that it is based on data from the City of Merced, County of Merced, and MCAG and not just MCAG. It also represents the best information that is available at this time. The estimate of approximately 2,000 additional units in the City reported in the Draft SEIR was based on applications approved and pending with the City as of August 2017. If the proposed and pending residential projects listed in Table 4.0-1, Cumulative Project List, are counted, about 3,662 units would be added to the housing stock of the City. Vacant housing and new housing that would be constructed, when combined, would be more than enough to house the LRDP-related population expected to live in the City. The City does not provide a projection of additional housing that could be built through 2030. However, it does present the supply of appropriately zoned land for the development of residential units in the future. According to the City's General Plan Housing Element, last updated in 2016, vacant land designated for residential uses within

the City could accommodate between 6,523 and 12,636 additional dwelling units (City of Merced 2016).

With regard to housing in unincorporated County in the vicinity of the campus, according to the County about 105 dwelling units could be developed in the Bellevue corridor within the timeframe of the 2020 LRDP. Since the publication of the Draft SEIR, VST has commenced an application process with Merced County for the development of the former University Community North, with the purpose of developing a mixed-use project south of the campus (see Comment Letter ORG-4).

With regard to the MCAG projection, as indicated in the Draft SEIR and the Recirculated Draft SEIR, housing stock in the City of Merced would increase by approximately 4,900 dwelling units between 2020 and 2030. This number is consistent with the City's General Plan, which, as stated above, shows that land zoned for residential development in the city could accommodate a substantially higher number of housing units. Because there is more than ample appropriately zoned land for residential development and the City's General Plan policies also encourage residential development to serve housing demand, it is reasonable to assume that as the demand for housing increases, additional housing will be developed by the development community.

Please also note that the estimated incremental housing demand of about 900 dwelling units in the city associated with the 2020 LRDP is a conservative estimate for a number of reasons. As stated on page 4.6-9 in the Draft SEIR and page 4.6-10 in the Recirculated Draft SEIR, to estimate the number of new students who would enroll at UC Merced, the Draft SEIR conservatively assumed that all new students would be from outside Merced County; the number of new students was not adjusted for those students who would already be living in Merced at the time of enrollment, i.e., local high school graduates and transfer students, and would not require a new dwelling unit. (According to the campus enrollment data, about 15 percent of the students at initial enrollment are local high school graduates or transfer students from local colleges.) Secondly, to calculate the number of housing units needed by the new students who would live off campus, for the new students with no dependents, it was assumed conservatively that there would be 2 students per dwelling unit. This is conservative as often 3 or more students rent housing together in Merced. Similarly, in estimating the housing demand associated with new faculty and staff, it was conservatively assumed that approximately half the new staff would be hired from outside the county.

With regard to the land on Bellevue Ranch that is University owned, the University has no current plans to develop the site. The Campus will continue to explore potential uses that would be appropriate for that property but development of the Bellevue Ranch site is not planned as part of the 2020 LRDP.

**Response LA-3-3**

As stated in the Draft SEIR and the Recirculated Draft SEIR, the University is in the process of dissolving the UCLC and does not propose to undertake any development beyond campus development as described in the 2020 LRDP and Draft SEIR/Recirculated Draft SEIR. The land south of the campus is in private ownership and mitigation of the impacts of any development will be the responsibility of the private parties. The University will comply with its contractual obligations under the 2016 Transportation Agreement with the City.

**Response LA-3-4**

The University will commit to fulfillment of its mitigation obligations, described on pages 4.8-42 through 44 via the prescribed mechanisms under CEQA, i.e. the Mitigation Monitoring and Reporting Program. The University intends to work collaboratively with the City of Merced to ensure timely and efficient provision of the mitigation improvements.

**Response LA-3-5**

The cumulative impact discussion on page 4.10-22 that is referenced by the City in its comment was intended to simply reiterate the information in the City's WWTP EIR that the WWTP expansion would accommodate wastewater flows from the approved 1997 Specific Urban Development Plan (SUDP) that would generate approximately 17.1 million gallons per day (mgd) of wastewater, in addition to 2.25 mgd of wastewater flows expected from the full development of the campus. The sentence was clarified in the Recirculated Draft SEIR (see page 4.10-23).

**Response LA-3-6**

The last sentence on page 18 of the Water Supply Evaluation is hereby revised to reflect the correct well depths. Please see **Section 4, Recirculated Draft SEIR Text Revisions**.

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*Comments LA-3-7 through LA-3-17 were provided by the City in response to the Notice of Preparation for the SEIR. These comments were resubmitted by the City as an attachment to its comment letter on the Draft SEIR. Although responses to these comments are not required, the University has provided responses to demonstrate that the City's comments on the NOP were fully considered during the preparation of the Draft SEIR.*

**Response LA-3-7**

The Draft SEIR (pages 4.4-20 through -23) (as well as the Recirculated Draft SEIR) presents the UC Merced Water Action Plan which includes, among other actions, evaluation of the feasibility of on-site wastewater treatment facilities which would provide water re-use on the campus.

The Sustainable Groundwater Management Act (SGMA) requirements are set forth on pages 4.4-18 and -19 of the Draft SEIR, and pages 4.4-20 and -21 of the Recirculated Draft SEIR. Although LRDP Impact HYD-1 analyzes the effect of campus growth under the 2020 LRDP on groundwater supply based on the City's Urban Water Management Plan, the effects of SGMA for the Merced region and the Draft Groundwater Sustainability Plan (GSP) are also discussed in the impact analysis in the Recirculated Draft SEIR.

UC Merced will continue to explore the possibility of using MID canal water for irrigation.

**Response LA-3-8**

The 2020 LRDP's impacts on population and housing are analyzed in Draft SEIR Section 4.6, Population and Housing, and the same section in the Recirculated Draft SEIR. Please also see Response LA-3-2 above. As noted in the Draft SEIR. The University-owned property on Bellevue Ranch is not part of the 2020 LRDP and the University has no current plans to develop the Bellevue Ranch site. The Campus is continuing to explore potential uses of that property but has not determined what land use would be assigned to that site. Transportation impacts are analyzed in Draft SEIR Section 4.8, Transportation and the same section in the Recirculated Draft SEIR.

**Response LA-3-9**

The impact on fire service, including the effect on City of Merced Fire Department, is analyzed in Draft SEIR Section 4.7, Public Services and Recreation and the same section in the Recirculated Draft SEIR.

**Response LA-3-10**

The transportation impact analysis in the Draft SEIR Section 4.8, Transportation (and the same section in the Recirculated Draft SEIR), analyzed the effects on Lake Road because it is not foreseeable that the section of Campus Parkway between Yosemite Avenue and Bellevue Road would be constructed between 2020 and 2030. The University is not required to analyze the impacts of not constructing Campus Parkway during this time period. The University has set aside property for the future Campus Parkway alignment to ensure connection to the campus from the south. Upon completion of the 2020 Project, the campus will have three points of entry, which is sufficient to serve the level of development through 2030. Please also see Response LA-1-10.

**Response LA-3-11**

Please see Response LA-3-8 above.

**Response LA-3-12**

The traffic impact analysis in the Draft SEIR (and the Recirculated Draft SEIR) assumed that about 2,900 new students would live on campus and 2,400 new students as well as all new faculty and staff (about 1,100 persons) would live off campus. Vehicle trips associated with this off-campus population form the basis of the impact analysis. It was assumed that the new population would be spread throughout the area, not concentrated in the University Community area. The results are reported in Draft SEIR Section 4.8, Transportation and the same section in the Recirculated Draft SEIR.

**Response LA-3-13**

Transportation impacts on Bellevue and Lake Roads are fully analyzed in the Draft SEIR Section 4.8, Transportation and the same section in the Recirculated Draft SEIR. For impacts on Campus Parkway, please see Response LA-1-10. The *Pedestrian and Bicycle Facilities* section on page 4.6-16 of the Draft SEIR section does note the presence of the multi-use path east of Lake Road, Vern Davis path that connects

the campus to East Yosemite Avenue.

**Response LA-3-14**

The Bellevue/Lake Road intersection is fully analyzed in the Draft SEIR and the Recirculated Draft SEIR. For Campus Parkway, please see Response LA-1-10.

**Response LA-3-15**

The text on Draft SEIR page 4.8-42 in Section 4.8, Transportation acknowledges the Transportation Improvement Funding Agreement between the University and the City and notes that the University will continue to comply with the agreement. The agreement is also similarly acknowledged in the Recirculated Draft SEIR.

**Response LA-3-16**

Analysis of a project's impact on parking is no longer required under CEQA and is therefore not included in the Draft SEIR or the Recirculated Draft SEIR.

**Response LA-3-17**

The impact of campus growth under the 2020 LRDP on wastewater conveyance and treatment facilities is fully analyzed under LRDP Impact UTL-3 in both the Draft SEIR and the Recirculated Draft SEIR. As shown by the analysis under that impact, an expansion of the City's wastewater treatment plant would not be required. However, an upgrade to the existing sewer main or a new line on G Street could be required to convey the additional flows. Should this improvement be required, the University will comply with its obligations as authorized under Government Code Section 54999.

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*Comments LA-3-18 through LA-3-26 were provided by the City on the Administrative Draft SEIR that was shared with the City by the University. These comments were resubmitted by the City as an attachment to its comment letter on the Draft SEIR. Although responses to these comments are not required, the University has provided responses to demonstrate that the City's comments on the Administrative Draft SEIR were fully considered during the preparation of the public Draft SEIR.*

**Response LA-3-18**

The information regarding UCLC dissolution was updated in the Draft LRDP and on page 1.0-4 of the Draft SEIR. The information is also presented in Section 1.0 in the Recirculated Draft SEIR.

If the SEIR is certified by The Regents and the 2020 LRDP is approved, a new Mitigation Monitoring and Reporting Plan will be adopted and will replace the 2009 MMRP. The MMRP will contain the mitigation measures set forth in the SEIR for those environmental topics that were reevaluated in the SEIR; the 2009 LRDP EIS/EIS mitigation measures that apply to environmental topics that were not reevaluated will be included in the new MMRP and will continue to be implemented as a condition of approval of the 2020 LRDP.

The University is not responsible for the implementation of any mitigation measures that were included in the 2009 LRDP EIS/EIR for projected impacts from the then-planned development of the University Community North on property previously owned by UCLC. The University is in the process of dissolving the UCLC and does not propose any development other than the development of the campus. The University's portion of the former UCLC lands has been incorporated into the Regent's campus lands.

Mitigation of the impacts associated with development south of the University property will be the responsibility of the developer of that property. As discussed on the Draft SEIR page 1.0-4 (and on the same page in the Recirculated Draft SEIR), the former UCLC property to the south of the campus was subdivided in 2017. As previously stated, some of the land area that made up the University Community North was added to the campus. About 634 acres of the former University Community North lands were transferred to the Virginia Smith Trust (VST). When VST moves forth with land development plans for the 634-acre property, it will obtain land use permits and approvals from the County or the City and will implement mitigation measures that are imposed on the development at that time by the authorizing land use jurisdiction.

**Response LA-3-19**

Both the Draft SEIR and the Recirculated Draft SEIR address increases in wastewater under the 2020 LRDP under LRDP Impact UTL-3. The Draft SEIR and the Recirculated Draft SEIR (page 4.10-14) acknowledge that the Urban Services Agreement with the City will need to be updated. Groundwater impacts are analyzed under LRDP Impact UTL-1. The need for an update to the Urban Services Agreement with the City for expanded water supply is noted in the Draft SEIR and the Recirculated Draft SEIR on page 4.10-10.

**Response LA-3-20**

Text in the 2020 LRDP text has been revised to add a new goal and implementation strategy that addresses the City of Merced's comment on alternative modes of transportation. See Response LA-3-21 below.

**Response LA-3-21**

Text in the 2020 LRDP has been revised to address the City's comment. The goal and implementation strategy are presented below.

**LRDP GOAL C-7: COLLABORATE WITH THE CITY OF MERCED AND MERCED COUNTY ON OPPORTUNITIES THAT WILL IMPROVE THE TRANSPORTION CONNECTIVITY TO AND FROM THE UC MERCED CAMPUS**

The University will work together with the City of Merced and Merced County to improve transportation connectivity that includes enhancing safety and providing efficient access to and from the UC Merced campus.

**Implementation Strategy**

- Evaluate opportunities with the City of Merced and Merced County to improve connectivity to and from the UC Merced campus that includes the following strategies:
- Explore ways to improve the connectivity from the UC Merced campus to the City's Downtown and other retail and service areas;
- Evaluate opportunities for additional transit access and shorter headways to major



destinations, additional bicycle infrastructure such as Class II Buffered Bicycle Lanes;

- Evaluate opportunities on a jointly-authored plan for growth and development of a safe rental electric transportation environment (i.e., electric scooters, e-bikes, and bicycles); and
- Explore ways to provide convenient, affordable and accessible mass transit getting to and from the campus.

**Response LA-3-22**

Text in the 2020 LRDP has been revised to address the City's comment. The revised language is as follows:

- Coordinate with the City of Merced and Merced County on traffic signalization and the connectivity of the campus to the surrounding transportation network.

**Response LA-3-23**

The impacts of campus growth and development on fire service are analyzed in the Draft SEIR and the Recirculated Draft SEIR. As noted in that analysis, campus growth could contribute to the need for new or expanded fire station facilities. However, the construction of such facilities would not result in significant environmental impacts. Therefore, no mitigation is set forth in the SEIR. Note that this conclusion is consistent with the fire service impact conclusion in the City's Merced Vision 2030 General Plan EIR as well as in the County's 2030 General Plan PEIR. The University will, however, continue to collaborate with the County on matters related to fire service. It entered into an agreement with the County in December 2019 to provide funding for additional fire station staff and joint training exercises to serve the campus.

**Response LA-3-24**

The LRDP is not the appropriate document to provide specific details on energy and utility systems for future buildings and infrastructure on campus. The University at the time of the preliminary planning phase of new building and infrastructure projects would develop a specific infrastructure plan that would establish the criteria for electrical systems, solar power, heating and cooling systems. The University is required to meet all University of California and State Building Code requirements for building and infrastructure energy systems. It should be noted that the University is working in

collaboration with the Merced County Regional Waste Management Authority (“MCRWMA”) on a landfill gas to energy power project to supply electricity to the campus.

**Response LA-3-25**

The University’s public outreach efforts on the 2020 LRDP have included conducting workshops with the UC Merced Campus Physical Planning Committee, campus/community presentations including a town hall meeting, meetings with the City of Merced and Merced County, meetings with special interest groups, and conducting three public meetings on the SEIR. Information about the 2020 LRDP, public review, and environmental review process under the California Environmental Quality Act (CEQA) was provided on a dedicated 2020 LRDP project website and hard copies were made available at the UC Merced Downtown Campus Center and on campus at the Kolligian Library. The University will continue its public information and engagement strategy protocols for future planning.

**Response LA-3-26**

The text in the Draft SEIR and the Recirculated Draft SEIR page 4.8-45 in Section 4.8, Transportation, acknowledges the Transportation Improvement Funding Agreement between the University and the City and notes that the University will continue to comply with the agreement.

Regarding Campus Parkway north of East Yosemite Avenue, please see discussion on page 4.8-33 in the Draft SEIR and page 4.8-36 in the Recirculated Draft SEIR. Also see Response LA-1-10.

**From:** [Deja Villanueva](#)  
**To:** [Phillip Woods](#); [2020 LRDP](#)  
**Subject:** UC Merced LRDP SEIR / Request for Second Public Hearing  
**Date:** Tuesday, October 22, 2019 4:26:26 PM  
**Attachments:** [UC Merced 2020 LRDP Draft SEIR .pdf](#)  
[Deja Villanueva - Public Comments for UCM Merced Hearing 10-17-2019.pdf](#)

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Dear Mr. Woods,

My name is Deja Villanueva, and I am writing on behalf of Communities for a New California in Merced, and the Community Alliance for a UC Sustainable Expansion.

I would like to formally email you my talking points. These public comments were read on Thursday October 17, 2019 from 5 PM to 7 PM at the Public Hearing at the UC Merced Downtown Campus Center 655 W 18th St, Conference Rooms 105 & 106, Merced, CA 95340.

I would also like to emphasize the necessity for a second public hearing regarding the SEIR, since there was no translation for Spanish speakers available on Thursday October 17, 2019 during the hearing.

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The Merced County Office of Education's (MCOE) Clark/Newbold room has been identified as an accessible location for residents. Since you indicated that the November 4 deadline cannot be pushed back, we would like you to reserve this location for October 30 at 5 PM.

I would like to reiterate that we, the community we are although we are proud to have UC as part of our community, the expansion must make it accessible for all residents to participate in this public process.

Thank you,

***Deja Villanueva***  
*Community Organizer*  
*CNC Education Fund*  
e: [deja@cncedfund.org](mailto:deja@cncedfund.org)  
P: 209-261-4987

## UC Merced 2020 LRDP Draft SEIR does not accomplish CEQA Objectives

### Summary

According to CEQA, an EIR must assess the potentially significant environmental effects of the proposed project; identify feasible means of avoiding or substantially lessening significant adverse impacts; and evaluate a range of reasonable alternatives to the proposed projects.

Strikingly, in section 4.6.5, the report claims that "Implementation of the 2020 LRDP would not result in substantial unplanned population growth and related demand for housing in the City of Merced and in surrounding communities. (Less than Significant)."

*The draft SEIR fails to adequately assess how UC Merced's 2020 long-range development plan will lead to population growth, housing scarcity, rising housing costs, and a rise in families experiencing housing insecurity.*

The reasons are as follow:

**1. The draft SEIR cites wildly divergent population projections—and does nothing to address the implications of these projections on the proposed project. It also has errors in its reference to existing figures.** In section 4.6.2, the SEIR cites 2012 Merced County Association of Governments (MCAG) figures that project that between 2018 and 2030, the City of Merced's population will increase by 34.6%, from 86,750 to 116,765 residents (page 4.6-1). Secondly, the SEIR also cites a 2018 MCAG report that estimated Merced city's population would grow to 102,952 by 2030. Thirdly, when the SEIR cites this second report, it erroneously states the figure in the table to be "106,952" when it is "102,952." In addition, the SEIR cites the City of Merced's currently adopted Merced Vision 2030 General Plan (2012), which projects that from 2018 to 2030 the City of Merced's population would increase 53.1%, from 86,750 to "137,400."

**2. The report cites the previous 2009 LRDP EIS/EIR to suggest that no new policies are currently needed to mitigate the effect of population growth on the surrounding community—but the assumptions in the 2009 report have proven false.** In Section 4.6.4, the draft SEIR claims that the 2009 LRDP EIS/EIR found that no persons would be displaced from housing as a result of the campus development. However, this is an erroneous assumption. The campus does not have enough beds for students and, as of 2018, 56% of UC Merced students live off campus. Therefore, increasing the size of the student body will necessarily increase the number of students who live in the city of Merced and it may create a shortage of housing units for all residents in the city.

The draft SEIR admits that, "while a University Community to house the campus-related population was envisioned in 2009, such a community has not developed near the campus and it is not foreseeable that such a community would develop within the timeframe of the 2020 LRDP (page 4.6-8).

**3. The draft SEIR also fails to note that, within the past decade, growth in housing stock in the City and County of Merced have fell flat while populations have grown.** The Draft SEIR provides data, from 2010 to 2018, indicating that the City of Merced's housing units grew from

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27,446 to 27,863--a mere total of 417 housing units (see Table 4.6-3). Our own analysis of American Community Survey data indicates that Merced County housing units increased from 84,034 in 2009 to 85,756 in 2017--a mere 1,722 for the whole county, since the last LRDP in 2009.

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**4. The draft SEIR ignores evidence that Merced households are already experiencing scarcity of affordable housing.** The draft SEIR suggests that housing vacancy rates are low, but that a number of housing units remain available for renters to occupy--and that the city and county can accommodate population growth. US Census Bureau- American Community Survey data that was not examined in the draft SEIR, however, suggests that Merced residents are already doubling up, and that their wages will not be able to keep pace with the rising rents created by university-related population growth.

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In 2006, the percentage of Merced County households that were complex households (those with more than 1 family) was 6.8 per 100, and by 2017 it went up to 11.5 per 100 households. To put this in context, between 2005 to 2017 Merced County's rank among California counties went from 22nd out of 34, to third. In addition, the home ownership rate sank from 13th lowest in the state, to 3rd lowest.

In addition, in 2017, Merced County full-time workers' median salaries were the lowest of all counties in California. Their wages only rose from \$40,000 \$47,000--a mere \$7,000--the second lowest increase among California's 34 counties.

**5. The report cites three current housing policies as policies that will mitigate the effects of a growing campus population on the city's housing market, but these policies will actually do little to mitigate such effects.** The draft SEIR references the MCAG 2015-2023 Regional Housing Needs Allocation Plan as relevant for helping to meet housing need projections, but this plan only allocated to the City of Merced 1,351 very low income, 966 low income, and 886 moderate income housing units.

The draft SEIR also erroneously references the University of California President's Housing Initiative, which will add 14,000 new beds to all 9 UC campuses by 2020, as a relevant local policy for UC Merced. Per the November 14, 2018 UC Board of Regents Meeting (Discussion Item B1), UC Merced was the only one of the 9 UC campuses to not present a housing plan to the Regents.

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The draft SEIR does accurately state that in 2016, the UC Merced 2020 Project began student housing projects that would provide up to 1,680 new beds. However, this is not enough to meet the demand for student housing according to the UC Merced 2020 plan, which aimed to increase the campus student body by 5,000. *This effect of this housing shortage will be in addition to the effect of the campus growth between 2020 to 2030.*

**Conclusion: The draft SEIR fails to examine how the currently proposed UC Merced 2020 LRDP plan will lead to population growth between now and 2030, and its effects on housing scarcity, rising housing costs, and a rise in families experiencing housing insecurity.**

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Hi, my name is Deja Villanueva, I was born and raised in Merced and I am with Communities for a New California (also known as CNC). We knock on people's doors, conduct needs analysis, and have conversations with thousands of valley residents every year.

I am here to ask that you revise the UC Merced 2020 LRDP draft SEIR. In its current form, the SEIR does not adequately assess the effects of UC Merced's 2020 LRDP on local housing, it does not provide mitigation plans for such effects, and therefore it does not conform to CEQA.

1. First, the draft SEIR cites wildly divergent population projections, and has errors in its reference to its own numbers, on pages 4.6.2 and 4.6-1.

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2. Second, the report claims that no new policies are needed to mitigate planned population growth--though the assumptions from the previous 2009 LRDP EIS/EIR that is cited have since proven false.

For example, the draft SEIR admits that, "while a University Community to house the campus-related population was envisioned in 2009, such a community has not developed near the campus and it is not foreseeable that such a community would develop within the timeframe of the 2020 LRDP (page 4.6-8).

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3. The draft SEIR ignores evidence that Merced households are already experiencing scarcity of affordable housing.

For example, in 2006, the percentage of Merced County households that were complex households (those with more than 1 family) was only 6.8 per 100, which ranked it 22nd out of 34. However, by 2017 complex households in Merced County went up to 11.5 per 100 households--the third-highest rate in the state. In addition, the home ownership rate sank from 13th lowest in the state, to 3rd lowest.

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5. Lastly, the report cites three current housing policies as policies that will mitigate the effects of a growing campus population on the city's housing market, but these policies will actually do little to mitigate such effects.

The draft SEIR references the University of California President's Housing Initiative, but UC Merced was the only one of the 9 UC campuses to not present a housing plan to the Regents.

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In addition, the SEIR references the UC Merced 2020 Project's construction of 1,680 beds. However, this is not enough to even meet the 2020 Project's growth of 5,000 new students.

**\*\*We ask that you work with Communities for a New California to best assess the effect of the University's expansion on local housing, and to create sufficient mitigation plans.**

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**Commenter ORG-1**

**Communities for a New California - Deja Villanueva (October 22, 2019)**

**Response ORG-1-1**

The commenter requested that a second public meeting be conducted for the Draft SEIR because translation for Spanish speakers was not provided at the first Draft SEIR meeting. UC Merced arranged and conducted a second public meeting on October 30, 2019 and translators to translate into Spanish and Hmong were present at the second meeting and provided translation services to attendees who requested the service.

**Response ORG-1-2**

In order to provide a complete picture of the existing population as well as forecast growth in population in the study area, the Draft SEIR and the Recirculated Draft SEIR report population data from a number of sources that include the U.S. Census Bureau, the Department of Finance, the City's General Plan, and Merced County Association of Governments (MCAG). The U.S. Census and the Department of Finance data provide the latest populations for the study area communities and the County but do not provide forecasts of future populations. For forecasts, the Draft SEIR and the Recirculated Draft SEIR use the City's General Plan and data from MCAG. Draft SEIR and the Recirculated Draft SEIR Table 4.6-2 report the latest population forecasts for the study area, prepared by the MCAG. These forecasts incorporate the most up to date background data from the U.S. Census Bureau, the Internal Revenue Service, and the California Vital Statistics Query System. They incorporate feedback from Merced County along with the incorporated cities within the County. The Draft SEIR and the Recirculated Draft SEIR also report the population growth through 2030 projected in the City's General Plan. As reported in the Draft SEIR and the Recirculated Draft SEIR, MCAG projects a population of 102,952 persons for the City of Merced by 2030, whereas the City's General Plan projects a population of 137,400 persons by 2030. The City's forecast was prepared in 2012 based on older data and also included UC Merced population. The MCAG forecast is more recent (2018) and does not include UC Merced in the City's population. It is for these reasons that the growth projections for the City are divergent. MCAG forecasts are updated every two years and typically reflect the most accurate population forecasts for the cities and Merced County.

The paragraph on page 4.6-1 that precedes Table 4.6-2 in the Draft SEIR is in error. It reports growth rates that were based on an older forecast when higher growth in population was projected for the City of Merced and Merced County. The paragraph was corrected in the Recirculated Draft SEIR to align with the data in Table 4.6-2.

MCAG's 2030 population forecast for the City of Merced is 102,952 persons. The typographic error on page 4.6-2 was corrected in the Recirculated Draft SEIR.

**Response ORG-1-3**

The commenter argues that the assumptions in the 2009 LRDP EIS/EIR have been proven wrong and that the Draft SEIR is incorrect in asserting that the effect on the displacement of people and housing is adequately covered in the 2009 LRDP EIS/EIR.

The CEQA checklist question/criterion is whether a proposed project would displace substantial number of persons or housing, necessitating construction of replacement housing elsewhere. As stated in the Draft SEIR (page 4.6-6) and the Recirculated Draft SEIR (page 4.6-8), the 2009 LRDP EIS/EIR noted that there is no housing on the campus site that would be removed to implement the 2009 LRDP. As no housing would be removed, no persons would be displaced. That is still true for the 2020 LRDP. Implementation of the 2020 LRDP will not require the removal of any housing or the displacement of persons.

The commenter is referring to the fact that with campus growth under the 2020 LRDP, more students would live off-campus, including the City of Merced, and is asserting that it would create a shortage of housing for all residents in the City. That is not considered a displacement impact under CEQA. Rather, that impact is analyzed in detail in LRDP Impact PH-1. That analysis takes into account the fact that a University Community would likely not be developed adjacent to the campus within the timeframe of this LRDP. (Please note that since the publication of the Draft SEIR, Virginia Smith Trust has commenced an application process with Merced County to develop a mixed-use development on the land to the south of the campus. See Comment Letter ORG-4).

**Response ORG-1-4**

Please see Response LA-3-2.



**Response ORG-1-5**

The Draft SEIR and the Recirculated Draft SEIR uses a vacancy rate of 4.6 percent for the City of Merced, published in 2018 by the Department of Finance to estimate the number of housing units that would be available to serve the increased campus population. The Draft SEIR and the Recirculated Draft SEIR do not analyze any indirect socioeconomic effects, such as the cost of housing that could result from the campus-related demand for housing. This is because CEQA does not require a discussion of socioeconomic effects except where they would result in physical changes, and states that social or economic effects shall not be treated as significant effects (see CEQA Guidelines Sections 15064(e) and 15131).

Please note that the State Housing Law requires the preparation of the RHNA by the local council of governments, in this case MCAG. The RHNA quantifies the need for housing within each jurisdiction during specified planning periods. Communities use the RHNA in land use planning, prioritizing local resource allocation, and in deciding how to address identified existing and future housing needs resulting from population, employment and household growth. The City complies with the State Housing Law and RHNA and updates its Housing Element periodically. The latest update of the Housing Element was completed in 2016. The Housing Element includes the City of Merced's RHNA for the period of 2014 to 2023 for low-income units and concludes that the City has sufficient sites zoned appropriately to accommodate the RHNA requirement of 2,303 units for extremely low-, very low- and low-income housing.

**Response ORG-1-6**

RHNA and the UC President's Housing Initiative are presented in Section 4.6.3, Regulatory Considerations, to provide context for the impact analysis. They are not intended to reduce or mitigate the effects of the project. See Response ORG-1-5 above regarding the City's RHNA analysis. In 2016, the University of California commenced a system-wide Student Housing Initiative to address current and growing demand for on-campus student housing across the UC system. The objective of the Student Housing Initiative was to add approximately 14,000 affordable student housing beds to the UC campuses' stock by fall 2020. The Housing Initiative required the UC campuses to submit a housing plan to add beds by 2020. UC Merced had already planned to add about 1,680 new beds by 2020 as part

of the 2020 Project and work on the project had commenced. Therefore, UC Merced was not required to submit a housing plan in response to the Housing Initiative. The UC Merced campus has contributed towards University of California system-wide objective by building new housing units on campus as part of the 2020 Project. Construction began in October 2016 and will be complete by Fall 2020. Upon completion, the project will have delivered 1.2 million gross square feet of classroom, research, student life, housing and faculty office space, and approximately 1,680 student beds.

UC Merced will continue to address current and future student housing needs by working with housing providers and building developers to identify housing opportunities that provide the appropriate housing unit mix (not including single family housing) located on campus or within close proximity to the campus.

The enrollment at UC Merced is projected to increase by approximately 5,300 students between 2020 and 2030. The 2020 Project when completed will add beds to the campus. Additional housing would be constructed on the campus under the 2020 LRDP such that on-campus housing continues to be available for 50 percent of the enrollment. UC Merced has also instituted a requirement that all freshmen and sophomores live on campus. After accounting for the additional on-campus housing under both the 2020 Project and the 2020 LRDP, the Draft SEIR and the Recirculated Draft SEIR estimates the number of new students who would require off-campus housing. As shown in Table 4.6-8, compared to an estimated 4,900 students who would live off-campus in 2020, an estimated 7,800 students would live off-campus by 2030. Therefore, there would be an increase of about 2,900 students who would live off campus, and not all of 5,300 new students would live off campus.

**Response ORG-1-7**

The Draft SEIR and the Recirculated Draft SEIR present a detailed and complete analysis of the number of new students and employees who would live off-campus and result in a demand for housing. See Response ORG-1-5 as to why the socio-economic effects, such as rising housing costs and housing insecurity, are outside the scope of CEQA.

**Response ORG-1-8**

See Response ORG-1-2 above.

**Response ORG-1-9**

See Response ORG-1-3 above.

**Response ORG-1-10**

See Response ORG-1-5 above.

**Response ORG-1-11**

See Response ORG-1-6 above.

**Response ORG-1-12**

The environmental impact on population and housing is analyzed in the Draft SEIR and the Recirculated Draft SEIR consistent with CEQA requirements. As the impact would be less than significant, no mitigation measures are required. UC Merced will, however, work with the local agencies and community groups on issues of mutual concern.

**From:** [Community Alliance for a UC Sustainable Expansion](#)  
**To:** [Phillip Woods](#)  
**Cc:** [2020 LRDP](#)  
**Subject:** Submission for 2020 LRDP Draft SEIR Public Review Period  
**Date:** Friday, October 18, 2019 1:42:49 PM  
**Attachments:** [SEIR Formal Response from Community Alliance for a UC Sustainable Expansion.pdf](#)

---

Dear Mr. Woods,

Thank you for exchanging contact information with me yesterday.

Please accept the following attachment as part of the Public Review period of the 2020 LRDP Draft Subsequent Environment Impact Report (SEIR).

Sincerely,  
Ana Maria Padilla  
Community Alliance for a UC Sustainable Expansion

October 18, 2019

Attachment 1

ORG-2

Phillip Woods  
Director of Physical & Environmental Planning  
Physical Operations, Planning and Development  
University of California, Merced  
5200 North Lake Road,  
Merced, California 95343  
Email address: 2020LRDP@ucmerced.edu

Dear Mr. Woods,

**Community Alliance for a UC Sustainable Expansion's Formal Response to UC Merced's  
2020 LRDP Draft Subsequent Environment Impact Report (SEIR)**

**Summary**

According to CEQA, an EIR must assess the potentially significant environmental effects of the proposed project; identify feasible means of avoiding or substantially lessening significant adverse impacts; and evaluate a range of reasonable alternatives to the proposed projects.

Strikingly, in section 4.6.5, the report claims that "Implementation of the 2020 LRDP would not result in substantial unplanned population growth and related demand for housing in the City of Merced and in surrounding communities. (Less than Significant)."

*The draft SEIR fails to adequately assess how UC Merced's 2020 long-range development plan will lead to population growth, housing scarcity, rising housing costs, and a rise in families experiencing housing insecurity.*

The reasons are as follow:

**1. The draft SEIR cites wildly divergent population projections—and does nothing to address the implications of these projections on the proposed project. It also has errors in its reference to existing figures.** In section 4.6.2, the SEIR cites 2012 Merced County Association of Governments (MCAG) figures that project that between 2018 and 2030, the City of Merced's population will increase by 34.6%, from 86,750 to 116,765 residents (page 4.6-1). Secondly, the SEIR also cites a 2018 MCAG report that estimated Merced city's population would grow to 102,952 by 2030. Thirdly, when the SEIR cites this second report, it erroneously states the figure in the table to be "106,952" when it is "102,952." In addition, the SEIR cites the City of Merced's currently adopted Merced Vision 2030 General Plan (2012), which projects that from 2018 to 2030 the City of Merced's population would increase 53.1%, from 86,750 to "137,400."

**2. The report cites the previous 2009 LRDP EIS/EIR to suggest that no new policies are currently needed to mitigate the effect of population growth on the surrounding community--but the assumptions in the 2009 report have proven false.** In Section 4.6.4, the draft SEIR claims that the 2009 LRDP EIS/EIR found that no persons would be displaced from housing as a result of the campus development. However, this is an erroneous assumption. The campus does not have enough beds for students and, as of 2018, 56% of UC Merced students live off campus. Therefore, increasing the size of the student body will necessarily increase the number of students who live in the city of Merced and it may create a shortage of housing units for all residents in the city.

The draft SEIR admits that, "while a University Community to house the campus-related population was envisioned in 2009, such a community has not developed near the campus and it is not foreseeable that such a community would develop within the timeframe of the 2020 LRDP (page 4.6-8).

**3. The draft SEIR also fails to note that, within the past decade, growth in housing stock in the City and County of Merced have fell flat while populations have grown.** The Draft SEIR provides data, from 2010 to 2018, indicating that the City of Merced's housing units grew from 27,446 to 27,863--a mere total of 417 housing units (see Table 4.6-3). Our own analysis of American Community Survey data indicates that Merced County housing units increased from 84,034 in 2009 to 85,756 in 2017--a mere 1,722 for the whole county, since the last LRDP in 2009.

**4. The draft SEIR ignores evidence that Merced households are already experiencing scarcity of affordable housing.** The draft SEIR suggests that housing vacancy rates are low, but that a number of housing units remain available for renters to occupy--and that the city and county can accomodate population growth. US Census Bureau- American Community Survey data that was not examined in the draft SEIR, however, suggests that Merced residents are already doubling up, and that their wages will not be able to keep pace with the rising rents created by university-related population growth.

In 2006, the percentage of Merced County households that were complex households (those with more than 1 family) was 6.8 per 100, and by 2017 it went up to 11.5 per 100 households. To put this in context, between 2005 to 2017 Merced County's rank among California counties went from 22nd out of 34, to third. In addition, the home ownership rate sank from 13th lowest in the state, to 3rd lowest.

In addition, in 2017, Merced County full-time workers' median salaries were the lowest of all counties in California. Their wages only rose from \$40,000 \$47,000--a mere \$7,000--the second lowest increase among California's 34 counties.

**5. The report cites three current housing policies as policies that will mitigate the effects of a growing campus population on the city's housing market, but these policies will actually do little to mitigate such effects.** The draft SEIR references the MCAG 2015-2023 Regional Housing Needs Allocation Plan as relevant for helping to meet housing need projections, but this plan only allocated to the City of Merced 1,351 very low income, 966 low income, and 886 moderate income housing units.

The draft SEIR also erroneously references the University of California President's Housing Initiative, which will add 14,000 new beds to all 9 UC campuses by 2020, as a relevant local policy for UC Merced. Per the November 14, 2018 UC Board of Regents Meeting

(Discussion Item B1), UC Merced was the only one of the 9 UC campuses to not present a housing plan to the Regents.

The draft SEIR does accurately state that in 2016, the UC Merced 2020 Project began student housing projects that would provide up to 1,680 new beds. However, this is not enough to meet the demand for student housing according to the UC Merced 2020 plan, which aimed to increase the campus student body by 5,000. *This effect of this housing shortage will be in addition to the effect of the campus growth between 2020 to 2030.*

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**Conclusion: The draft SEIR fails to examine how the currently proposed UC Merced 2020 LRDP plan will lead to population growth between now and 2030, and its effects on housing scarcity, rising housing costs, and a rise in families experiencing housing insecurity.**

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**Commenter ORG-2**

**Community Alliance for a UC Sustainable Expansion - Ana Maria Padilla (October 18, 2019)**

**Response ORG-2-1**

Comment noted.

**Response ORG-2-2**

See Response ORG-1-2.

**Response ORG-2-3**

See Response ORG-1-3.

**Response ORG-2-4**

See Response ORG-1-4.

**Response ORG-2-5**

See Response ORG-1-5.

**Response ORG-2-6**

See Response ORG-1-6.

**Response ORG-2-7**

See Response ORG-1-7.

**San Joaquin Raptor Rescue Center**

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**From:** San Joaquin Raptor Rescue Center <sjrrc@sbcglobal.net>  
**Sent:** Monday, November 4, 2019 4:23 PM  
**To:** '2020LRDP@ucmerced.edu.'  
**Cc:** SJRRC@sbcglobal.net; 'protectourwater@sbcglobal.net'; CVSEN@sbcglobal.net; 'pwoods3@ucmerced.edu'  
**Subject:** 2020 LRDP  
**Attachments:** 2020 LRDP SEIR 11-4-2019.docx; UC Merced Letters.pdf

Phillip Woods  
Director of Physical & Environmental Planning 2 Physical Operations  
Planning and Development University of California, Merced  
5200 North Lake Road,  
Merced, California 95343  
Email address: [2020LRDP@ucmerced.edu](mailto:2020LRDP@ucmerced.edu).

Via Electronic Mail

Re: 2020 LRDP Comments and California Public Records Request

Please find attached the San Joaquin Raptor/Wildlife Rescue Center comment letter and attachments to the UC Merced 2020 LRDP Draft SEIR.

Lydia Miller  
**San Joaquin Raptor/Wildlife Rescue Center**  
**P.O. Box 778**  
**Merced, CA 95341**  
**(209) 723-9283, ph. & fax**  
[sjrrc@sbcglobal.net](mailto:sjrrc@sbcglobal.net)

## 2020 LRDP &amp; SUBSEQUENT ENVIRONMENTAL IMPACT REPORT (SEIR)

San Joaquin Raptor/Wildlife Rescue Center  
P.O. Box 778  
Merced, CA 95341  
(209) 723-9283, ph. & fax  
[sirrc@sbcglobal.net](mailto:sirrc@sbcglobal.net)

November 4, 2019

Via Electronic Mail

Phillip Woods  
Director of Physical & Environmental Planning 2 Physical Operations  
Planning and Development University of California, Merced  
5200 North Lake Road,  
Merced, California 95343  
Email address: [2020LRDP@ucmerced.edu](mailto:2020LRDP@ucmerced.edu).

Re: 2020 LRDP

**Comments  
And  
California Public Records Request**

Dear Mr. Woods:

**Comments**

With this UC Merced 2019 Subsequent Environmental Impact Report, the UC Regents, the land-use authority, has reached a level of absurd finagling with the California Environmental Quality Act that should make them either the laughingstocks or the envy of every developer in the state. However, it is no laughing matter or enviable work to have followed this project from its first environmental documents to the present, as the San Joaquin Raptor/Wildlife Rescue Center and Protect Our Water (POW) has done. Perhaps this is the reason UC Merced failed to notify us about the comment period for the SEIR.

Below, please find a list of layers of CEQA documents for this project, which continues to cherry-pick issues, fails to get mitigation, fails to get student-population growth, fails to get funding, and fails to define its special role within UC system, and continues to update its plans to avoid its conservation commitments. Surely, it is not the intent of CEQA to layer program EIR upon program EIR solely for the purpose of bamboozling the public and courts of law.

**2009 LRDP Series and Subsequent Amendments**

[2009 Long Range Development Plan](#) (Superseded)

[2013 Long Range Development Plan Amendment](#) (Superseded)

[2016 Long Range Development Plan Amendment](#) (Superseded)

[2017 Long Range Development Plan Amendment](#) (Operational)

For related Environmental Impact Reports, please refer to [Environmental Documents](#)

## 2009 Environmental Impact Report and Subsequent Addenda

[2009 Draft Environmental Impact Report - Volume 1](#)

[2009 Draft Environmental Impact Report - Volume 2](#)

[2009 Draft Environmental Impact Report - Volume 3](#)

[2009 Final Environmental Impact Report \(2009\)](#)

[2009 Mitigation and Monitoring Program](#)

[Addendum #2 to the 2009 LRDP EIR-EIS - North Bowl Parking Lot \(2010\)](#)

[Addendum #4 to the 2009 LRDP EIR-EIS - Phase 4 Infrastructure \(2012\)](#)

[Addendum #5 to the 2009 LRDP EIR-EIS - CAO B \(2013\)](#)

[Addendum #6 to the 2009 LRDP EIR-EIS - LRDP Amendment \(2013\)](#)

[Addendum #7 to the 2009 LRDP EIR-EIS - 2020 Project \(2016\) and \[CEQA Findings - 2020 Project \\(2016\\)\]\(#\)](#)

[Amendment #8 to the 2009 LRDP and CEQA findings \(2017\)](#)

[Addendum #9 to the 2009 LRDP and CEQA findings \(2017\)](#)

## 2002 LRDP Series

### [2002 Long Range Development Plan](#)

The past documents have relied on a federal Environmental Impact Statement under the National Environmental Protection Act. Could you please direct us where the EIS, referenced in the UC Merced 2020 Project Findings (2016), is published in the Federal Registry. Even though this SEIR is a document designed to further fragment, piecemeal and obfuscate the environmental review process, bad motives do not release UCM from the duty to do another EIS.

UC Merced has also failed to provide the financial resources to ameliorate its impacts to the surrounded urban environment. We refer you to the following section of the Introduction to the SEIR:

#### 1.0 Introduction

##### 1.4.2 Type of CEQA Document

An LRDP is a guide to campus development. It identifies development objectives, delineates campus land uses, and estimates the new building space needed to support program expansion through the planning horizon year. The 2020 LRDP provides a guide to land and infrastructure development that could be built on the campus site to support a projected level of enrollment and employment growth through 2030. **It is not an implementation plan, and its approval does not constitute a commitment to any specific project, construction schedule, or funding priority nor does it constitute a commitment by the University to enrollment growth or a certain amount of development. Further, the LRDP does not**

**sunset, and there is no set timeframe when a new LRDP would be needed. However, for purposes of impact analysis, this SEIR assumes that the development of related facilities and housing to accommodate the projected student and faculty/staff growth would occur by 2030.**

We also refer you to the following section of UC attorney James E. Holst's letter to the state Supreme Court, September 12, 2003 re. City of Marina and Ford Ord Reuse Authority v. Board of Trustees of the California State University (Case No. S117816: Amicus Curiae Letter).

*The recent example of UC's new Merced campus is illustrative. In the CEQA process for the long range development plan (LRDP), local jurisdictions identified approximately \$200 million in improvements to local roads, parks and schools that they claimed would be made necessary by the new campus development, and argued the UC was obligated to pay for those improvements under CEQA. UC rejected those demands as reflecting economic and social impacts outside the purview of CEQA, and in light of its exemption from such assessments under the California Constitution. (p.2, letter attached)*

On July 31, 2006, the state Supreme Court decided against the CSU Trustees' arguments on the limitations of CEQA and the supposed "exemption under the California Constitution." Therefore, UC's amicus curiae letter arguments were rejected.

**NOTIFICATION:** Neither the San Joaquin Raptor/Wildlife Rescue Center or Protect Our Water (POW) were notified about the SEIR, yet these two groups, representing the Merced public, cared enough about the environmental quality of Merced County prior to the siting of the UC Merced campus, to comment on every environmental document presented, appear at numerous local, legislative and UC Regents' hearings, and to file five lawsuits against the UC Merced campus development plans. We brought causes of action under CEQA on water issues when the City and MID were both vying to give UC the water for nothing. We sued on destruction of wetlands when the campus construction had started "at its own risk" according to Merced Superior Court, without proper environmental permitting. As leaders in California Endangered Species and Habitat Alliance, we negotiated successfully with federal and state agencies, Merced County and UC for a smaller footprint for the campus. We were instrumental in creating the 2009 UC Merced Conservation Strategy that is mentioned but not provided in 4.2 Biological Resources Data Sources.

We have more than earned the respect denied us by this particular generation of UC Merced planners.

**"Subsections (b) and (c) explain which agency would have responsibility for preparing a subsequent EIR under different circumstances. A subsequent EIR must, of course, receive the same circulation and review as the previous EIR." Title 14 (Subsequent EIR)**

#### **OMISSION OF COMMENTS LETTERS AND RESPONSES.**

**None of the listed documents include the comment letters and responses.**

**The public cannot access the document called 2009 Final Environmental Impact Report.**

Therefore, they are not legitimate environmental documents, cannot be tiered from and do not satisfy the CEQA administrative record requirement. This is a violation of the state Public Resource Code section 21167.6(e) and of the decision in *Protect Our Water v. County of Merced* (2003) 110 Cal.App.4th 362.

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## UC MERCED PLANNING HORIZONS

There is no indication in the SEIR that Phase 2 is to be the last phase of the project, any more than that UCM is committing to a maximum student body of 15,000. The “whole of the project” is not discussed. The truth of the UC Merced project is that there is no “whole of the project.” All there is are a series of horizons decorated by environmental documents of various degrees of completion. These endless horizons violate the spirit and letter of CEQA.

6

The change from 815 ac. to 1,026 requires complete documentation. Where is the UC Conservation Strategy? This requires a new, not a tiered EIR, and certainly not a SEIR tiered off the 2009 LRDP, which doubles as a programmatic EIR for further tiering.

## UC MERCED 2020 PROJECT CEQA FINDINGS

The Regents are going to vote on the Findings. The public has to hunt and peck to find these Findings, which are not connected to the other 2020 documents. The IS and SEIR. This layering passes the threshold of complete incompetence as does the omission of public and agency comment letters and UC Merced replies. And to repeat, the public cannot access the 2009 Final Environmental Impact Report. Therefore, we ask that for these reasons that the Regents not adopt the Findings or approve the SEIR.

7

- We further request that the MMRP be rejected for lack of any evidence of mitigation requirements of any kind have been fulfilled. Even the conservation easements acquired early in the UCM development process did not satisfy the mitigation for construction and buildout of the UCM campus to date, and therefore not for future horizons of UCM development.
- The UC Regents and the State of California should not approve the LRDP Attachments because they are not a complete administrative record. Nor can they approve the 2020 design and mitigation measures for the same reason.

## The Kinda-Sorta-Maybe Location of the documents.

Record of proceedings various documents and other materials constitute the record of proceedings upon which the University bases its Findings and decisions contained herein. Most documents related to the UCM 2020 Project and CEQA analysis thereof, as well as the custodian of the administrative record, are UC Merced 2020 Project Findings Page 21 located at UC Merced, Physical and Environmental Planning, 755 Suite M, East Yosemite Avenue, Merced, CA 95340.

- Contact Person: Phillip Woods, Director of Physical & Environmental Planning, phone number: (209) 349-2561 and email address: pwoods3@ucmerced.edu Addresses where a copy of the SEIR and 2020 LRDP are available: The SEIR and 2020 LRDP documents are posted on the following website link: <https://planning.ucmerced.edu/2020LRDP>. Also, a hard copy of the SEIR and 2020 LRDP documents can be found at the following addresses: University of California, Merced Campus Kolligian Library 5200 North Lake Road Merced, California 95343 and the UC Merced

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Downtown Campus Center 655 W 18th Street Merced, California 95340. Are there still documents at either the Mondo Building on Main Street or out at Castle?

- The public hearings are mandated to be a part of the public record.

8

**Land-use issues.** UC Merced is basically relying on its 2002 LRDP, from which subsequent CEQA documents are tiered. The Biological Resource Surveys in the Project Site and Vicinity February 4-April 16, 1999 Vernal pool branchiopod surveys 1999 (10,360 acre) UC Merced / University Community Planning Area EIP Associates (1999a) were the last complete surveys done on the study area. Furthermore, they are relying on Vollmar J. E. (ed.). 2002. Wildlife and Rare Plant Ecology of Eastern Merced County's Vernal Pool Grasslands. Vollmar Consulting, Berkeley, CA. This book, paid for by federal EPA taxpayer funds, constitutes a baseline, but, per Vollmar's repeated instructions at the end of each chapter, it has significant gaps requiring much more study.

But something nearly monumental has happened to the seasonal pasture grazing lands of eastern Merced County in the last 17 years in addition to the urban construction boom: the rapid development of orchards and vineyards and the drilling of numerous deep wells. This export-led economic development has put tremendous pressure on wildlife habitat on pasturelands (disturbed or not) and on water, both surface vernal pools and swales (deep-ripped to oblivion) and groundwater (now the subject of a state mandated effort to develop a sustainable groundwater management program for the heavily over drafted region). Yet UC Merced lurches on, oblivious as ever of its surroundings. Once UC, a state agency, decided to proceed with construction "at their own risk" without proper permitting, on land that already included illegal takes going back to the municipal golf course (paid off in a corrupt way by the Packard Foundation), many large landowners followed, illegally deep-ripping in Madera, Merced and Stanislaus counties and throughout the Valley floor. So, we have the spectacle of one of the foremost public research universities in the world, blazing the trail of contempt for local, state and federal environmental law and regulation, culminating in a serious attempt, aided by local congressmen, to gut the Endangered Species Act Critical Habitat Designation.

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We are well aware of political corruption and harassment arising from this project and yet we are not so jaded that we don't believe in the CEQA, NEPA, ESA, and the Migratory Bird Treaty Act, in the state and federal Clean Water and Clean Air acts, and the California Brown and the Public Record acts, despite the repeated attempts of this famous public research university to undermine these laws and regulations.

UC Merced is designating a new land use category on campus for lands adjacent to its Natural Vernal Pool and Grasslands Reserve that would allow "a broader range of faculty research to be conducted," i.e. more impact to natural reserve. Seasonal scientist grazing will replace seasonal cattle grazing. The Natural Reserve System converts natural resources/wildlife habitat into "living laboratories for scientific research and public/K-12 field trips." But whereas cattle grazing has environmental utility, converting the reserve into a research commodity and educational amenity does not.

And then there is this comment in the SEIR:

## 6.0 OTHER CEQA CONSIDERATIONS



### 6.3 ANALYSIS OF IRREVERSIBLE CHANGES

Additional irreversible commitments to future uses include those related to new development on the lands designated Campus Mixed Use (CMU). Development of these lands would constitute an irreversible use of these lands because once buildings or pavement are constructed, the underlying soils would no longer be available for other uses. Campus growth under the 2020 LRDP would result in the loss of approximately 100 acres of undeveloped although disturbed land, which provides some habitat value and has historically been used for grazing. As discussed in Section 4.2, Biological Resources, UC Merced would implement mitigation measures to reduce impacts to sensitive biological resources, and UC Merced has already preserved and enhanced appropriate habitat elsewhere in the vicinity of the campus. Several thousand acres of land owned or conserved by the University are and will continue to be available for grazing. Just because the agricultural land-ownership bias of the Merced County Board of Supervisors persuades them year in and year out to avoid any environmental consideration of agriculture-to-agricultural conversions is no reason why the incredibly environmentally sophisticated UC Merced should copy them.

In 2002, at UCLA, we testified that the research and retail facilities should not be on campus. The research facilities should be at the former Castle Air Force Base, a superfund site. The retail should be in downtown Merced and Atwater to keep those central commercial locations alive, rather than creating little high-end boutiques out at the campus like at UCLA. After numerous testimonies before the state Higher Education Committee, we forced UCM to open satellite sites up and down the Valley, at the Mondo Building in downtown Merced and at the former Castle Air Force Base.

SEIR is **not an implementation document**, no commitments, but the UC Conservation Strategy of 2009 is an implementation document and does require commitments. SEIR set up to erase these commitments? UC wants a blank check for impacting publicly owned lands to do whatever it wants and not be financially responsible and to have no responsibility to local, state and federal resource agencies for impacts.

In light of what we have discovered and present here, the Environmental Checklist is irrelevant and not worth comments. UCM hasn't given us any evidence of successful mitigation. You have once again given up nothing but plans to make plans, some of which are old, insignificant and out-of-date plans to make plans, another constant feature of UCM environmental documents.

In conclusion, it was bad enough to listen to Keasey lie about "the children" being paraded around the Capitol in UC Merced T-shirts, one hall monitor being the chief of staff of Merced's congressman at that time. To get Keasey to open satellite facilities, the Mondo Building in downtown Merced, and a facility at the former Castle Air Force Base. The lies at the foundation of this UC campus go back to Keasey, Atkinson, Kolligian and other land speculating regents, Bill Lyons, and local land speculators like Bob Carpenter "Mr. UC Merced," the Bobcat, Greg Hostetler, and Mike Gallo, local politicians and their staffs.



The environment in document is exclusively the on-campus environment, no concern about impact on surroundings. But UC hasn't fulfilled its compensatory mitigation measures yet, in some cases paying in lieu fees to Army Corps for lack of land or commitment to perpetual conservation easements.

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We support the No Project Alternative.

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#### **PUBLIC RECORDS ACT REQUEST:**

Pursuant to our public rights under the California Public Records Act (Government Code Section 6250 et seq.) and the California Constitution, as amended by passage of Prop 59 on November 3, 2004, we are writing to request to review the originals of the following documents:

#### **2009 LRDP Series and Subsequent Amendments**

[2009 Long Range Development Plan](#) (Superseded)

[2013 Long Range Development Plan Amendment](#) ( Superseded)

[2016 Long Range Development Plan Amendment](#) (Superseded)

[2017 Long Range Development Plan Amendment](#) (Operational)

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For related Environmental Impact Reports, please refer to [Environmental Documents](#)

#### **2009 Environmental Impact Report and Subsequent Addenda**

[2009 Draft Environmental Impact Report - Volume 1](#)

[2009 Draft Environmental Impact Report - Volume 2](#)

[2009 Draft Environmental Impact Report - Volume 3](#)

[2009 Final Environmental Impact Report \(2009\)](#)

[2009 Mitigation and Monitoring Program](#)

[Addendum #2 to the 2009 LRDP EIR-EIS - North Bowl Parking Lot \(2010\)](#)

[Addendum #4 to the 2009 LRDP EIR-EIS - Phase 4 Infrastructure \(2012\)](#)

[Addendum #5 to the 2009 LRDP EIR-EIS - CAOB \(2013\)](#)

[Addendum #6 to the 2009 LRDP EIR-EIS - LRDP Amendment \(2013\)](#)

[Addendum #7 to the 2009 LRDP EIR-EIS - 2020 Project \(2016\) and CEQA Findings - 2020 Project \(2016\)](#)

[Amendment #8 to the 2009 LRDP and CEQA findings \(2017\)](#)

[Addendum #9 to the 2009 LRDP and CEQA findings \(2017\)](#)

#### **2002 LRDP Series**

[2002 Long Range Development Plan.](#)

and supporting data and referenced material.

With regard to any documents that may be withheld, we request compliance with Government Code section 6255 by providing a written reply (1) identifying the type or nature of the record, or portion thereof, being withheld, and (2) demonstrating that the record in question is exempt under the express provisions of the PRA, or that, on the facts of the particular case, the public interest served by not disclosing the record clearly outweighs the public interest served by disclosure of the record.

Also, before taking any action that might result in charges for reimbursement (*i.e.*, fees established by statute or the “direct cost” of copying of documents or electronic formatted data), we request that you provide an estimate of the costs involved.<sup>1</sup> Initially we would like an opportunity to make an appointment and review the file in your offices. We will then be able to determine whether we would like copies of any of the documents.

Please feel free to contact us regarding the above at 209-723-9283. We look forward to hearing from you.

Govt. Code, § 6253, subd. (b); *North County Parents Organization For Children With Special Needs v. Department of Education* (1994) 23 Cal.App.4th 144, 146-148 (holding that charges under PRA are statutorily limited to fees established by statute, and “direct cost” of providing requested copies, and that no charge may be levied under PRA for any other purpose).

Finally, we have performed our due diligence by going through the documents providing and trying to find the documents that are missing. We went to a public hearing at which only two documents without copies and none of the other documents associated with this SEIR were available. We asked at that meeting if any other documents were available and were told that none were available except on the web. Today, we went to the location where the documents were supposed to be made available to the public and we were given one document to inspect at the site. No copy was provided.

Please find attached a series of our letters concerning the numerous UC Merced Planning and Environmental Documents, which we request be included the Final SEIR.

Very truly yours,



Cc: Protect Our Water [protectourwater@sbcglobal.net](mailto:protectourwater@sbcglobal.net)  
Central Valley Safe Environment Network [cvsen@sbcglobal.net](mailto:cvsen@sbcglobal.net)  
Other Interested Parties

**Commenter ORG-3**

**San Joaquin Raptor/Wildlife Rescue Center - Lydia Miller (November 4, 2019)**

*(Attachments to this comment letter are included in Appendix C)*

**Response ORG-3-1**

The commenter asserts that “layers of CEQA documents” prepared by the University continue to “cherry-pick issues, fails to provide mitigation, fails to get student-population growth, fails to get funding, and fails to define its role within the UC system, and continues to update its plans to avoid its conservation commitments.” The commenter provides no evidence in support of these assertions and simply lists the 2009 LRDP EIS/EIR (various volumes) and addenda prepared by the Campus to address specific projects developed pursuant to the tiering provisions of CEQA.

The 2009 LRDP EIS/EIR is a program-level document that was prepared to disclose the environmental impacts from the adoption and implementation of the 2009 LRDP. The 2009 LRDP EIS/EIR fully analyzes the environmental effects from the implementation of the 2009 LRDP, which planned for the campus to grow to 25,000 students by 2030. The EIS/EIR sets forth mitigation measures that the Campus has been implementing since the approval of the 2009 LRDP. The Campus has not failed to provide mitigation or meet its conservation commitments, and in particular, has fully mitigated all its impacts to wetlands and species habitat associated with development of the campus and the former UCLC land south of the campus in compliance with all of the state and federal permits. For the Campus’s progress relative to its conservation commitments, please see Section 4.2, Biological Resources, in the Draft SEIR and the Recirculated Draft SEIR.

The 2009 LRDP EIS/EIR was also prepared to allow the Campus to streamline the review of specific development projects that are consistent with the 2009 LRDP and within the scope of the 2009 LRDP EIS/EIR analysis. The Campus prepared a number of addenda to document that the environmental impacts of those projects had been fully analyzed and any significant impacts mitigated. As some projects also required LRDP amendments, the effects of those amendments were analyzed and presented in the addenda. CEQA authorizes the use of addenda to demonstrate and document that a specific project’s environmental effects are fully analyzed in a First Tier EIR, such as the 2009 LRDP EIS/EIR.

The Draft SEIR and the Recirculated Draft SEIR (pages 1.0-2 through 1.0-6) present the purpose and need for the proposed 2020 LRDP. As explained there, the updated LRDP is proposed to replace the 2009 LRDP because (1) the Campus is expected to grow to an enrollment level of 15,000 students in 2030, and not 25,000 students as planned for in the 2009 LRDP; (2) more land area has been added to the campus site; (3) the land use designations in the 2009 LRDP do not provide flexibility in locating campus land uses within the development areas on the campus; and (4) UC Merced now plans to develop the campus within a more compact and sustainable footprint. Once adopted, the 2020 LRDP will become the land planning document for the Merced campus.

As explained on page 1.0-8 of the Draft SEIR (page 1.0-9 in the Recirculated Draft SEIR), the current EIR is a Subsequent EIR that analyzes and discloses the environmental impacts that would result if the 2020 LRDP was adopted and implemented. Because the proposed LRDP updates the 2009 LRDP, provides for a lower enrollment increase through 2030, and includes a land use plan that is based on a compact footprint with a simplified and streamlined land use diagram, some of the impact analyses in the 2009 LRDP EIS/EIR still hold for the proposed 2020 LRDP. As indicated on pages 1.0-10 and 1.0-13, the Initial Study prepared for the 2020 LRDP (and included in the Draft SEIR and the Recirculated Draft SEIR in an appendix) clearly shows that for topics that include aesthetics, agricultural and forest resources, cultural resources, geology and soils, hazardous materials, land use and planning, and minerals, the 2020 LRDP would not result in new or more severe impacts than previously disclosed in the 2009 LRDP EIS/EIR and addenda. For those topics, UC Merced will continue to rely on the 2009 LRDP EIS/EIR analysis. For all other environmental topics, the SEIR analysis replaces the 2009 LRDP EIS/EIR analyses in full. Both the 2009 LRDP EIS/EIR and the SEIR will be used as First Tier/Program EIRs under the tiering provision of CEQA to approve the implementation of subsequent projects on the campus.

### **Response ORG-3-2**

The 2009 LRDP Final EIS/EIR was published by the U.S. Army Corps of Engineers, Sacramento District on March 16, 2009. The notice regarding the availability of the Final EIS was published in the Federal Register on March 13, 2009.

The 2020 LRDP is an update to a land use plan and does not require any federal approvals, thus there is no federal action associated with the project that requires the preparation of an EIS.

**Response ORG-3-3**

UC Merced has met its mitigation obligations to mitigate its significant environmental impacts that were identified based on the analysis in the 2009 LRDP EIS/EIR, including completion of mitigation for wetland and species habitat impacts and well as payment of funds to the County for traffic improvements to mitigate impacts of campus development to date.

The UC amicus curiae letter referenced in this comment and the commenter's other assertions are not relevant to the impact analysis in the SEIR. In particular, the amicus curiae letter contained projections based on the 2002 LRDP EIR and does not reflect the conclusions of the later environmental analysis of the much more compact campus development anticipated to occur over the next 10 years.

**Response ORG-3-4**

The Draft SEIR and the Recirculated Draft SEIR were circulated in compliance with CEQA. UC Merced fully complied with the EIR noticing requirements set forth in CEQA. The availability of the Draft SEIR and the Recirculated Draft SEIR was announced via a number of methods that included a legal notice in the Merced Sun-Star, posting on the UC Merced website, posting at the County Clerk's office, and mailing of the notice of availability to local agencies. The Draft SEIR and the Recirculated Draft SEIR was circulated for 45 days consistent with the *State CEQA Guidelines*.

**Response ORG-3-5**

The comments and response to comments on the 2009 LRDP Draft EIS/EIR were published in Volume III of the 2009 LRDP Final EIS/EIR, which was certified in connection with the adoption of the 2009 LRDP. That volume is available at the Campus Physical Planning and Environmental Planning office at the UC Merced Downtown Campus Center and on the UC Merced campus in the Kolligian Library and on the UC Merced website.

**Response ORG-3-6**

The University is not asserting that the Merced Campus will not grow beyond an enrollment level of 15,000 students after 2030. However, enrollment growth beyond 2030 cannot be predicted accurately at this time, and the University does not want to engage in speculation regarding enrollment projections beyond 2030 and the associated physical growth that creates environmental effects. As an example, when the 2009 LRDP EIS/EIR was prepared, the Campus was projected to reach an enrollment level of 25,000 students by 2030. The Campus currently has an enrollment of about 8,000 students. Given the current enrollment, it is clear that the 2030 forecast in the 2009 LRDP EIS/EIR was not realistic. Courts have ruled that where future development is unspecified and uncertain, no purpose can be served by requiring an EIR to engage in sheer speculation as to future environmental consequences. As enrollment at UC Merced approaches 15,000 students, the University will prepare an updated LRDP that addresses the next phase of foreseeable growth and evaluate and disclose the effects of that growth in an EIR.

As noted in the Draft SEIR and the Recirculated Draft SEIR, about 211 acres of land adjacent to the southern boundary of the 815-acre campus that were previously planned for development under the University Community North are now part of the campus. Potential environmental impacts from developing the campus on the 1,026-acre site, including the additional 211 acres, are fully analyzed in the Draft SEIR and the Recirculated Draft SEIR. Note that the 2020 LRDP focuses development on 274 acres of the 1,026-acre campus site and places a large part of the campus site in open space.

The Conservation Strategy was developed in 2008 to meet the requirements of the Biological Opinion (BO) issued by the USFWS in August 2002. In 2009, an updated BO was issued by the USFWS. The Campus has been in full compliance with both the 2002 and the updated 2009 BO and has completed conservation actions consistent with the BO and Conservation Strategy. Please note that the Conservation Strategy is not a technical study that was relied upon in the preparation of the Draft SEIR or the Recirculated Draft SEIR. Therefore, the Campus does not need to make that document available in conjunction with the circulation of the Draft SEIR and the Recirculated Draft SEIR. It can be provided to the commenter upon request.

Please see Response ORG-3-1 regarding the relationship of the SEIR to the 2009 LRDP EIS/EIR. This document supplements and updates the prior EIS/EIR and is not tiered from that EIS/EIR.

**Response ORG-3-7**

CEQA requires that the Findings of Fact for a proposed project be prepared and provided to the decision makers at the time that the project and its accompanying CEQA document are submitted to the decision makers for action. The Findings for the proposed 2020 LRDP will be prepared and submitted to the UC Board of Regents when the Final SEIR is submitted to the Regents for consideration.

The Initial Study was prepared and circulated with the NOP and is also presented in the Draft SEIR and the Recirculated Draft SEIR in an appendix. With regard to the comments received on the Draft SEIR and the Recirculated Draft SEIR, the University's responses to all the comments are documented in this Volume III of the Final SEIR. The 2009 LRDP EIS/EIR is posted on the UC Merced website and was made available to the public during the circulation of the Recirculated Draft SEIR.

The commenter asks the Regents to reject the MMRP for the 2020 LRDP, claiming that the University has not fulfilled its previous mitigation requirements. The commenter is referred to Section 4.2, Biological Resources, which meticulously documents all of the conservation and other mitigation requirements that were identified for the development of the Campus and University Community North by the responsible regulatory agencies, including the USACE, U.S. Fish and Wildlife Service (USFWS), California Department of Fish and Wildlife (CDFW), and the Central Valley Regional Water Quality Control Board (Regional Board), with input and involvement of the U.S. EPA and a number of environmental stakeholders. The conservation and mitigation requirements were set forth in the permits and authorizations that the University received from the agencies. The University continues to comply with the permits and submits annual reports to the regulatory agencies to demonstrate compliance. The University's compliance with the permits as well as mitigation measures set forth in the 2009 LRDP EIS/EIR is documented in Section 4.2. As discussed in that section, the compensatory mitigation provided by the University includes the conservation of several thousand acres of habitat in eastern Merced, while the impact of the campus under the 2020 LRDP is limited to less than 100 acres within the 1,026-acre campus site.

The comment related to the Administrative Record is unclear. The administrative record for adoption of the 2020 LRDP will include all of the documents incorporated by reference as part of the Final SEIR.

**Response ORG-3-8**

All of the environmental planning documents, including the Draft SEIR, Recirculated Draft SEIR, and the Draft 2020 LRDP, were made available at the Physical & Environmental Planning office in the Downtown Campus Center and at the campus Kolligian Library. The documents are not available for viewing at the UC Merced building at Castle. It should be noted that the University no longer leases space at the Mondo building.

**Response ORG-3-9**

Neither the Draft SEIR nor the Recirculated Draft SEIR is tiered from the 2002 LRDP EIR. Table 4.2-1 in Section 4.2 in both the Draft SEIR and the Recirculated Draft SEIR documents all biological resource surveys that have been completed for the UC Merced Campus since the time that the Merced site was selected as a potential site for the 10th UC campus up to 2018 when the work on the Draft SEIR/Recirculated Draft SEIR was commenced. The purpose of the table is to document the extensive nature of the surveys that have been completed for the campus and its vicinity to provide a comprehensive understanding of the resources in the area. The 1999 vernal pool branchiopod surveys are not the last surveys. The Campus conducted vernal pool crustacean wet-season surveys on Tier 1 Conservation lands in 2016, 2017, 2018, and 2019 (most recent surveys are not reflected in the Recirculated Draft SEIR).

The commenter is incorrect in stating that the University proceeded with the development of the campus without proper permits and approvals. The first phase of the campus (Phase 1 campus) was built entirely within the confines of an existing golf course and the University implemented extensive avoidance measures to ensure that no off-site impacts to adjacent resources would occur from the first phase of campus development and no violation of federal or state law would occur. The University then spent several years working with the regulatory agencies and stakeholders to develop a campus footprint that minimized environmental impact. Once concurrence on that footprint was achieved, the University proceeded with obtaining federal and state permits to develop campus land outside of the Phase 1 campus. Those permits and approvals were issued in 2009 and the University then commenced



work in areas outside the Phase 1 campus.

Concurrently, the University acquired large acreages of land near the campus for conservation purposes and placed conservation easements on additional properties in other areas of eastern Merced County. As discussed on Draft SEIR pages 4.2-64 through -68 (Recirculated Draft SEIR pages 4.2-65 through -70), the University has acquired nearly 24,000 acres of Conservation Lands that provide protection to 1,006 acres of occupied habitat for vernal pool fairy shrimp, representing approximately 50 percent of the known habitat in the study region. For vernal pool tadpole shrimp, acquired Conservation Lands protect 14 acres of occupied habitat for the tadpole shrimp, representing 4 percent of the known habitat in the region. In addition to the preservation of suitable habitat within Conservation Lands, UC Merced has completed three mitigation projects to compensate for the filling of waters of the U.S. All of these mitigation actions by the University have resulted in the creation, enhancement, restoration, and preservation of additional compensatory habitat for vernal pool invertebrates. With respect to the California tiger salamander, approximately 5,900 acres of critical habitat has been protected on Tier 1(a) Conservation Lands achieving a mitigation ratio of 26:1 for direct and indirect impacts. Tier 2 Conservation Lands protect an additional 3,954 acres of critical habitat, for a total of approximately 9,850 acres protected on the Conservation Lands, representing an overall mitigation ratio of 43:1 for direct and indirect impacts on critical habitat. The proposed land use designation "Research Open Space" (ROS) is included in the proposed 2020 LRDP for two areas on the campus. The first area is in the eastern portion of the campus and while it is close to the Merced Vernal Pools and Grassland Reserve, it is not immediately adjacent to the Reserve boundary. The area is separated from the Reserve by an open space buffer that is approximately 250 feet wide and has been designed to avoid any indirect effects on the Reserve from research activities that might be undertaken in this area by the campus faculty and staff. The second area designated ROS is located at the northern end of the campus and encompasses the site of the former barn and related facilities, an area that is already disturbed. While this area is not buffered from the adjacent Reserve, this area, if it is used, would be developed with a field station to serve the Reserve. Field stations are commonly developed within reserves and do not result in significant environmental impacts on the natural resources present on the reserve.

**Response ORG-3-10**

Under its discussion of irreversible changes, the Draft SEIR and the Recirculated Draft SEIR acknowledge that the proposed 2020 LRDP would result in the conversion of about 100 acres of land that has been previously disturbed and historically used for grazing. However, in compensation for the loss of habitat, the University has preserved nearly 24,000 acres of similar lands in eastern Merced. These lands are currently used for grazing and will continue to provide land for cattle grazing. In fact, as part of the management plans of the conserved lands, the land managers are required to graze the lands. The additional benefit is that these 24,000 acres are now protected from future land development and agricultural conversions, such as conversion of grazing lands to orchards.

No retail facilities, other than student, staff and faculty serving facilities (such as food, campus retail, and bookstores) would be developed on the campus under the 2020 LRDP. Research facilities, such as wet and dry laboratories, would be located on land designated CMU. Field research projects requiring open space land area would be located on land designated ROS. As appropriate, research projects would also be located on University property at the former Castle Air Force Base.

Regarding the comment related to the Conservation Strategy, please see Response ORG-3-6 above.

See Response ORG-3-9 above regarding the land conservation completed by the University in compliance with its permits and EIR mitigation measures.

**Response ORG-3-11**

The commenter does not provide evidence in support of her assertion that the SEIR does not address the impacts of the 2020 LRDP on the surrounding area. The commenter is referred to Section 4.1 through 4.11 of the SEIR as these sections present the effects of campus development under the 2020 LRDP on the broader area in which the campus is located, including the neighboring properties as well as the City of Merced and Merced County.

Regarding compensatory mitigation for impacts to the Waters of the U.S., as noted in the Draft SEIR Section 4.2, the Campus has not filled all the permitted acreage but has provided compensatory mitigation for all the permitted acreage except about 4.8 acres of wetlands. It is uncertain that the Campus would fill all the permitted acres on the campus site and therefore it is uncertain that

mitigation for the 4.8 acres would even be required. However, should it be required, the USACE has agreed that this small remaining acreage could be compensated for under its in-lieu fee program. Under the 2008 Mitigation Rule, the USACE recommends that impacts to waters be compensated via purchase of credits at an approved mitigation bank or an approved in-lieu fee program, rather than through permittee-responsible mitigation projects.

**Response ORG-3-12**

The comment in support of the No Project alternative is noted.

**Response ORG-3-13**

The commenter lists environmental documents that she has requested from the Campus pursuant to a Public Records Act request. The Campus Public Records Office has responded to this request.

On November 14, 2019, the Office of Legal Affairs notified Lydia Miller to schedule a date and time to review the requested records no later than the close of business on December 13, 2019. UC Merced will identify, review, and release all responsive documents in accordance with relevant law and University policy. The University received a second records request, dated January 22, 2020, broadly requesting all correspondence and documents for every phase of the UC Merced LRDP and related EIRs. Although a response to that request is not required in this SEIR, the University responded on February 14, 2020, to advise that it will comply with the Public Records Act in providing documents responsive to that request.

**Response ORG-3-14**

Reference copies of the Draft SEIR were made available to the public at the two meetings in December for use during the meetings. A hard copy of Volume II containing all the appendices was available at the meetings. As Volume II presents all the technical studies that were used in the preparation of the Draft SEIR, it was not necessary for the Campus to provide any other documents at the meetings. Reference copies of the Recirculated Draft SEIR, including appendices, and copies of the 2009 LRDP EIS/EIR and addenda were made available to the public for use during the public meeting in January for the Recirculated Draft SEIR.

Although the commenter is correct in stating that only one document was available on the day she came to the Downtown Campus Center, a staff person was available and offered the commenter access to view electronic files of the document. The commenter returned to the Downtown Campus Center to review the Recirculated Draft SEIR and hard copies were made available to her.

**Response ORG-3-15**

The letters provided as attachments to the comment letter have been included in the Final SEIR as requested. These materials were reviewed by the University and do not contain information or comments that are pertinent to the Draft SEIR or the Recirculated Draft SEIR analysis. Therefore, no responses are required.



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November 4, 2019

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

Re: UC Merced 2019 Long Range Development Plan  
Draft Subsequent Environmental Impact Report (SCH No. 2018021010)

Dear Mr. Woods:

Thank you for providing Virginia Smith Trust (VST) representatives the opportunity to provide comments on the University of California (UC) Merced 2019 Long Range Development Plan Draft Subsequent Environmental Impact Report (LRDP Draft SEIR). We appreciate the opportunity to provide input regarding the Campus planning process and its relationship to the VST property located in the University Community North area.

As you know, UC and the VST initiated this integrated planning process almost a decade ago with the first long range development planning (LRDP) effort for the UC Merced Campus and the companion Merced County University Community Plan (UCP). In the spirit of collaboration, and at your request, last summer we shared with you our preliminary land plan for the VST Property. As the VST is in the process of formally submitting to Merced County its land plan and development application for development of the VST Property in accordance with the UCP in the next couple of weeks, the purpose of this letter is to advise you of the VST's comments regarding the 2019 LRDP Draft SEIR's treatment of the VST property so that the Campus' planning efforts may remain consistent with the VST's planning efforts for the property immediately south of the LRDP boundary.

### **Comments Regarding LRDP Draft SEIR Treatment of VST Property**

We appreciate UC Merced's incorporation into the 2019 LRDP Draft EIR a discussion of the University Community Plan (UCP) North project planned for the VST Property. The Draft

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EIR also accurately discusses and shows on Figure 1.0-1 the UCLC's transfer of the lands to the VST in accordance with the Merced County-adopted UCP and the June 2016 University Community Land Company (UCLC) Agreement, and the August 2017 Agreement Between The Regents of the University of California and the Virginia Smith Trust Relating to the Development of the Virginia Smith Parcel (August 2017 UC/VST Agreement).

As we have discussed over the past decade and consistent with the UCLC Agreement, the 654-acre VST Property will be developed pursuant to the adopted UCP. Unfortunately, the Draft EIR only discusses the existing conditions on the VST lands (see e.g., page 3/10-2), but fails to discuss the planned development contemplated in the UCP and VST's preliminary plans for the property. Acknowledging only the existing land use (i.e., planted almond orchards) on the VST Property fails to reflect the adopted- Merced County UCP plans for development of this property as both UC and the County evaluated it in their prior environmental documents. Accordingly, we request that the Final EIR be revised to include an exhibit illustrating the planned land uses reflected in the UCP for the 654-acre VST Property and specifically those uses identified in the University Community North project, and include a discussion of the planned development on the VST property addressed in the UCP and UCP North projects.

**Page 3.0-2** – We note that the Draft LRDP SEIR describes the VST lands south of the UCLC lands as largely in agricultural uses with newly planted almond orchards. We request that the Final EIR clarify that approximately 554 acres of the VST property are leased for the production of almond orchards of which 450 acres are planted. Please also clarify that this condition will remain until such time as the County completes the processing of the entitlements underway for the VST Project, and development of the VST property proceeds in accordance with the 2004 University Community Plan and 2009 University Community North area. We request that UC Merced consider incorporating the following additional language in the third full paragraph on page 3.0-2 of the Draft EIR.

The majority of the land owned by the VST just south of the UCLC land is currently planted in almond trees. This land has been planned for development since Merced County's adoption of the UCP. The UCP is a mixed-use development with commercial and residential uses, in addition to substantial open space. The VST is currently preparing a Specific Plan in accordance with the UCP for development of the UCP North, the first phase of the UCP. The first and second phases consist of the development of 200 acres closest to Lake Road. Most of the Phase 1 and Phase 2 area is not planted in trees.

**Page 3.0-17 – Campus Building Reserve and Support Land (CBRSL)** – The Draft SEIR describes the CBRSL as an area reserved for potential future uses including academic, research, student housing, student and support services, athletic and recreation, parking and similar uses as identified for the CMU area. This designation only appears to be a reserve designation until UC is ready to develop the area with more permanent uses. Nonetheless, 10,000

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square foot structures are not insignificant so we request that the LRDP and the SEIR be revised to provide for a coordinated development effort in this area because it directly implicates and relates to the development of the VST Property. In that regard, we request that the Final SEIR provide further information about the location and specifics of the land uses allowed in this area as the VST property is proposed for high density residential uses in the northern portion of the VST property in accordance with the UCP North, and it is important to ensure that the uses are functionally integrated and minimize the potential for land use incompatibility.

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**Page 4.0-6:** The Draft SEIR notes in the penultimate paragraph that because the VST initiated discussions with the City of Merced regarding annexation, and the City has not yet started that process, UC Merced did not include an analysis of the VST project as a reasonably foreseeable development in the Draft SEIR cumulative analysis. As UC Merced representatives are aware, the VST property was included in Merced County's UCP. The City of Merced advised the VST that it should continue processing its entitlements with Merced County at this time. Accordingly, the VST has filed preliminary information with Merced County to continue processing entitlements for the development of the Property, including a Specific Plan and related development approvals pursuant to the adopted UCP. The VST also is continuing its discussions with the City of Merced in anticipation of the City including future development of the VST in the City's North Merced annexation proposal. We request that UC Merced update the discussion on page 4.0-6 to explain that the VST is processing its approvals through the County at this time.

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### Comments Regarding LRDP Draft SEIR Biological Resources Impacts

**Page 4.2-59 - 62- LRDP Impact BIO-1 and 4.2-81 - Cumulative Impact C-BIO-2:** The Draft SEIR acknowledges that in April 2009, the USACE issued Department of the Army Permit No. SPK-1999-00203 to the University and the UCLC authorizing the fill of 77.79 acres of waters of the U.S., in conjunction with the development of the Campus and the adjacent University Community North (including the VST Property). The Draft SEIR also states that UC Merced commenced in 2012 the process of providing compensatory wetlands mitigation for the wetlands fill to date and completed two compensatory mitigation projects in 2016. UC Merced also purchased vernal pool credits for some of the impacts to vernal pool wetlands. According to the Draft SEIR, however, UC Merced will be 4 acres short of the required mitigation because it needs additional mitigation for impacts to wetlands and waters of the U.S. in order to develop the 2020 LRDP.

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The VST understands that the prior State and Federal Permits UC Merced obtained also apply to the VST's development of its property within the University Community North. Moreover, any additional mitigation that UC Merced believes it needs will apply only to the LRDP Campus Projects. Please confirm in the Final SEIR that the mitigation that UC Merced has completed also covers development of the VST Property and fully offsets any impacts to

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wetlands and waters of the U.S. and listed species and their associated habitats associated with development of the VST Property in accordance with the UCLC Agreement and the prior LRDP, UCP and associated State and Federal Permits applicable to the VST Property.

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### Comments Regarding Draft SEIR Hydrology and Water Quality Impacts

**Page 4.4- 29-31- LRDP Impact HYD-2:** We understand that UC Merced intends to design a system of detention basins to accommodate increased stormwater runoff on the Campus property. The Draft SEIR states that, “Because storm water from a small southerly portion of the campus was expected to continue to discharge into Cottonwood Creek, the 2009 LRDP EIS/EIR noted that the increased runoff from that area would also be detained in a detention basin along the east side of Lake Road and released at an appropriate rate such that no downstream flooding in Cottonwood Creek would occur. The 2009 LRDP EIS/EIR concluded that with the provision of adequate detention facilities, the increased runoff from campus development would not result in off-site flooding, erosion, or siltation.”

The Draft SEIR further states, “As with the prior LRDP, existing drainage patterns would be altered by the construction of new facilities under the 2020 LRDP. However, the area on the campus site that would be developed would be limited to about 274 acres of CMU lands. This area does not include the current alignment of Cottonwood Creek, and the creek would not be directly altered. New construction would, however, have the potential to increase the rate and amount of runoff, and if the runoff were to be discharged uncontrolled to surface waters, it could result in (or exacerbate) flooding as well as potential hydromodification (i.e., erosion and scour) in downstream drainages. However, such downstream impacts would be avoided.”

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Please clarify in the Final LRDP EIR that no increase in stormwater runoff will discharge into Cottonwood Creek, nor will the Campus discharge any additional stormwater runoff onto the VST Property to the south of the Campus site through which Cottonwood Creek flows. We are unclear as to how downstream impacts would be avoided.

### Comments Regarding Draft SEIR Transportation Impacts

**Page 3.0-21:** It is our understanding that Campus Parkway is intended to serve as a north-south arterial for buildout of the Campus, and not just an open space alignment for a future road. We understand from the Draft LRDP EIR that UC does not intend to proceed with Campus Parkway as part of the 2020 LRDP. Nonetheless, this roadway was included in the original LRDP for Campus buildout and we understand is necessary to accommodate planned growth in accordance with both the UCP and the buildout of the Campus. In fact, consistent with the 2009 LRDP EIR and UCP North Project, the VST Specific Plan proposes a connection to Campus Parkway within the alignment identified as the Campus Parkway Open Space. Accordingly, we request that the Final EIR acknowledge that the Campus Parkway alignment was included as part

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of Campus buildout in accordance with the UCP and UC Merced LRDP.

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**Page 4.8 – 28 – 33 – LRDP Impact TRANS-1; Page 4.8-47 – 4.8-58 – Cumulative Impact C-TRANS-1:** We noted that the LRDP Draft SEIR did not include a specific estimate for trips generated by the development of the VST Property, even though such development is contemplated as part of the approved UCP and University Community North development. Please clarify if the trips generated by the development of the VST Property are included in the background traffic described on pages 4.8-33 or if it is included as a reasonably foreseeable development in the Cumulative Impact analysis in a manner consistent with the 2009 LRDP EIR.

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**Page 4.8-47 – 4.8-60 – Cumulative Traffic Impacts:** It is our understanding that the off-site CEQA impacts described in the 2009 LRDP EIR were greatly reduced because the University Community North accommodated the growth induced by the UC Merced Campus. As part of the prior analysis, the trips generated by the Campus were internalized to accommodate the traffic generated by the Campus. It appears the trip generation rate used in the LRDP SEIR traffic analysis, however, does not reflect the same internalization associated with development of the VST property (University Community North) as part of the UCP which is inconsistent with the approach used the 2009 LRDP EIR. Additionally, the LRDP EIR analysis does not appear to include any cumulative traffic impacts associated with development of the VST Property (University Community North) in conjunction with the Campus development in 2030. We request that UC Merced revise the LRDP EIR to clarify that the Traffic analysis relies upon development on the VST Property consistent with the UCP.

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**Page 4.8 – 28 – 33 – LRDP Impact TRANS-1; Page 4.8-47 – 4.8-58 – Cumulative Impact C-TRANS-1:** We note that contrary to our prior discussions regarding UC Merced's proposed alignment for Campus Parkway, and UC Merced representatives' request that the VST land plan accommodate the Campus' proposed alignment, the 2019 LRDP and the SEIR do not identify the actual Campus Parkway alignment. Please clarify if the 2019 LRDP Campus Open Space shown in the Project Description is intended to reserve that area for a future alignment of the Campus Parkway. Please confirm that UC has evaluated the transportation and circulation impacts on the regional roadway network with the elimination of this north-south parkway alignment, or clarify that it intends to proceed with buildout at a later date in accordance with the prior 2009 UC Merced LRDP EIR analysis.

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We look forward to reviewing the revised 2019 LRDP Final EIR, and appreciate your consideration of our comments. We are committed to assuring our land planning process furthers an integrated campus and community vision for Northern Merced consistent with the spirit in which the Campus and VST undertook this effort more than a decade ago, and trust that you share a similar objective.

Sincerely,

BUCHALTER  
A Professional Corporation



Alicia Guerra

cc: Elisabeth Gunther  
Mike McLeod  
Ed Klotzbier  
Phillip Woods  
Ken Robbins  
Brad Samuelson  
Dena Traina  
Sara Allinder  
Dawn Marple

**Commenter ORG-4**

**Virginia Smith Trust (Buchalter) - Alicia Guerra (November 4, 2019)**

**Response ORG-4-1**

The commenter states that the Draft SEIR fails to discuss VST's preliminary plans that are consistent with the planned development contemplated in the University Community Plan (UCP) that was processed and adopted by the County. The Draft SEIR (page 4.0-6) explains why potential development of the 654-acre VST property is not included in the EIR as a reasonably foreseeable project. As noted there, when the City was consulted in early 2018 for a list of cumulative projects, the City informed the Campus that although VST was in discussions with the City regarding potential annexation and development of the VST property, the City did not have an application on file for such a development project. Similarly, the County was also contacted to obtain a list of potential development projects and the County informed the Campus about two projects in the Bellevue corridors as reasonably foreseeable projects but did not include the VST project in its list of reasonably foreseeable projects. Therefore, the Draft SEIR and the Recirculated Draft SEIR did not include the potential development of this property in its consideration of reasonably foreseeable projects that could be constructed within the timeline of the proposed 2020 LRDP.

Additionally, at the time that the SEIR analysis was commenced, VST was in discussions with the City, and not the County. Therefore, the Campus could not reasonably assume that the VST development proposal with the City would remain consistent with the UCP, a plan that was approved by the County and not the City.

The Campus understands from this comment letter that VST is now in the process of submitting its land use plan and development application to Merced County. Therefore, it is reasonable to assume that the VST property would be developed consistent with the UCP. Text regarding the VST proposal was added to Section 3.0 in the Recirculated Draft SEIR.

**Response ORG-4-2**

Text on page 3.0-2 of the Draft SEIR was revised to reflect the information provided by VST and was included in the Recirculated Draft SEIR.

**Response ORG-4-3**

As explained in the Draft SEIR and the Recirculated Draft SEIR, Campus Building Reserve and Support Land (CBRSL) is a designation included in the 2020 LRDP for land that is not expected to be developed under the 2020 LRDP but would be used for future campus development. As rightly noted by VST, it is a reserve designation and no development is anticipated in this area through 2030. The 2020 LRDP does, however, allow for small projects that involve one or more buildings that together do not exceed 10,000 square feet of space to be located on land with this designation. No such project is foreseeable for CBRSL land immediately north of the VST property. Should a project be proposed, the Campus will coordinate with VST to ensure that no land use incompatibility is created between the proposed project and the proposed high-density residential uses along the northern boundary of the VST property.

The process for these type of building projects would require review at the campus level. The process would include review by the Physical and Environmental Planning Department to determine LRDP land use compatibility and to determine that the building design is consistent with the Physical Design Framework. If the project meets the land use compatibility and Physical Design Framework, it would then go before the Planning Working Committee and Joint Council for their review and a recommendation to the Chancellor. The Physical and Environmental Planning Department would, in consultation with UC Office of the President Physical and Environmental Planning Department, identify the environmental review process and prepare the necessary supporting environmental documents. The Chancellor would review and consider the recommendation from the Joint Council and take action on the environmental determination and then approve the project.

**Response ORG-4-4**

The text on page 3.0-2 was revised to acknowledge that VST is processing its approvals with the County and included in the Recirculated Draft SEIR. Changes to text on page 4.0-6 were determined not to be required.

**Response ORG-4-5**

VST is correct in noting that the federal and state permits that UC Merced obtained from the USACE, CDFW, and the Regional Board cover both the 815-acre Campus and the 833-acre University Community North. Compensatory mitigation for (1) impacts to Water of the U.S., and (2) listed species

habitat on both the Campus and University Community North has been completed by UC Merced in compliance with the federal and state permits, and the mitigation fully offsets all the impacts on both properties. The one exception is that the Campus has mitigated for all impacts to waters of the U.S. except about 4.8 acres. However, the Campus has not filled all the permitted acreage, and it is uncertain whether it will fill all permitted acreage given the revisions to the land use plan for the Campus. UC Merced has obtained concurrence from the USACE that should it fill all the permitted acreage and the remaining 4.8 acres of compensatory mitigation is required, it will provide that mitigation via participation in the Corps approved in lieu fee program.

The current VST property is a subarea of the former University Community North, and the impacts on listed species habitat and waters of the U.S. from the development of the VST property are fully mitigated by the compensatory mitigation completed by UC Merced. VST is, however, required to comply with other provisions of the federal and state permits that include a number of avoidance measures and best practices to minimize take of listed species.

**Response ORG-4-6**

The Draft SEIR (and the Recirculated Draft SEIR) explains on page 4.4-31 how downstream impacts on Cottonwood Creek would be avoided. As stated in the SEIR, with the development of the Phase 1 campus and the ongoing 2020 Project, storm water from developed surfaces is collected by the campus storm drain system and discharged into a number of detention facilities that are designed to hold flows from a 100-year, 24-hour storm. The collected storm water either percolates or evaporates and is not discharged off site at this time. UC Merced will continue to reduce storm water runoff volume from new development on the campus under the 2020 LRDP. It will incorporate green infrastructure and low-impact development strategies into site design in order to manage 30 to 50 percent of total volume runoff on-site and will continue incorporating retention basins into site design and development; these basins would be operated so that all flows under normal rainfall conditions would be retained and under larger storms including the 100-year, 24-hour storm would be detained and released at rates that would not exceed the existing peak and total flows. Ample land is available on the campus site for the development of storm water detention and retention facilities.

**Response ORG-4-7**

Please see Responses LA-1-5 and -6. As those responses note, the 2020 LRDP EIR transportation analysis addresses a substantially lower University build-out development level than the 2009 LRDP EIS/EIR, and also does not incorporate University Community development since none had been proposed as of the date of the 2020 LRDP EIR transportation analysis. The updated transportation analysis does not show a need for the extension of Campus Parkway north of East Yosemite Avenue; the analysis does indicate the potential need to widen Lake Road to four lanes along the University frontage in conjunction with the provision of additional campus entry roads and signalization of those intersections. If the County determines it is necessary to widen Lake Road in the future, it presumably will coordinate this potential improvement with its future development of Campus Parkway. Although UC Merced does not anticipate that the County would choose to both widen Lake Road and build Campus Parkway from Yosemite Avenue to Bellevue Road, it does not control the County's infrastructure planning. As further noted in the above referenced responses, the 2020 LRDP reserves space for the potential future provision of Campus Parkway through the campus, if funding for the completion of the Parkway to the south of the University is secured and the Parkway is constructed. UC Merced will work with the County to implement the final configuration of Campus Parkway, Lake Road, and access to the campus when it proceeds with these roadway improvements.

**Response ORG-4-8**

As noted in Response ORG-4-7 above, no VST development was assumed in the 2030 or 2035 traffic projections, since no development plans were proposed at the time of the 2020 LRDP EIR transportation analysis. A request for information on planned development in Merced County was made during the preparation of the traffic analysis, and the County provided development assumptions for the Bellevue Corridor, and did not recommend including any other County development assumptions outside this area.

**Response ORG-4-9**

The comment is correct. The 2020 LRDP EIR traffic analysis does not include development of the University Community because no development plans had been proposed for the VST or Hunt properties at the time that work on the SEIR was commenced. The analysis addresses a smaller 15,000-

student campus in 2030 and a 17,500-student campus in 2035, as opposed to the 25,000-student campus addressed in the 2009 LRDP. Because no development on the University Community lands was assumed, all external trips generated by the 15,000-student and 17,500-student campus were assigned to the City and County roadway network. Please note that the 2020 LRDP does propose housing approximately 50 percent of enrolled students, which will reduce external trip generation relative to a condition if a lower percentage of enrolled students were housed on campus.

**Response ORG-4-10**

The 2020 LRDP Campus Parkway Open Space (CPOS) designation is intended to reserve the area for a potential future alignment of Campus Parkway. The provision of Campus Parkway through the University campus is dependent on several external factors, including the funding of the Campus Parkway segment between East Yosemite Avenue and the southern campus boundary, and a forecasting and operations study that indicates the need for the additional roadway capacity to serve the University and other regional travel. The University notes that Campus Parkway north of East Yosemite Avenue is no longer included in either Tier I or Tier II of the Merced County Association of Governments 2018 Regional Transportation Plan.



# MERCED IRRIGATION DISTRICT

ORG-5

November 14, 2019

Sent by US mail and e-mail to:

Phillip Woods  
Director of Physical & Environmental Planning  
Physical Operations, Planning and Development  
University of California, Merced  
5200 North Lake Road  
Merced, CA 95343  
Email address: [2020LRDP@ucmerced.edu](mailto:2020LRDP@ucmerced.edu)

Subject: University of California, Merced Proposed 2020 Long Range Development Plan SEIR

Dear Mr. Woods:

The Merced Irrigation District (MID) has reviewed the University of California, Merced (UC Merced) Proposed 2020 Long Range Development Plan (LRDP) and Subsequent Environmental Impact Report (SEIR). MID appreciates the additional time beyond the normal commenting period that the UC Merced afforded MID to review the documents and provide these comments.

UC Merced's LRDP and SEIR appear to mirror, generally, the UC Merced documents from 2018. For that reason, MID's comments contained herein will mirror MID's comments submitted in 2018 to the LRDP and SEIR, however MID looks forward to working with the UC Merced throughout the development of the campus to ensure the most efficient development without impact to MID's facilities.

The UC Merced campus is located outside MID boundaries but impacts the following MID facilities:

1. MID operates and maintains a major distribution canal, the Fairfield Canal located within a 150-foot wide permanent easement, recorded in Volume 2299, Page 963, Official Records of Merced County, being within Section 34, T. 6 S., R. 14 E., M.D.B. & M.
2. MID operates and maintains a major distribution canal, the Le Grand Canal within a 150-foot wide permanent easement, recorded in Volume 2299, Page 963, Official Records of Merced County, being within Section 34 and 35, T. 6 S., R. 14 E., M.D.B. & M.
3. MID operates and maintains Lake Yosemite, a surface water regulating reservoir that is a vital part of MID's distribution system. The lake also serves an important flood control function in the winter and spring rainy season. The lake covers approximately 486 acres, which MID owns in fee. The property was conveyed from Crocker Huffman Land and Water Company to MID by deed recorded January 18, 1922 in Volume 12, Page 1, Official Records of Merced County. An additional 42 acre parcel, conveyed from Crocker Huffman Land and Water Company to Merced



Irrigation District by deed recorded May 31, 1922 in Volume 15, Page 401, Official Records of Merced County, consists of an area owned by MID but leased to Merced County for a public park.

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

Assuming UC Merced desires to proceed with its LRDP as proposed, MID respectfully requests that the following changes to MID facilities be made as part of the proposed campus expansion:

#### Le Grand Canal

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

#### Fairfield Canal

1. Install a bypass from the Le Grand Canal to the Fairfield Canal to eliminate power plant bypass flows in the Fairfield Canal from Lake Yosemite to the Power Plant when the plant goes off-line. When this happens, water that normally flows down the Le Grand Canal is diverted to the Fairfield Canal which can then fluctuate from 5 CFS to 500 CFS in a short period of time, thereby

increasing the dangers to the public who may be in or around the Fairfield Canal. This option may also mitigate the ensuing conditions for the Fairfield Canal.

2. Install a concrete liner in the canal or fortify the raised banks of the earthen canal.
3. Make improvements to grade change chute and energy dissipater.
4. The Fairfield Canal is the only facility that MID will accept storm drainage water from the campus site. If utilized, this will also require UC Merced to amend their existing "Storm Drainage Contract" with the Merced Irrigation District Drainage Improvement District (MIDDID No. 1).
5. For drainage discharge, MID generally requests that a detention basin be used as a filter and to accommodate peak flows. Discharges are calibrated to drain a 10-yr 24-hr storm event within 48 hours. The discharges must be interruptible to prevent downstream over topping of the open facilities.
6. Trout occur in the Fairfield Canal during the irrigation season, and discharged flows should be compatible with trout and other fish and wildlife.
7. Concrete line in areas where the Fairfield Canal seeps through the banks of the canal to reduce seepage.

2

#### Fairfield Power Plant

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

#### Lake Yosemite – Un-gated Spillway

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

#### Water Supply

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

3

#### General Comments

1. An MID signature block on any Improvement Plans for UC Merced Campus that affect MID facilities will be required.
2. An Encroachment Agreement with MID will be required for any roadways, bridges, walkways, bike paths, utilities and pipelines crossing MID facilities.

4

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

4

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

Sincerely,



Ronald L. Price  
Associate Engineer, Water Resources

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

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**Commenter ORG-5**

**Merced Irrigation District – Ronald Price (November 14, 2019)**

**Response ORG-5-1**

The commenter lists a number of Merced Irrigation District (MID) facilities, including Fairfield Canal, Le Grand Canal, Lake Yosemite, Fairfield Power Plant, un-gated overflow/spillway on Lake Yosemite Dam, and Cottonwood Creek, and states that the UC Merced campus affects these facilities. MID does not explain how the campus affects these facilities. Some of the listed facilities are nearby but not on the campus and it is unclear how those are affected by the campus. Regarding the MID facilities that are within the campus, they are located within clearly defined rights-of-way, and campus facilities and operations do not interfere with these facilities.

**Response ORG-5-2**

MID lists a series of improvements to Le Grand and Fairfield Canals, Fairfield Power Plant, and the Lake Yosemite ungated spillway, and requests that those be made as part of the campus's development under the proposed 2020 LRDP. These improvements have no relationship to any environmental impacts set forth in the Draft SEIR or identified by the commenter. The comment is noted for the record.

**Response ORG-5-3**

The UC Merced water demand noted by MID is an outdated estimate. Please see Draft SEIR and Recirculated Draft SEIR pages 4.10-10 and -11, which discuss the water efficiency that the Campus has achieved. Due to both a lower per capita consumption level and a lower campus population that is now projected for 2030, water demand for UC Merced in 2030 will be on the order of about 612 acre-feet/year, and not 8,000 acre-feet/year. As discussed in the SEIR, based on the City's 2015 Urban Water Management Plan, the impact of this water demand on the groundwater supplies would be less than significant. Please also see Response LA-3-7.

**Response ORG-5-4**

The general comments listed by MID do not relate to any environmental impacts of the 2020 LRDP. Therefore, no responses are required.

**From:** [Roger Bales](#)  
**To:** [2020 LRDP](#)  
**Subject:** 2020 LRDP Comment  
**Date:** Friday, September 20, 2019 10:46:37 AM

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Dear colleagues,

I did a quick read through the document & will offer some first impressions.

-1- My sense is that this LRDP follows what was eventually done on the 2020 project, and backs off some of the bolder promises that were made during the 2020 project planning, and then quietly removed at the end (e.g. implications of triple zero). On one side, this is good to not raise expectations and back off later. On the other hand, it fails to embrace the bolder carbon-neutrality and sustainability goals of UCs capital and operational planning. We can and must do better.

-2- It is good that the plan mentions research and also using the campus as a living laboratory for research and education. The plan also embraces the five pillars set in the earlier academic plan. It would be helpful to link these more explicitly, e.g. develop how the LRDP is consistent w/ academic priorities.

-3- This LRDP fails to acknowledge UC Merced's current 2020 carbon-neutrality pledge, which is relevant for planning. Are we backing off that, or is there just a disconnect there? The LRDP talks about reducing carbon impacts, which is much too vague. What happened to carbon neutrality, i.e. eliminating fossil fuels?

-4- One small example of what may be a disconnect, there is mention of eventually adding a natural-gas charging station for vehicles. This seems inconsistent with our goal of carbon neutrality, which involves ramping down and eliminating natural gas from campus.

-5- Going further, the term sustainability appears many times in the report, and it would be helpful to be more explicit. What does it mean to be sustainable, and is that a core value of this LRDP? Faculty are considering a pledge to embrace sustainability as a core value for campus.

-6- Re transportation, the LRDP refers to bicycles, pedestrians and vehicles; but if one looks around campus one can see that scooters more than bikes are on every road and sidewalk. The LRDP needs a reality check on what students are using to get around campus, as scooter use grows. This has important implications for circulation.

-7- Campus development could benefit from bolder ways to reduce car traffic. There may be data to assess improving bus access to/from/on campus, and other non-vehicle modes. Some of the buses to/from town are pretty full, and also pretty slow to get to campus. Yet their use can grow.

Hope this helps. Thanks for the opportunity to comment.

Regards,  
Roger

--

[Roger Bales](#), Distinguished Professor of [Engineering](#), UC Merced  
Director, [Sierra Nevada Research Institute](#)

Adjunct Professor, [Civil & Environmental Engineering](#), UC Berkeley

Director, [UC Water Security and Sustainability Research Initiative](#)

Director, [Southern Sierra Critical Zone Observatory](#)

209-658-7148 (m)

See [Beyond the Brink](#), feature documentary on California water security by the [Chronicles Group](#).

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**Commenter IND-1**

**Roger Bales (September 20, 2019)**

**Response IND-1-1**

The comments provided in this letter relate to the LRDP and not the analysis in the Draft SEIR or the Recirculated Draft SEIR. The Campus will consider these comments as it proceeds with finalizing the 2020 LRDP for submittal to the UC Board of Regents.

**From:** [Edward Flores](#)  
**To:** [2020 LRDP](#)  
**Subject:** Comments on UC Merced 2020 LRDP SEIR  
**Date:** Monday, November 4, 2019 5:01:15 PM  
**Attachments:** [UCM 2020 LRDP Projected Housing Deficit\(2\).pdf](#)

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Phillip Woods  
 Director of Physical & Environmental Planning  
 Physical Operations, Planning and Development  
 University of California, Merced  
 5200 North Lake Road  
 Merced, California 95343  
 2020LRDP@ucmerced.edu

Dear Phillip Woods,

I am writing to provide comments on the UC Merced 2020 Long Range Development Plan SEIR. My comments are brief: I do not believe that the entire SEIR analysis was done in good faith, and that, in turn, there risks a significant possibility of unplanned population growth and subsequent effects that would have a harmful effect on the environment.

1

I am attaching housing projections that I have calculated by correcting SEIR assumptions with current data. Here are my comments in regards to the risk of unplanned population growth and subsequent effects (which reference figures from my population projections):

2

1. A much higher number of students moving to attend UC Merced. Official data from UC Merced IRDS suggests that the 2018-2019 entering class of Freshman were not 33.8% from within a forty-mile radius of the university. Rather, a much lower figure (15.3%) were from a forty-mile radius. In addition, the SEIR does not properly use American Community Survey to assess the City's ability to absorb population growth (please see my earlier public comment at the first hearing, for figures on the City of Merced's distressed housing market).

3

2. Contracted employees. Although the estimates of university employees are far lower than in the original 2009 LRDP EIR, the university has not estimated the number of jobs that have been outsourced to third party firms, who are and will continue to be hiring employees that will be moving to work at the university.

4

3. Parking. The university has not properly estimated the number of parking spots it will be providing to students who commute. There is a possibility that there will be many more students moving to attend the university, but unable to find housing in the City of Merced, who will then be commuting from a farther distance than expected.

5

4. Traffic emissions. If the assumptions of numbers 1-3 (above) are correct, and the assumptions in the SEIR are not correct, then the university has not adequately assessed the risks of economic development on population growth, housing, commuting, traffic emissions-- and the risks of large, unplanned population growth on the natural environment.

Sincerely,  
Edward Flores

\*\*\*\*\*

Edward Orozco Flores  
Associate Professor of Sociology  
University of California, Merced  
5200 N. Lake Rd.  
Merced, CA 95343

Jesus Saved an Ex-Con: Political Activism and Redemption after Incarceration (NYU Press, forthcoming)  
<http://www.edwardfloresphd.com>

## City of Merced Projected Housing Deficit, Per UC Merced 2020 LRDP Population Projections

<b>Jan 1, 2018</b>	<b>Merced City Housing Unit Vacancies</b>	SEIR Estimate	<b>1,281</b>
Fall 2017	UC Merced Student Body	UCM	7,967
Fall 2018	UC Merced Student Body	UCM	8,544
Fall 2018	Growth in UC Merced Student Body		577
Fall 2018	New students from a 40-mile radius	SEIR Estimate	33.8%
Fall 2018	New students from a 40-mile radius	UCM	15.3%
Fall 2018	New students from outside 40 miles	UCM	84.7%
Fall 2018	Growth in students from outside 40 miles		489
Fall 2018	Housing units needed for students (2.5 per unit)		195
<b>Fall 2018</b>	<b>Housing units vacant</b>		<b>1,086</b>
Fall 2020	UC Merced Student Body		10,000
Fall 2020	Growth in UC Merced Student Body		1,456
Fall 2020	New students from a 40-mile radius		15.3%
Fall 2020	New students from outside 40 miles		84.7%
Fall 2020	Growth in students from outside 40 miles		1,233
Fall 2020	Housing units needed for students (2.5 per unit)		493
Fall 2020	UC Merced 2020 Plan dormitories (1680 beds)		
Fall 2020	Less need for housing units due to 2020 plan		-672
Fall 2020	New Employees		117
Fall 2020	New Employees living within Merced (50%)		59
Fall 2020	Need for housing units for new employees living in Merced		59
<b>Fall 2020</b>	<b>Housing units vacant</b>		<b>1,206</b>
Fall 2030	UC Merced Student Body		15,000
Fall 2030	Growth in UC Merced Student Body		5,000
Fall 2030	New students from a 40-mile radius		15.3%
Fall 2030	New students from outside 40 miles		84.7%
Fall 2030	Growth in students from outside 40 miles		4,235
Fall 2030	Housing units needed for students (2.5 per unit)		1,694
Fall 2030	UC Merced 2030 Plan dormitories (0 beds)		
Fall 2030	Less need for housing units due to 2030 LRDP		0
Fall 2030	New Employees		1,131
Fall 2030	New Employees living within Merced (50%)		566
Fall 2030	Need for housing units for new employees living in Merced		566
<b>Fall 2030</b>	<b>Housing units vacant (deficit)</b>		<b>-1,054</b>

## **Commenter IND-2**

**Edward Flores (November 4, 2019)**

### **Response IND-2-1**

Contrary to the commenter's assertion, the analysis in the SEIR is a good faith effort at estimating and reporting the likely population growth that would occur in Merced and surrounding counties from the growth of the campus under the proposed 2020 LRDP. As is shown in the responses that follow, the commenter overlooked some of the key conservative assumptions that form the basis of the population and housing analysis and also did not fully comprehend the proposed LRDP. As a result, the commenter is incorrectly asserting that the SEIR does not estimate the population growth accurately.

### **Response IND-2-2**

The commenter's attachment was reviewed and the following issues were noted relative to the information provided in the attachment.

1. The commenter shows in the attachment that according to the Draft SEIR, 33.8 percent of the new students that would enroll at the campus would be from within a 40-mile radius of the campus. That is not accurate. The Draft SEIR/Recirculated Draft SEIR conservatively assumes that all (100 percent) of 5,300 new students will be "new" to the study area. See first paragraph on page 4.6-9 in the Draft SEIR and on page 4.6-10 in the Recirculated Draft SEIR. As IRDS data indicates, approximately 15 percent of the students that enroll at UC Merced are local (i.e., from local high schools and colleges). A deduction for these students was not applied in the SEIR analysis, and the analysis conservatively assumed that all 5,300 additional students that would be added to the campus over the course of the 2020 LRDP would be from outside the study area.
2. Second, in estimating the demand for student housing in 2030, the commenter assumes that zero new beds would be added on campus between 2020 and 2030. That is not accurate because the 2020 LRDP plans for the provision of more housing on campus so that 50 percent of the enrolled students are provided on-campus housing.

Using the format used by the commenter in the attachment, Table 1 shows the differences between the commenter's 2030 analysis and SEIR's 2030 assumptions and analysis.

**Table 1. Differences between Commenter's Analysis and SEIR Analysis**

	<b>Commenter</b>	<b>SEIR</b>	<b>Comment</b>
Fall 2030 Student Body	15,000	15,000	
Fall 2030 Growth in Student Body	5,000	5,300	The SEIR uses a higher growth number.
Fall 2030 New Students from 40-mile radius	15.3%	0%	The SEIR assumes no new student is already living in the area when the student enrolls at UC Merced to ensure a conservative analysis.
Fall 2030 New Students from outside 40-mile radius	85%	100%	The SEIR conservatively assumes that all new students are non-local.
Fall 2030 Growth in Students from outside 40-mile radius	4,235	5,300	
Fall 2030 Housing Units on campus	0	2,400	The commenter incorrectly assumes no new housing would be added to the campus under the 2020 LRDP.
Fall 2030 New Students living on campus	0	2,400	The commenter assumes all new students would live off campus.
Fall 2030 New Students living off campus	Not reported	2,370 single students; 530 students with families	The commenter does not distinguish between single students who would double or triple up when renting off-campus housing and students with families who would rent a single housing unit.

*3.0 Comments on the Draft SEIR and  
Responses to Comments*

	<b>Commenter</b>	<b>SEIR</b>	<b>Comment</b>
Fall 2030 Housing Demand of New Students living off campus	1,694 units  (2.5 students per unit)	1,715 units  (1,185 units for single students; at the rate of 2 students per unit; 530 units for students with families at the rate of one unit per student)	SEIR calculates a higher demand for off-campus housing by students and assumes 2 single students renting a unit and student families also renting one unit each.
Fall 2030 Student related demand for housing in City of Merced	1,694	542	The commenter assumes that all students that would live off campus would live in Merced; SEIR assumes, based on 2013 data that about 32 percent of the off-campus students would live in Merced.
Fall 2030 New Employees	1,131	1,131 (346 faculty and 785 staff)	
Fall 2030 New Employee Housing Demand	Not reported	739 units (346 units for faculty and 393 for staff)	
Fall 2030 New Employees living in Merced	566	364 (based on 2013 data that 49.3 percent of all UCM employees lived in Merced)	The commenter assumes that 50 percent of all new employees would already be living in Merced.
Fall 2030 Need for housing units for new employees living in Merced	566	364	
Total Calculated Housing Demand for City of Merced housing	2,260 units (sum of 1,694 and 566)	906 units (sum of 542 and 364)	

	<b>Commenter</b>	<b>SEIR</b>	<b>Comment</b>
2020 Vacant Housing	1,206 units	1,206 units*	* This number is from the commenter's attachment and not the SEIR. The source is unknown. This number does not take into account new housing that would be built in the City between 2020 and 2030.
Surplus/Deficit	1,054 deficit	300 surplus	

Due to the errors pointed out above, the commenter overestimates the demand for off-campus housing within the City of Merced and concludes a deficit in available housing to serve the project. The commenter's analysis does not take increased on-campus housing into account; it does not acknowledge the fact that the campus population will grow incrementally over time and not instantaneously; it assumes that there would be no change in the housing inventory of the City; and it assumes that all new persons (students, faculty and staff) would live only in Merced.

#### **Response IND-2-3**

See Response IND-2-2 above. The SEIR does not assume that 33.8 percent of the students would already be living in the 40-mile radius at the time of initial enrollment. The SEIR assumes 100 percent of the students would be non-local.

The SEIR uses City and Department of Finance data to report the City's current housing inventory, data from the Department of Finance relative to vacancy rates, and data from the City and MCAG regarding future increases in City housing stock. Based on the SEIR estimates of the project-related housing demand and the available supply, there would be adequate housing to serve the needs.



**Response IND-2-4**

All campuses have a small number of non-University employees and consultants present to perform specific projects on the campus. The numbers are highly variable depending upon the size and nature of the project. As a large P3 project, the 2020 Project has a large contingent of consultants and construction workers that are present on the campus at the present time. However, once the project is completed in Fall 2020, only a small number of 2020 Project employees (between 8 and 15 employees) will remain to perform operations and maintenance for the 2020 Project. Non-UC employees who work on such projects do not occupy permanent housing; they typically live in hotels for the duration of the work week and return to their homes over the weekends.

**Response IND-2-5**

Parking is not an environmental concern under CEQA, and therefore the SEIR does not include an analysis of parking. Information about the amount of parking to be developed under the 2020 LRDP has been provided in the Project Description of the SEIR for information purposes. Impacts associated with vehicle trips, including air, GHG, and traffic impacts, have been fully evaluated in the SEIR.

**Response IND-2-6**

As Responses IND-2-1 through -3 above show, the population and housing analysis in the SEIR is not incorrect. Therefore, the impacts on population, housing, commuting, traffic-related emissions are accurately estimated and reported in the SEIR.

1

**Commenter IND-3**

**Nelly Juarez-Manrique (October 17, 2019)**

**Response IND-3-1**

The commenter states that more housing should be provided for students. The comment is acknowledged for the record and will be forwarded to the decision makers for their review and consideration.

The commenter suggested that the Campus use social media to inform the public about the Draft SEIR public meeting. The Campus did use social media to inform the public about the second and third public meetings.

2020 LONG RANGE DEVELOPMENT PLAN

SUBSEQUENT DRAFT EIR

PUBLIC HEARING

--o0o--

**TRANSCRIPT OF HEARING**

Merced, California  
Thursday, October 17, 2019, at 5:00 p.m.

--o0o--

Reported by: Christine M. Cradit, CSR No. 3805

ASSOCIATED REPORTERS

Certified Shorthand Reporters

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## 1 APPEARANCES

2 Phillip Woods, AIA, AICP  
3 Director of Physical and Environmental Planning  
4 Office of Planning and Budget  
5 UC MERCED  
6 5200 N. Lake Road  
7 Merced, California 95340  
8 209.228.4481  
9 pwoods@ucmerced.edu

10 ALSO PRESENT: Shabnam Barati, Barati Consulting

11 --oOo--

1           The above-entitled hearing took place on the  
2   17th day of October, 2019, at 5:00 p.m., at U.C.  
3   Merced Downtown Campus, 655 West 18th Street,  
4   Merced, California, before Christine M. Cradit,  
5   Certified Shorthand Reporter, in and for the State  
6   of California.

7                               --o0o--

8           MR. WOODS:   Good evening.   My name is  
9   Phillip Woods.   I'm with U.C. Merced.   I'm the  
10   Director of Physical and Environmental Planning.  
11   I'd like to welcome you tonight to the Long Range  
12   Development Plan Subsequent Draft EIR Public  
13   Hearing.

14               Just some housekeeping.   I think everyone  
15   signed in, but if for some reason you haven't,  
16   there's a sign-in sheet.   If you can sign in our  
17   sign-in list.   And, also, tonight we two things.  
18   One is there's a public speaker card so, this  
19   evening, if you want to speak, please fill out the  
20   card and hand it to me.   And, then also, we have a  
21   form.   If you don't want to speak but you do want  
22   to write your questions, we have a form that you  
23   can do that as well.   And, also, there's pens  
24   right adjacent to those forms as well.

25               Also, I'd like to introduce -- we do have

1 our consultant who's helping us out with the  
2 Subsequent Environmental Impact Report. Her name  
3 is Shabnam Barati with Barati Consulting, and  
4 she'll be helping me to have the presentation as  
5 well.

6 So, this evening, a couple of things we're  
7 going to talk about is the 2020 Long Range  
8 Development Plan overview. The CEQA process is  
9 what this hearing's about. Also with that is the  
10 Subsequent EIR, which we'll give more details kind  
11 of exactly what these documents are, and then  
12 we'll open it up for public comment, and then  
13 finally the adjournment of the meeting.

14 So the purpose of this meeting is really,  
15 is a couple, twofold. Is really to inform public  
16 agencies, members of the public about the U.C.  
17 Merced 2020 Plan, also the Subsequent  
18 Environmental Impact Report, which is prepared on  
19 the 2020 Long Range Development Plan.

20 We'll present the project, give some  
21 details about the project, and this evening we'd  
22 like to hear from you on the analysis of the  
23 environmental impact and the proposed mitigation  
24 measures in the Draft EIR. And then finally the  
25 evaluational terms presented in the Draft EIR.

1           And I don't know if everyone has seen  
2 a copy. We have a copy of the document actually  
3 on the first table. This document is available on  
4 our website as well. And, also, the Long Range  
5 Development Plan is this document.

6           So a couple of things tonight, just to  
7 kind of -- I would like to hold the presentation,  
8 and then maybe you could hold your comments until  
9 we've finished the presentation, and then if you  
10 have verbal comments, fill out the verbal card,  
11 like I said earlier, and then turn in the speaker  
12 card. And then you could also provide written  
13 comments.

14           The public hearing, actually we have -- we  
15 still have the time period until November 4th to  
16 get all our comments in on the documents, so just  
17 kind of briefly by the way of background, so our  
18 Long Range Development Plan is a document that's  
19 kind of used by each U.C. campus. It's  
20 essentially the land use for the campus. Each ten  
21 campuses have a Long Range Development Plan. Our  
22 last update to our LRDP was back in 2009.

23           Typically these get updated every ten  
24 years. We're pretty much on target for that  
25 update. Couple of things, the Long Range



1 Development Plan does not kind of drive the timing  
2 of future growth. It's really contingent on the  
3 Long Range Enrollment Plan, a couple of factors,  
4 kind of provides the campus with a road map as far  
5 to where and kind of how we've grown on the campus  
6 itself.

7 In this document, there's actually kind of  
8 five kind of key chapters. The first one is land  
9 use, which I'll show you later on. There's a land  
10 use map that kind of shows the footprint of the  
11 campus. It kind of defines kind of what land uses  
12 are on that campus land.

13 The second chapter is campus design, so we  
14 have a document that kind of details -- it kind of  
15 describes kind of what the vision of the campus as  
16 far as the architectural character of the campus  
17 itself.

18 Open space and landscape is another  
19 chapter that's in this document. We actually kind  
20 of define kind of where the open space areas in  
21 the campus are as well as we define kind of what  
22 the landscape is on the campus as well.

23 The fourth area is circulation, so on the  
24 campus, we kind of identify kind of, you know, for  
25 the eventual growth of the campus, kind of what

1 would be the road map work that would kind of fit  
2 that growth scenario of the campus itself.

3 Lastly would be the infrastructure  
4 utility, kind of what we're projecting out as far  
5 as with future development of the campus kind of  
6 what would be the infrastructure needs for that  
7 development.

8 So this is the proposed planned land use  
9 plan. If you're familiar with the campus, Lake  
10 Yosemite is far north and then kind of -- this is  
11 the campus footprint which encompasses about 1,026  
12 acres. And so this land use plan is kind of  
13 divided into different colors. The purple color  
14 is called Campus Mixed Use, and this is kind of  
15 the area that we kind of envision that the next  
16 growth of the campus would take place. Currently  
17 it's where the current campus and the 2020 Project  
18 is, and kind of what's envisioned that we've kind  
19 of -- you know, growth's out across the canal.  
20 This would be kind of the areas we would see  
21 campus growth happen.

22 Other areas would be kind of this orange  
23 area defined as Campus Building Reserve Support  
24 Land, so we kind of identify kind of post 2030,  
25 that there'll be -- you know, the campus will

1 continue growing, but it's kind of land mostly  
2 counted on a future plan reserve for future  
3 developments.

4           Also in the plan, there's kind of this  
5 green area kind of goes through the whole campus.  
6 This plan, we're actually looking at the canals  
7 that kind of roam through the campus really trying  
8 to define it as an open space corridor that we  
9 kind of see, you know, around the canals to  
10 eventually be developed with open space, trails  
11 that would kind of tie the whole campus together.

12           And then kind of the outer edge of the  
13 campus, we have what's called Captive Open Space.  
14 Adjacent to the campus, we have some really kind  
15 of critical habitat areas, the Merced vernal pool  
16 grassland areas. So what's really envisioned is  
17 we kind of provide really open space buffer, kind  
18 of providing a transition from any future campus  
19 growth and kind of a nice transition to the  
20 conservation lands.

21           And other area's called Research Open  
22 Space, which is the bright yellow color. So we  
23 actually identified new area of the campus that  
24 would be for future academic research. We have a  
25 lot of, you know, requests from faculty and

1 researchers for areas that they can actually do  
2 actual kind of research, shovel the soil, vernal  
3 pool restoration. So this land would actually be  
4 opened up for future projects of that nature.

5 And last category is Campus Parkway, which  
6 is the green strip kind of facing Lake Road. So  
7 it's kind of the area that the campus is going to  
8 be holding for the future development of Campus  
9 Parkway. It's not really envisioned being in the  
10 next ten years, but we are actually just holding  
11 land in reserve for that to happen.

12 The planning framework for this project,  
13 there's a couple of key things that really kind of  
14 looks at kind of projections as far as, you know,  
15 what are our projections for increases in  
16 enrollment, you know, based on the demand of  
17 University of California, both the short and long  
18 term. Also kind of plan kind of reducing the cost  
19 of next phase of campus development by really kind  
20 of continuing to do what we've been doing, is kind  
21 of developing on a compact footprint on the  
22 campus. So in this plan, we actually will be  
23 carrying that forward.

24 Also really kind of plan of the  
25 development of the campus to facilitate faculty

1 and student interactions and use, enjoyment of  
2 academic facilities and really kind of create an  
3 environment that's conducive to learning.

4 Also continuing thing would be offering  
5 attractive centrally-located housing, which is  
6 consistent with the U.C.-wide student housing  
7 policies. Provide sufficient land for athletic  
8 facilities, offer high quality NCAA recreational  
9 club athletic programs, and also provide  
10 opportunities for on-campus academic field  
11 research.

12 The planning framework is really kind of  
13 carrying forward with the things we see on the  
14 campus today. Really still continuing to develop  
15 the campus in sustainable design by just kind of  
16 incorporating energy efficiency in design of our  
17 buildings, water conservation, trying to protect  
18 the biological resources on and around the campus,  
19 waste reduction, on-site stormwater management,  
20 and really try to reduce the dependence on cars on  
21 the campus.

22 Also some other things we're carrying  
23 forward is really trying to promote community  
24 integration, really trying to reflect the  
25 landscape around the campus, really try to connect

1 to the history on the site of the Central Valley  
2 region as far as physical development.

3 So if you go to the campus today, there's  
4 a lot development as far as the buildings trying  
5 to connect to the Central Valley landscape.

6 This plan actually looks at a projection  
7 of an additional 5,000 students out to the year  
8 2030, for the next ten years. It's a projection.  
9 It doesn't mean we'll get there, but it's kind of  
10 what the plan is really kind of planning towards.  
11 And part of the plan's also trying to integrate  
12 any future development of the campus with the  
13 existing campus, so we're making sure it's kind of  
14 a seamless kind of transition between what we see  
15 today and kind of what we've envisioned that would  
16 continue growing on the campus.

17 And also kind of the growth projections  
18 are really kind of based on kind of projection for  
19 staff, faculty, which is kind of based on the  
20 University's academic plans for the schools, and  
21 also for the existing working force plan, staff  
22 ratio assumptions.

23 With that, I'd like to turn it over to  
24 Shabnam who will go through more of the CEQA and  
25 the environmental review process, which is really

1 the subject of this public hearing this evening.

2 MS. BARATI: So back in 2009 -- oh,  
3 introduction. I'm Shabnam Barati with Barati  
4 Consulting, and I'm the consultant who managed the  
5 preparation of the EIR that is being circulated  
6 right now.

7 Back in 2009 -- actually, it goes back  
8 even further. Back in 2002, the first EIR for  
9 this campus was prepared, and it had an LRDP  
10 associated with it.

11 But then came along 2009. 2008, 2009,  
12 there were other changes to that Long Range  
13 Development Plan that came about around that  
14 timeframe, and another EIR was prepared. It was a  
15 joint NEPA and CEQA document. CEQA stands for  
16 California Environmental Quality Act. NEPA stands  
17 for the National Environmental Policy Act. Both  
18 are laws that we are subject to. Especially in  
19 California, we are subject to CEQA.

20 And so in response to those two laws, a  
21 joint document was prepared back in 2009, and it  
22 was called an EIR/EIS to satisfy both the laws.

23 The NEPA component came because we needed  
24 permits from the federal agencies for vernal pools  
25 and other wetland impacts.

1           Anyway, a document was prepared, and that  
2   EIR/EIS analyzed the impacts of developing the  
3   campus out on a smaller site, a hundred -- I'm  
4   sorry, 815-acre site. That was the original  
5   campus. We don't have a slide for this?

6           MR. WOODS: We don't.

7           MS. BARATI: We don't. But it is in the  
8   CEQA document if you're interested in looking at  
9   it. The previous plan was based on the campus  
10  site of 815 acres, and it also analyzed a  
11  community to the south. The concept was that  
12  there would be the campus on the 815 acres just  
13  south of Lake Yosemite, and then to the south of  
14  that there would be another community where there  
15  would be all kinds of land uses, a mix of land  
16  uses, on 833 acres, and that joint document  
17  analyzed the impacts of both those projects  
18  together.

19           And campus development, as the third  
20  bullet tells you, was analyzed for an enrollment  
21  level of 25,000 students by 2030.

22           Things have changed since, since 2009.  
23  Since then, what has changed is that the campus  
24  has acquired more land to the south of the  
25  original 815-acre campus, so, now, as Phil



1 mentioned, the campus is 1,026 acres with the  
2 addition of some land to the south.

3           The other big change was that the campus  
4 realized that it's not going to grow to 25,000  
5 students by 2030. At the current rate of growth  
6 we expect by 2030, and it's just a projection at  
7 this time, it's not a guarantee of growth, but the  
8 current projections are that, by 2030, the  
9 campus's enrollment will grow to about 15,000  
10 students from about 10,000 students on the  
11 completion of the 2020 Project. So another 5,000  
12 students would be added between 2020 and 2030.  
13 That's the projection.

14           So given that the land area that makes up  
15 the campus and the number of students who would be  
16 enrolled and the number of faculty and staff that  
17 would be on the campus, all those numbers have  
18 changed from what we looked at back in 2009  
19 because we now -- we have a land area that's  
20 bigger, a thousand acres or so, whereas the  
21 population is smaller. We had a population of  
22 25,000 students; now we have a population of  
23 15,000 students and faculty, staff.

24           So as a result, the University decided  
25 that an updated LRDP was necessary. So this is

1    what the campus has prepared, and it's the Draft  
2    that is out published at this time.

3               So the key features of the LRDP are, as I  
4    just mentioned, the change in enrollment for 2030  
5    to be a lower number from 25,000 students to  
6    15,000 students. Secondly, the land use map that  
7    is different from what it was before, the  
8    difference being that now we have a larger site.  
9    The campus is no longer 815 acres. It's a  
10   thousand plus acres, so we have a different  
11   campus. And the second thing, as Phil was saying,  
12   was that the concept that the University is  
13   pushing now is a compactive development concept.  
14   Just because we have a thousand acres, we don't  
15   want to develop all of them. We're going to  
16   develop more compact, more sustainable.

17              So this is a land use map that has changed  
18   from what it was before, and then the -- basically  
19   we are identifying the development of the campus  
20   rather than a big sprawling campus.

21              So with that concept, because the plan for  
22   the campus is different now or at least proposed  
23   plan is different from what it was back in 2009,  
24   it is -- under the state law, the University is  
25   required to prepare an environmental impact

1 report. CEQA is that law, and it requires the  
2 public agency, in this case the University, to  
3 look at that new plan and make sure that it  
4 understands what the environmental impacts will be  
5 from implementing such a plan, this changed plan.

6 And so, because an updated plan has been  
7 prepared, the approval and adoption of that plan  
8 is a discretionary action, and anything that is a  
9 discretionary action is subject to CEQA, so we  
10 need to comply with CEQA and analyze the  
11 environmental impacts from the adoption and  
12 implementation of this proposed new plan.

13 The CEQA process is laid out like this.  
14 We started it off by publishing the Notice of  
15 Preparation. Let me see. Looks different from --  
16 and I have a hard time looking in the distance  
17 because of my eyesight, but -- so we started the  
18 process, which we are in right now, with a scoping  
19 activity back in 2018. We started in 2018. We  
20 held a public scoping meeting for this EIR, and we  
21 solicited comments from people interested in  
22 commenting on what should be in the EIR. That was  
23 the first step.

24 Then we moved on to prepare the EIR so, in  
25 2018, we continued to prepare the document. We

1 completed the document, and we published it about  
2 three weeks ago, around roughly. I forget the  
3 date now. About that.

4 And now we are in this what is called the  
5 Public Draft EIR period. It's a 45-day period  
6 that comes to an end on November 4th, which is why  
7 Phil indicated that should you have any comments  
8 on the CEQA document, we would need them by then,  
9 before or no later than the 4th of November. We  
10 are in that 45-day period.

11 CEQA also says that hold a public hearing  
12 during the time that the EIR is circulating, and  
13 so we are here. This is that public hearing for  
14 the Draft EIR. This is your opportunity to  
15 comment on the document.

16 After the circulation of this document  
17 closes on November 4th, we are going to look at  
18 the comments we receive, and we will prepare  
19 responses to comments and a Final EIR. It will  
20 have the Draft EIR, and it will have the comments  
21 received, and it will have the responses. The sum  
22 of it will be called the Final EIR. We will be  
23 preparing the Final EIR, and then we are planning  
24 at this time to take it to the Regents in January  
25 2020.

1           So we expect we'll close circulation in  
2 November, on November 4th, prepare the final over  
3 November and December to take it to the Regents in  
4 January, middle of January.

5           And so then a little bit about what kind  
6 of document this is. This document is called a  
7 Subsequent EIR. The reason it's called a  
8 Subsequent EIR is that -- Environmental Impact  
9 Report is because it follows that prior 2009 EIR  
10 that we did. That EIR looked at the whole area  
11 that we are looking at now, and in a full  
12 evaluation, but because there are some changes to  
13 address the changes in enrollment in the footprint  
14 of development, other things, this Subsequent EIR  
15 has been prepared.

16           So it's this EIR plus the old EIR will  
17 continue to guide the campus as it moves forward.  
18 The two work together. And I can answer more  
19 questions on that if you have later on. And I  
20 think I said that, before, 2009 LRDP EIR looked at  
21 25,000 students at a program level. This one will  
22 reflect the changes both in the enrollment and in  
23 the land use plan. And we have prepared an SEIR  
24 here.

25           Finally -- this is just saying what I just

1 said actually. We prepared an SEIR. It's  
2 available on the website. Here's the link. And  
3 it reflects the effects of the proposed plan  
4 essentially.

5           What have we looked at in the EIR? In  
6 this EIR, we have looked at these topics, air  
7 quality, biological resources, greenhouse gas  
8 emissions, hydrology, water quality, noise,  
9 population and housing, public services,  
10 recreation, transportation, tribal cultural  
11 resources, and utilities.

12           Under CEQA, there are 17 environmental  
13 topics like this. We didn't look at all 17  
14 because we didn't need to. We had already looked  
15 at the others prior, in the prior document. We  
16 looked at only those topics that changed because  
17 the project is different from the old plan. The  
18 current plan is different from the old plan, so we  
19 looked at these topics again a second time to get  
20 it right for the current plan.

21           So these are the topics that are not  
22 addressed. Aesthetics, ag and forest resources,  
23 cultural resources, geology, hazards and hazardous  
24 materials, land use and planning and minerals.  
25 These topics were adequately addressed in the

1 prior document; therefore, was no need to reopen  
2 them.

3           The other thing that we have also done in  
4 the SEIR is address other requirements that are  
5 mandated by the California Environmental Quality  
6 Act. The law says we should look at alternatives.  
7 The EIR contains alternatives. The law also says  
8 you need to look at cumulative impacts, you need  
9 to look at growth inducement, irreversible  
10 environmental changes. These are all addressed in  
11 the SEIR.

12           And then this is the schedule that we've  
13 been following. We put out a Notice of  
14 Preparation back in April of last year, and then  
15 we had a scoping meeting. We published the SEIR.  
16 The final is going for presentation in January, as  
17 I said before.

18           This slide is simply presenting where you  
19 can provide documents on this SEIR. They can be  
20 sent to Phil's address, and it's right there.  
21 They can be emailed to that 2020LRDP@ucmerced.edu,  
22 and we should get your comments no later than  
23 November 4th, end of day.

24           So then we are at a point, unless you have  
25 any questions for me, I can answer some questions

1 at this time, but -- and if it's about the plan,  
2 Phil can answer those questions.

3 Otherwise, we will open it for comments  
4 from you. Your comments will be recorded so that  
5 we have them and we can address them properly so  
6 that there's no misinterpretation later.

7 So if you want to ask me something, I'm  
8 available. Otherwise, we will start calling out  
9 the names we have so that you can come up and give  
10 the comments.

11 UNIDENTIFIED SPEAKER: You wanted  
12 clarification questions right now?

13 MS. BARATI: We can, yeah. I don't mind  
14 taking questions right now that I can address or  
15 Phil. And then if you have comments that you want  
16 to make formally, we can also do that.

17 UNIDENTIFIED SPEAKER: Okay. I want two  
18 real quick clarifications. So the lead agency is  
19 U.C.?

20 MS. BARATI: Yes. It's the Regents.  
21 Technically, the Regents are the lead agency.

22 UNIDENTIFIED SPEAKER: And the land use  
23 agencies are the responsible agencies?

24 MS. BARATI: They are.

25 UNIDENTIFIED SPEAKER: And then I just



1 thought it was interesting. So land use was  
2 addressed even though there's a much bigger -- I  
3 don't know. Footprint is the issue, but it sounds  
4 like the land use plans have changed due to the  
5 expanded area --

6 MS. BARATI: Correct.

7 UNIDENTIFIED SPEAKER: -- that the  
8 University sits on?

9 MS. BARATI: Not just that, but also the  
10 fact that the diagram, the land use diagram, has  
11 also changed.

12 UNIDENTIFIED SPEAKER: Uh-huh.

13 MS. BARATI: Previously, it was developed  
14 in a different manner. It wasn't very functional,  
15 and it was very hard to use for the campus, so  
16 Phil has spent a lot of time coming up with a land  
17 use plan that is more useful.

18 UNIDENTIFIED SPEAKER: Yeah. I guess I  
19 was just curious as to why, given those changes,  
20 the land use or the land use impacts weren't  
21 incorporated into this.

22 MS. BARATI: Oh, yeah. Land use and  
23 planning. The reason is that -- I can -- you know  
24 what, I think you better give us this as a formal  
25 comment because we can then answer it in the

1 final, right?

2 UNIDENTIFIED SPEAKER: Yes.

3 MS. BARATI: Otherwise, it will not be  
4 recorded properly. Let's do that. Let's just  
5 start getting everybody to come and comment.  
6 That'll be best.

7 Sophia Duarte, do you want to go? Do you  
8 want to give us comments? **Commenter 1**

9 MS. DUARTE: Good afternoon. My name is  
10 Sophia Duarte. I'm currently a third year public  
11 health student at U.C. Merced. I'm originally  
12 from Wilmington, Los Angeles, California, and  
13 actually chose U.C. Merced because of the -- it  
14 has -- it was the best financially package.

15 So the Draft SEIR has many problems. I  
16 will speak about one of them.

17 In the past ten years in Merced, the  
18 population has grown but the building of housing  
19 has not kept up. Your own Draft SEIR shows that  
20 from 2010 to 2015, the City of Merced's housing  
21 units has only grown from 27,446 to 27,863, a  
22 total of 417 housing units. You can reference  
23 Table 4.63 to see this.

24 And if U.C. Merced expects to grow by  
25 1,500 students in the next two years, and then an

1-1

1 additional 5,000 students by 2030, they will need  
2 to construct more housing. Students like myself  
3 shouldn't have to worry about where they're going  
4 to live or how they're going to pay bills. We  
5 should be focusing our spending so that we make  
6 the biggest contribution possible to society when  
7 we graduate.

8 I'm here to ask U.C. Merced administrators  
9 to edit Section 4.6.5 so that the report states  
10 that the implementation of the 2020 LRDP will have  
11 significant effects on the need for housing in the  
12 City of Merced.

13 MS. BARATI: Do you want to give written  
14 comments as well? It's being recorded.

15 Next person here. Durinda Radanof.

Commenter 2

16 MS. RADANOF: Good evening. My name is  
17 Durinda Radanof, and I'm a resident of Merced.  
18 I'm here because I would like to comment on the  
19 SEIR for the U.C. Merced 2020 Long Range  
20 Development Plan.

21 The SEIR says the plan will have a less  
22 than significant impact on housing, but my  
23 experience is -- taught me that this is not true.

24 I moved here when I was in the 5th grade.  
25 I graduated from Merced High School. I worked as

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1 a licensed vocational nurse for more than 30  
2 years, and I retired more than 15 years ago. I  
3 would still be working now, but I have some health  
4 issues, and if there were jobs available for, say,  
5 some disabled -- I'm not completely disabled  
6 because I -- and I'm not proud, but I  
7 dumpster-dive to get my recyclables to get extra  
8 money in order to have extra money to get what I  
9 need.

10 One kid the other night when I was doing  
11 this said, "Do you want to shut the gate because  
12 somebody might laugh at you."

13 I said, "You think I care?" I said, "I'm  
14 not proud." I said, "I'm doing this so I can have  
15 extra money to get" -- in fact, I had to get extra  
16 money to get my eyeglasses. So, therefore, I live  
17 on a fixed income, social security, once a month,  
18 and that check has to last me, I have to make it  
19 stretch, and, believe me, with the rent the way it  
20 is, since I retired. However, the University has  
21 arrived, and this has caused rents to go up.  
22 However, as someone on social security income, I  
23 can't afford to pay higher rent. Now, if my rent  
24 is raised any higher, I don't know where I'm going  
25 to go. I may have to pitch a tent somewhere.

1           Recently, I had to move out of my house  
2           and into an apartment, which did not please me  
3           very well, but that's the way it goes. You have  
4           to do what you have to do.

5           If the SEIR does not get it right, we  
6           won't build enough homes, and rents will go even  
7           higher. I already moved from a house to an  
8           apartment. If I was forced out of my apartment, I  
9           don't know where I would go. I might have to look  
10          for somebody, one of you people to move in with if  
11          you have an extra room.

12          Last month, former chancellor of U.C.  
13          Merced, Dorothy Leland, said that, "Upon  
14          completion, ongoing operations will increase  
15          campus spending by more than 200 million bringing  
16          U.C. Merced's total contribution to the San  
17          Joaquin Valley economy to nearly 1.6 billion in  
18          campus salaries, goods and construction awards."  
19          But let me tell you, the residents of Merced are  
20          not experiencing or feeling this at all.

21          We ask that you work with Communities for  
22          New California to best assess the effects of the  
23          University's expansion on local housing and to  
24          create sufficient mitigation plans.

25          MS. BARATI: Deja Villanueva.

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Commenter 3

1 MS. VILLANUEVA: Hello. Good evening,  
2 everybody. My name is Deja Villanueva. I was  
3 born and raised here in Merced, and I'm a  
4 community organizer for Communities for New  
5 California, also known as CNC. We knock on  
6 people's doors, conduct needs analysis and have  
7 conversations with thousands of Valley residents  
8 every year.

9 I am here to ask that you revise the  
10 U.C. Merced 2020 LRDP Draft SEIR. In its current  
11 form, the SEIR does not adequately assess the  
12 effects of U.C. Merced 2020 LRDP on local housing.  
13 It does not provide -- it does not provide  
14 mitigation plans for such effects, and therefore  
15 it does not conform to CEQA for many reasons.

16 First, the Draft SEIR cites widely  
17 divergent population projections and has errors in  
18 its reference to its own numbers on pages 4.6.2,  
19 and 4.6-1.

20 Second, the report claims that no new  
21 policies are used to mitigate planned population  
22 growth, so the assumption from the previous 2009  
23 LRDP EIS/EIR that is cited to have this proven  
24 false. For example, the Draft SEIR admits that  
25 while the University community to house the

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1 campus-related population was envisioned in 2009,  
2 subject community has not developed near the  
3 campus, and it is not foreseeable that such a  
4 community would develop within the timeframe of  
5 the 2020 LRDP, pages 4.6-8.

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6 Third, the Draft SEIR ignores evidence  
7 that Merced households are already experiencing  
8 scarcity of affordable housing. That's for sure.  
9 For example, in 2006, the percentage of Merced  
10 County households that were complex households,  
11 those with more than one family, was only 6.8 per  
12 100, which ranked 22nd out of 34. However, by  
13 2017, complex households in Merced County went up  
14 to 11.5 per 100 household, the third highest rate  
15 in the state. In addition, the home ownership  
16 rate sank from 13th lowest in the state to third  
17 lowest in the state. So that's telling you  
18 something right there.

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19 Five, lastly, the report cites three  
20 current housing policies as policies that will  
21 mitigate the effects of a growing campus  
22 population on the city's housing market, but these  
23 policies will actually do little to mitigate such  
24 effects. The Draft SEIR references the University  
25 of California president's housing -- president's

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1 housing initiative, but U.C. Merced was the only  
2 one of the nine U.C. campuses not to present a  
3 housing plan to the Regents.

4 In addition, the SEIR references the  
5 U.C. Merced 2020 project's construction of 1,680  
6 beds. However, this does not even meet the 2020  
7 Project's growth of 5,000 new students.

8 And since you guys want to promote  
9 community integration, we ask that you work with  
10 Communities for New California to best assess the  
11 effects of University expansion on local housing  
12 and to create such mitigation plans. Thank you.

13 MS. BARATI: Keila Luna. **Commenter 4**

14 MS. LUNA: Hi, everyone. My name is Keila  
15 Luna. I am a U.C. Merced alumni, and I'm here to  
16 speak about -- to speak in support of revising the  
17 Draft SEIR.

18 While section 4.6.5 states that  
19 implementation of the 2020 LRDP will not have  
20 significant impacts on the demands for housing in  
21 the City of Merced, the reality couldn't be  
22 further from the truth.

23 Merced represents hope and opportunity to  
24 many people who have made this town their home,  
25 and the University expansion will create greater

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1 demand for housing in the city.

2 I moved out here five years ago from  
3 Los Angeles when I was admitted to U.C. Merced  
4 because I was in search of opportunities, not just  
5 for me but for my family.

6 While I attended U.C. Merced to pursue a  
7 bachelor's degree, my father, who works as a cook  
8 at Denny's, started his own company, his cleaning  
9 service company, with my mother.

10 I joined an honor society and contributed  
11 to the community by starting a project to increase  
12 college readiness programs in Merced high schools.  
13 The University administrator wants us to assume  
14 that they can move people in and out of this town  
15 without impact on housing, but it is simply not  
16 true. Many people such as myself have moved here  
17 in search of an opportunity.

18 If the SEIR is not revised, we will not  
19 provide enough housing for people to move here,  
20 and it will make rents go up. It will force a  
21 hard-working people, who can hardly pay their  
22 rent, out of their homes. This is not a type of  
23 community that we want to create for hard-working  
24 people.

25 So I ask the University administrators

4-2

1 that you work with Communities for New California  
2 to best assess the effects of the University  
3 expansion on local housing to create sufficient  
4 mitigation plans. Thank you.

### Commenter 5

5 MS. SEATON: Phoebe Seaton, Leadership  
6 Council For Justice and Accountability. I  
7 appreciate the comments. A couple things, and a  
8 lot of folks will be presenting further written  
9 comment. One thing we talked about a little bit  
10 earlier is it would be really great, there's a  
11 very sizable obviously Spanish-speaking population  
12 here and Hmong-speaking population here, so it  
13 would be great if we could work together to do a  
14 follow-up meeting with language capacity to figure  
15 out what the need is between now and the deadline  
16 unless there's not an opportunity of deadline to  
17 give us some flexibility, was one issue.

18 The other is a couple of things that came  
19 up, and I just wanted to get reenforcement a  
20 little bit. What is the relationship between the  
21 development itself and its impact on the greater  
22 area. So really urging greater looking at both  
23 the housing needs and the transportation needs,  
24 infrastructure needs, how the build-out of this  
25 will impact resources allocation generally.

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1           The other is, on the housing, also felt  
2     like we might want to comment on it a little bit  
3     more the opportunities for workforce, and housing  
4     that will be appropriate to house folks working on  
5     the campus as well in this area so that we're  
6     creating opportunities for all income levels here  
7     while also ensuring that there's -- we're not --  
8     we're not neglecting the robust community that  
9     lives in the City of Merced already. Thank you so  
10    much.

11           MS. BARATI: Anybody else would like to  
12    speak?

13           MR. WOODS: Thank you very much for coming  
14    out, and there's still time. Not only do we have  
15    the document online, we actually have a copy of  
16    the Environmental Impact Report actually at the  
17    campus library. Also, we keep a copy here at the  
18    front desk as well if you want to get access to  
19    that document. That's obviously online as well.

20           I've got a few business cards here, so if  
21    you want to get my name as well, and then,  
22    definitely, thank you for your participation this  
23    evening.

24           (The formal hearing concluded at  
25           5:49 p.m.)

1 STATE OF CALIFORNIA, )  
2 COUNTY OF MERCED ) : ss.

3 I, Christine M. Cradit, do hereby  
4 certify:

5 That I am a licensed, Certified Shorthand  
6 Reporter, duly qualified and certified as such by  
7 the State of California;

8 That the said foregoing transcript was by  
9 me recorded stenographically at the time and place  
10 first therein mentioned; and the foregoing pages  
11 constitute a full, true, complete and correct  
12 record made;

13 That I am a disinterested person, not  
14 being in any way interested in the outcome of said  
15 action, nor connected with, nor related to any of  
16 the parties in said matter in any manner  
17 whatsoever.

18 Dated this 4th day of November, 2019.

19  
20   
21 C.M. CRADIT, CSR No. 3805

22  
23  
24  
25

**Public Meeting 1 (October 17, 2019)**

**PM1 Commenter 1 - Sophia Duarte**

**Response PM1-1-1**

Although housing in the City of Merced has grown at a slow rate in recent years, based on the applications for housing development received by the City, several thousand additional units are proposed. Furthermore, the Campus will add new beds to the on-campus housing stock as part of the development under the 2020 LRDP so that about half of the enrolled students would live on campus. Based on the housing that would be added on campus, the vacancy rate for the existing housing in the City, and planned housing in the City, there would be adequate housing to house the new students who would live off-campus in the City of Merced.

**PM1 Commenter 2 – Durinda Radanof**

**Response PM1-2-1**

The commenter's disagreement with the SEIR conclusion related to impact on housing is acknowledged for the record and will be forwarded to the decision makers for their review and consideration.

**Response PM1-2-2**

The commenter asserts that the rents in Merced have increased due to the presence of the University. The comment is acknowledged for the record and will be forwarded to the decision makers for their review and consideration.

**Response PM1-2-3**

The commenter asserts that if the SEIR does not get it right, new homes will not be built, and rent will increase further. Construction of new housing is not based on the conclusions in an EIR but on the demand for housing and other factors such as cost of construction, availability of project financing, the capacity of the local infrastructure, cost and complexity of environmental mitigation, and local agency approvals. The comment is acknowledged for the record and will be forwarded to the decision makers for their review and consideration.

**Response PM1-2-4**

The commenter suggests that the Campus work with the Communities for New California to assess the effects on local housing and develop a mitigation plan. The comment is acknowledged for the record and will be forwarded to the decision makers for their review and consideration.

**PM1 Commenter 3 – Deja Villanueva**

**Response PM1-3-1**

The commenter asserts that the SEIR does not adequately assess the effect of the 2020 LRDP on local housing and does not provide a mitigation plan for the impact. The SEIR discusses the impacts associated with population and housing in Section 4.6. The comment is acknowledged for the record and will be forwarded to the decision makers for their review and consideration.

**Response PM1-3-2**

Please see Response ORG-1-2.

**Response PM1-3-3**

Please see Response ORG-1-3.

**Response PM1-3-4**

Please see Response ORG-1-5.

**Response PM1-3-5**

Please see Response ORG-1-6.

**Response PM1-3-6**

Please see Response ORG-1-12.

**PM1 Commenter 4 – Keila Luna**

**Response PM1-4-1**

The commenter's disagreement with the SEIR conclusion related to impact on housing is acknowledged for the record and will be forwarded to the decision makers for their review and consideration.

**Response PM1-4-2**

See Response PM1-2-3 above. The commenter suggests that the Campus work with the Communities for New California to assess the effects on local housing and develop a mitigation plan. The comment is acknowledged for the record and will be forwarded to the decision makers for their review and consideration.

**PM1 Commenter 5 – Phoebe Seaton**

**Response PM1-5-1**

The commenter noted that it would be good if another meeting could be held where translation services for Spanish and Hmong speaking populations could be provided. UC Merced arranged a second public meeting on October 28, 2019 and provided translation services to those who requested it.

**PM1-5-2**

Both the Draft SEIR and the Recirculated Draft SEIR evaluate and disclose the impacts of campus development under the 2020 LRDP on housing, transportation, infrastructure such as water and wastewater, and public services such as fire and police services. Please see Sections 4.6, 4.7, 4.8, and 4.10 in the Draft SEIR and the Recirculated Draft SEIR.

**PM1-5-3**

The commenter suggests that in developing more housing in the area, attention be given to provide housing for all income levels. The University does not generally develop housing in the surrounding community. The University will develop more on-campus housing to accommodate 50 percent of its students, including freshmen and sophomores, under the 2020 LRDP. Students at all levels receive financial aid, including need-based aid, to defray the cost of housing. Development of housing off campus is outside the purview of the University. However, please note that the Cities of Merced and Atwater periodically update their General Plan Housing Elements in compliance with the State Housing Law and plan to provide adequate land for the needed housing identified for each city by MCAG under the Regional Housing Needs Allocation program.

2020 LONG RANGE DEVELOPMENT PLAN

SUBSEQUENT DRAFT EIR

PUBLIC HEARING

--o0o--

**TRANSCRIPT OF HEARING**

Merced, California  
Monday, October 28, 2019, at 5:04 p.m.

--o0o--

Reported by: Christine M. Cradit, CSR No. 3805

ASSOCIATED REPORTERS

Certified Shorthand Reporters

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Merced, California 95340

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## 1 APPEARANCES

2 Phillip Woods, AIA, AICP  
3 Director of Physical and Environmental Planning  
4 Office of Planning and Budget  
5 UC MERCED  
6 5200 N. Lake Road  
7 Merced, California 95340  
8 209.228.4481  
9 pwoods@ucmerced.edu

10 --oOo--

11 ALSO PRESENT: Shabnam Barati, Barati Consulting  
12  
13 Eric Perez, Spanish interpreter  
14  
15 Koua Moua, Hmong Interpreter

16 --oOo--  
17  
18  
19  
20  
21  
22  
23  
24  
25

1           The above-entitled hearing took place on the  
2   28th day of October, 2019, at 5:04 p.m.,  
3   at U.C. Merced, 655 West 18th Street, Merced,  
4   California, before Christine M. Cradit, Certified  
5   Shorthand Reporter, in and for the State of  
6   California.

7                       --o0o--

8           MR. WOODS:    Good afternoon.   My name  
9   Phillip Woods.   I'm with U.C. Merced, the planning  
10  director.   Just a couple items of housekeeping.  
11  We actually have Spanish and Hmong translators  
12  available, so if anyone needs that service, we  
13  have the people here to help translate.   We have  
14  the headsets that are available, so Eric Perez can  
15  give you a headset.   Is there anyone else who  
16  needs translation for this evening's meeting?

17           I'd like to say good evening again.   My  
18  name's Phillip Woods, U.C. Merced, the planning  
19  director.

20           Also here this evening is our consultant  
21  who's prepared the Environmental Impact Report.  
22  Her name is Shabnam Barati, with Barati  
23  Consulting.

24           So this evening, I'd like to just kind of  
25  go over the agenda so, this evening, we're talking

1 about the 2020 Long Range Development Plan REP  
2 CEQA documents.

3 I will describe kind of the CEQA process  
4 and then open up the public hearing, take public  
5 comments on this document.

6 I'd like to give the purpose of this  
7 meeting, so it's inform agencies and the public  
8 about the 2020 Long Range Development Plan, the  
9 Subsequent Environmental Impact Report, and the  
10 overall CEQA process.

11 So we'll present the proposed project, and  
12 tonight we'd like to hear from you as far as the  
13 analysis, the environmental impact mitigation  
14 measures that's presented in the Draft SEIR. Also  
15 kind of the evaluations on the alternatives that  
16 were presented into this document. This document  
17 actually is on our website. We have a copy  
18 actually by the front desk here as well.

19 With that, I'd like to overview. The  
20 project that the Environmental Impact Report has  
21 been prepared on is the 2020 Long Range  
22 Development Plan.

23 The Long Range Development Plan is a  
24 planning document that the University uses as well  
25 as other U.C. campuses. It's kind of the general

1 land use plan of the campus itself, so it really  
2 kind of provides a road map for the campus as far  
3 as how and where on the campus footprint  
4 development's going to occur.

5 Just to point out, this document does not  
6 actually approve specific development projects.  
7 All future projects actually go through  
8 independent review and approval at a later date as  
9 they become projects. Also, with this document,  
10 even though we have projections that go out to  
11 2030, there's no -- it doesn't really kind of time  
12 the growth.

13 As you can see on the map here -- this is  
14 actually the proposed land use map for the campus.  
15 This represents the campus footprint which is  
16 about 1,026 acres.

17 The majority of kind of the campus  
18 development is this kind of pink color called  
19 Campus Mixed Use. Also some other key features on  
20 this map is you see a lot of green space, and one  
21 thing we're trying to do with this plan is  
22 actually kind of introduce more open space areas  
23 for landscape corridors around the canal zones.  
24 What the campus really envisions will happen is  
25 more kind of trails that would be kind of around

1 these canal areas.

2 And, also, we have other areas we kind of  
3 identified kind of beyond 2030, which is kind of  
4 this orange-yellow color called Campus Building  
5 Reserve Support Land.

6 Couple of highlights on this plan,  
7 actually -- as I said, this actually updates the  
8 2009 Long Range Development Plan. Campuses  
9 typically update these plans every ten years. Our  
10 last update was in 2009, so we're right on  
11 schedule for updating this document.

12 Also, kind of key points, this plan  
13 actually -- you know, part of the plan is looking  
14 at the year 2030 and trying to identify kind of  
15 what land we're going to need for future  
16 development of the campus.

17 A couple other key highlights. One thing  
18 we're finding is really trying to continue what  
19 we're doing on the campus. As we grow, really try  
20 to grow a more compact footprint that really kind  
21 of helps us efficiently utilize our land  
22 resources, preserves and expands our open space  
23 corridors on the campus, and also finally really  
24 developing the campus on a very sustainable manner  
25 on the campus from energy, non-usage on the campus

1 and so forth.

2 With that, I'd like to turn this over to  
3 Shabnam Barati, who will give us kind of an  
4 overview of the CEQA process.

5 MS. BARATI: Good evening. My name is  
6 Shabnam Barati, and I'm the consultant who managed  
7 the preparation of the Environmental Impact  
8 Report.

9 The first Long Range Development Plan for  
10 this campus was done back in 2002 as this slide  
11 shows. And following that, the site of the  
12 footprint of the campus changed one time, and we  
13 did a second environmental impact report back in  
14 2009 for a campus that would occupy approximately  
15 815 acres, and we did what is called a Joint  
16 EIR/EIS.

17 The EIS is a NEPA or a federal requirement  
18 that we were satisfying. The EIR is the  
19 Environmental Impact Report that we prepared in  
20 order to address the state law. That was done  
21 back in 2009, and that Long Range Development Plan  
22 was approved and adopted.

23 The campus started developing based on  
24 that plan, and 2020 project, you all know, is  
25 under construction right now.

1           And back then, in 2009, we evaluated a  
2       campus that would accommodate 25,000 students by  
3       the year 2030. So that was the thinking back then  
4       in 2009.

5           Okay. Since then, what has happened?

6           Since 2009, a few things have changed.  
7       One thing that has changed is more land has been  
8       added to the campus. There's land to the south of  
9       the campus, so instead of 815 acres, the campus is  
10      now 1,026 acres. Some more land got added.

11          Secondly, the growth projections have been  
12      revised down for 2030. The campus is not expected  
13      to get to 25,000 students by 2030. So in view of  
14      that, the more realistic number right now is  
15      15,000 students by 2030 is what the campus is  
16      expecting.

17          And then, as Phil said, the time  
18      motivation is that the campus wants to develop in  
19      a sustainable way, compact development. We don't  
20      want a sprawling thousand acre campus. We want  
21      compact because that's more sustainable, more  
22      efficient, more economical in fact.

23          As a result of all three things, the  
24      change in the growth projections, the change in  
25      the area of the campus, and the desire to be a

1 more sustainable and compact campus, the campus  
2 has prepared a revised Long Range Development  
3 Plan, which is the 2020 Plan, which is the focus  
4 of this Environmental Impact Report.

5           So a little bit about what CEQA is. You  
6 hear me say CEQA. CEQA stands for California  
7 Environmental Quality Act. It is the state law  
8 that requires any lead agency, such as the  
9 University, that is going to make a decision about  
10 a project, if the project decision is  
11 discretionary, the lead agency or the agency  
12 making the decision has to look at the project for  
13 its environmental impacts before it can approve  
14 it.

15           Since this plan is the project here, it's  
16 a plan that cannot be adopted or implemented until  
17 it has been reviewed for its environmental  
18 impacts. So the approval and adoption of this  
19 proposed LRDP is a discretionary action. It  
20 triggers CEQA and, therefore, the campus has  
21 prepared an EIR for this project.

22           So what kind of EIR have we prepared here?  
23 It is a Subsequent EIR, and the reason is that  
24 back in 2009, a full EIR was done that evaluated  
25 all the topics that need to be looked at under



1 CEQA, and when we looked at the revised footprint,  
2 the revised growth projections and other things  
3 associated with the current Long Range Development  
4 Plan, we figured out that we could do a Subsequent  
5 EIR that would update the prior one adequately, so  
6 what has been prepared is called a Subsequent EIR,  
7 and that document is online as well, but we have a  
8 hard copy here as well.

9           So in looking at what had been already  
10 analyzed in the prior EIR, the 2009 document, we  
11 found that the analysis of these topics,  
12 aesthetics, ag and forestry sources, cultural  
13 resources, geology, hazardous materials, land use  
14 and planning, and minerals, those topics are  
15 adequately covered in the prior documents, so we  
16 don't need to do a new analysis for those topics  
17 because they're well covered, they're addressed.

18           However, there are topics that needed to  
19 be revisited, and these are the topics that were  
20 revisited in the context of this revised plan.

21           We've looked at potential -- it's  
22 alphabetic, so it's pretty straightforward. Air  
23 quality, biological resources, greenhouse gas  
24 emissions, hydrology, water quality, noise,  
25 population and housing, public services,

1 recreation, transportation, tribal cultural  
2 resources, and utilities. So we covered all these  
3 topics in full detail in this current document.

4 We had a public hearing on the -- I forget  
5 the date, a week or so ago, and at that meeting  
6 there was a lot of interest in trying to  
7 understand the population and housing impacts of  
8 the project. People were here, and some of them  
9 are here today again, but some of the people were  
10 interested in finding out how population and  
11 housing was looked at, so I thought it might be  
12 useful for us to explain what population and  
13 housing means in the context of the CEQA document.

14 So CEQA, or California Environmental  
15 Quality Act, says that we need to look at a  
16 project to see whether it will induce substantial  
17 unplanned population growth by proposing homes or  
18 through extension of infrastructure.

19 So if there's a proposed project, such as  
20 this plan, will this plan result in substantial  
21 unplanned growth, right, of population, right, and  
22 it asks you to look at it in this manner.

23 So what we did was, we said, okay, the  
24 campus will grow, we understand that, and that  
25 growth will mean, you know, about 5,000 additional

1 students, about 1100 additional employees, and we  
2 calculated all that, and then we calculated how  
3 many of those would live on campus, how many of  
4 them would live off campus. We had to make  
5 assumptions to do it, but we did that.

6 And then we figured out how many housing  
7 units they would need, those people who would live  
8 off campus would need, and then we compared that  
9 to the available housing in the area based on the  
10 best projections we could find at this time.

11 We used city information, we used the  
12 government of -- area government -- the M Cad  
13 projections, we used city projections. So this is  
14 the method we took to analyze population and  
15 housing impacts.

16 I do want to emphasize that the CEQA  
17 requirement is to look at unplanned population  
18 growth. It doesn't say you have to look at  
19 housing. It says you need to look at unplanned  
20 population growth, so that's what we've done. But  
21 in the context of that, we looked at housing  
22 impacts, but it doesn't get into -- CEQA is not  
23 concerned with any kind of secondary effects, such  
24 as change in housing prices, or rents going up,  
25 things like that. That is outside the scope of

1 CEQA, just as background.

2 With that, then the EIR -- in addition to  
3 all the topics that I previously mentioned, the  
4 EIR also looks at cumulative effects because  
5 that's required by law, growth inducement and  
6 irreversible environmental changes and  
7 alternatives. These are all mandated. And  
8 alternatives, yes, we do have alternatives to the  
9 project also analyzed in the EIR.

10 An EIR process starts off like this. Back  
11 in 2018, the campus started drafting this plan,  
12 and at that time, a Notice of Preparation was  
13 published, and then -- which was this -- which is  
14 called a scoping phase of the project. During  
15 that scoping phase, people were asked to give  
16 comments as to what should be in the EIR.

17 Once that scoping period ended, we went  
18 into the preparation of the EIR, which we took  
19 like a year almost to prepare, and here we are  
20 now. We've just published the EIR, and while it's  
21 been published, we are holding these public  
22 hearings. There's a 45-day review period  
23 associated with the publication of the Draft EIR.  
24 There's 45 days for people to comment on the Draft  
25 EIR.

1           Once we get the comments, we will prepare  
2 what is called a Final EIR, and that Final EIR  
3 will then be submitted to the Board of Regents of  
4 the University of California for their  
5 consideration, whether they want to certify the  
6 EIR and then approve the project.

7           This has been the schedule so far. Like I  
8 said, we published an NOP or Notice of Preparation  
9 for the EIR back in 2018. We had a scoping  
10 meeting in April. We published the Draft. The  
11 Final EIR is expected or is projected right now to  
12 be completed in January, and that will be when the  
13 Regents would be considering it.

14           So the CEQA process requires public  
15 participation, which is why we're having this  
16 meeting here. You have different ways to comment  
17 on the document. You can send your written  
18 comments to Phil at the address indicated. It's  
19 the same address as everywhere. It's on the  
20 website. It's also in the newspaper notice. So  
21 written comments can be sent there. Emails can be  
22 sent in to that email address, and we need to get  
23 your comments by November 4th, which is the close  
24 of the Draft EIR period.

25           So with that, we will now take comments

1 from people who are here. As people came in, we  
2 asked you all to sign -- to give us a speaker card  
3 so that we know we can call out your names and  
4 have you come up to the podium here, and speak up  
5 your name and give your comment.

6 There's a court reporter here who will be  
7 recording all the comments so that we have them,  
8 and a transcript will be prepared. The transcript  
9 we are going to use to prepare the Final EIR  
10 because we're going to respond to all the comments  
11 that are provided at this meeting in the Final  
12 EIR.

13 And we will have only three minutes per  
14 person to comment today, but if there's time at  
15 the end, you can come back a second time and give  
16 more comments. That's not a problem. It depends  
17 on how we do.

18 And then the other thing is that, last  
19 meeting, people were clapping after people made  
20 comments. Please don't do that. It's typically  
21 not done in public hearings. Just provide your  
22 comment, and I ask everybody to refrain from  
23 clapping at the end of presentation.

24 So with that, I have the first name.  
25 Joanna Morales.

**Commenter 1**

1           MS. MORALES: Hi. I'm from Leadership  
2 Council, and I guess one of the -- I know you said  
3 that you're not looking into housing because of  
4 CEQA. It's more of like the independent growth.  
5 But I do believe that it's really important to  
6 look at how we're going to impact housing in  
7 Merced just because it's not -- like right now,  
8 the housing issue is really bad, and so also  
9 having like a mitigation plan with the community  
10 so they can get involved because they're the ones  
11 that are going to be impacted by that. And  
12 perhaps like including area zoning whenever with  
13 the plan. And, also, like rental inspections  
14 with -- just things that can help the community  
15 when it comes to housing.

16           Again, I know you said that's not really  
17 looking at that, but I still feel like that's  
18 important.

19           MS. BARATI: Thanks a lot. The next name  
20 I have is J. Chavez.

**Commenter 2**

21           MR. CHAVEZ: (As translated by Mr. Perez)  
22 Good afternoon. She's been living here for ten  
23 years with her kids, and that she has had to move  
24 out of her home because of the fact that over the  
25 last couple years, about three years, her rent has

1-1

1 gone up, and she's now having to live in an  
2 apartment. It's gone up to where one year it will  
3 go up a hundred fifty dollars, and some of the  
4 rents now are over a thousand dollars here in  
5 Merced due to the growth of U.C. Merced.

6 Also, the fact that a lot of the friends  
7 of mine and myself are agricultural workers, it's  
8 really hard for us to be able to afford such  
9 expensive housing.

10 So my concern is how the growth of U.C.  
11 Merced is going to impact the housing market and  
12 how there's less and less vacancies for us to go  
13 and look for somewhere to rent, so I would like to  
14 just have you guys consider how the growth of U.C.  
15 Merced is impacting the housing market and how  
16 this will affect all of us that live here.

17 So I would really like to have you guys  
18 reconsider that aspect of this report that you  
19 guys are forming in regards to the expansion of  
20 the U.C. Merced.

### Commenter 3

21 MS. BARATI: The next name is Carlos Vega.

22 MR. VEGA: (As translated by Mr. Perez) My  
23 family and I have lived here for over eight years.  
24 We are working families that support and help the  
25 economy here in this area. My family, most of

2-1



1    them work in the agricultural business. I work as  
2    a teacher's assistant in Winton, and we work hard  
3    to make our money, but we have seen, with the  
4    growth of the U.C. Merced, that this has affected  
5    us and our families along with our friends.

6           We understand that, with all the students  
7    moving into the area, this has caused the rent to  
8    go up and that's why we have moved from Merced,  
9    where we lived here before, to Atwater where it's  
10   a lot less expensive to live.

11           We understand that, also, the --  
12   economically, the wages have not gone up. They  
13   have gone up in a very small percentage, maybe  
14   from 3,000 to 5,000 per month per household but  
15   that is not enough in regards to all of the  
16   increases in the rent that has been affected by  
17   the growth of U.C. Merced.

18           We understand that U.C. Merced's students  
19   need housing, and that's understandable, but at  
20   the same time, it's affecting us middle class that  
21   are not making that kind of income to be able to  
22   live here in Merced, and we know that that also  
23   affects the local businesses because we are part  
24   of the growth and the ones that spend our money  
25   here locally.

3-1

1           So I would just like to have you guys  
2 reconsider this 2020 plan in regards to expansion  
3 and work with California's -- Communities for  
4 California to help understand how the impact of  
5 the U.C. Merced affects those that live here  
6 locally.

7           We would really appreciate that because we  
8 do understand that it is important to have U.C.  
9 Merced here in Merced but, at the same time, see  
10 how it affects us that don't go to U.C. Merced and  
11 aren't making that kind of money to be able to  
12 afford our housing, which is going -- that is  
13 going up every year. Thank you.

#### Commenter 4

14           MS. BARATI: I apologize if I get this  
15 name wrong but it's Maite. I got it right? Okay.

16           MS. DeMARIA: Good afternoon. My name is  
17 the Maite DeMaria. I am here today because I am  
18 in support of revising the Draft EIR. While  
19 Section 4.6.5 states that implementation of the  
20 2020 LRDP will not have significant effects on the  
21 rents for housing in the City of Merced, the  
22 reality is farther from the truth.

23           Merced represents hope and opportunity to  
24 many people who have made this town their home,  
25 and the University expansion will create greater

3-2

4-1

1 demand for housing in the city.

2 I myself, I am originally from the Bay  
3 Area, Redwood City, California. My family and I  
4 moved five years ago when I decided to attend U.C.  
5 Merced because we saw opportunities, not just for  
6 me, but for my entire family, most importantly,  
7 because my parents could no longer afford rent in  
8 the Bay Area.

9 While I attend the U.C. Merced to pursue  
10 my bachelor's degree, my father and mother to this  
11 day continue to travel to the Bay Area to work  
12 because, here, all there is is field work, and  
13 over there -- well, my dad gets to do  
14 construction, my mom gets to clean homes. But  
15 every day, they have to wake up at 4:00 in the  
16 morning, 3:00 in the morning to travel to commute  
17 in order to earn a decent wage.

18 My parents decided to move here hoping one  
19 day they will be able to afford a home, but with  
20 each year our rent increasing a hundred dollars or  
21 more, we now see that dream getting further and  
22 further away.

23 University administrators must assume that  
24 they can simply move people in and out of this  
25 town without any effect on the housing, but this

1 is not true. Many people, such as myself, my  
2 family, moved here to search for opportunities.  
3 If the SEIR is not revised, we will not provide  
4 enough housing for people who live here, and it'll  
5 make rent go up. It will force hard-working  
6 people who can hardly pay rent out of their homes  
7 just like it happened with my family in the Bay  
8 Area. This is not the type of community that we  
9 want to create for hard-working people.

10 So I ask the University that you work with  
11 Communities for California to best assess the  
12 effects of the University expansion on local  
13 housing to create a sufficient mitigation plan.

14 Thank you.

15 MR. WOODS: The next name is Paul Garcia.

16 MR. GARCIA: I thought they would have a  
17 PA system for some people. I'm having a hard time  
18 hearing.

19 I had the pleasure to come in early and  
20 ask some questions in regards to this impact, and  
21 which I've been familiar in Fresno County, and --  
22 at Fresno State.

23 But I come here to a smaller county and  
24 see what's been going on. I was not even aware  
25 about the first -- first public hearing that they

1 had, and I'm really kind of depressed because of  
2 the fact that this is all we have that's going to  
3 make a big impact here and supposed to, you know,  
4 come up with some ideas from the public. I don't  
5 know. Maybe not enough publicity went out, I  
6 mean, in regards to this, how it's going to affect  
7 everybody and especially all the areas that you  
8 covered and housing and other areas.

5-1

9 Also, I don't think that one was  
10 mentioned, is also the bussing transit also as  
11 well, also traffic congestion. I don't know if  
12 those things come into play or not, but I think  
13 that some of the things are very important, but I  
14 would like to see more transparency before a  
15 decision will be made, so whatever public  
16 information as you gather here, I hope for more  
17 transparency. Thank you.

5-2

18 MS. BARATI: Deja Villanueva.

19 MS. VILLANUEVA: Okay. Hello. How you  
20 doing today.

### Commenter 6

21 Hi. My name is Deja Villanueva. I am  
22 originally from Merced, born and raised here, been  
23 here for 23 years, and I am with Communities for  
24 New California, also known as CNC. We knock on  
25 people's doors, we conduct needs analysis and have

1 conversations with thousands of Valley residents  
2 every year.

3 I'm here to ask you that to revise U.C.  
4 Merced 2020 LRDP Draft SEIR. In its current form,  
5 the SEIR does not adequately assess the effects of  
6 U.C. Merced's 2020 LRDP on local housing. It does  
7 not provide mitigation plans for such effects and,  
8 therefore, it does not conform to CEQA, C-E-Q-A,  
9 for many reasons.

10 First I'll be naming, that the Draft SEIR  
11 cites widely-divergent population projections and  
12 has errors in its reference to its own numbers on  
13 pages 4.6.2 and 4.6-1.

14 Second, the report claims that no new  
15 policies are needed to mitigate planned population  
16 growth, though the assumptions of the previous  
17 20,000 -- 2019 LRDP EIS/EIR that is cited have  
18 been proven false.

19 For example, the Draft SEIR admits that  
20 while a University community to house the  
21 campus-related population was envisioned in 2019,  
22 such a community has not developed near the campus  
23 and is not foreseeable that such a community would  
24 develop within the time frame of the 2020 LRDP,  
25 page 4.6-8.

6-1

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6-3

1           Third, the Draft SEIR ignores evidence  
2   that Merced households are already experiencing  
3   scarcity of affordable housing. For example, in  
4   2006, the percentage of Merced County households  
5   that were complex households, meaning that those  
6   with more than one family, was only 6.8 per  
7   hundred, which ranked it 22nd out of 34. However,  
8   by 2017, complex households in Merced County went  
9   up to 11.5 per hundred households, the third  
10   largest -- the third highest rate in the state.  
11   In addition, the home ownership rate sank from 13  
12   lowest in the state to third lowest in the state.

13           Lastly, the report cites three current  
14   housing policies as policies that will mitigate  
15   and -- will mitigate the effects of a growing  
16   campus population on the city's housing market,  
17   but these policies will actually do little to  
18   mitigate such effects.

19           The Draft SEIR references the University  
20   of California President's Housing Initiative, but  
21   U.C. Merced was the only one of the nine U.C.  
22   campuses to not present a housing plan to the  
23   Regents.

24           In addition, the SEIR references the  
25   U.C. Merced 2020 Project's construction of 1,680

6-4

6-5

1 beds. However, this is not enough to even meet  
2 the 2020 Project's growth of 5,000 new students.

3 So what I'm asking is that we ask -- I ask  
4 you guys to work with Communities for New  
5 California to best assess the effect of the  
6 University's expansion on local housing and to  
7 create sufficient mitigation plans.

8 And I do have a question. I do have a  
9 question. Can I ask it?

10 MS. BARATI: Yeah, you can ask it. It  
11 would depend on what --

12 MS. VILLANUEVA: I'm not sure if this is  
13 the right setting, but is there any mitigation  
14 plans for student housing, like off campus but  
15 still connected with the U.C. Merced to put more  
16 beds into U.C. Merced? So that way, there's -- is  
17 there any plans for more housing?

18 MS. BARATI: There's more housing in the  
19 plan on the campus for sure, yes. Because the  
20 increase in campus population, half of the  
21 students are going to be kept on campus, at least,  
22 at a minimum.

23 MS. VILLANUEVA: What about the other  
24 half?

25 MS. BARATI: So the other half, I'm not

6-5

6-6

6-7

6-8



1     sure. That's the population that we said would go  
2     up, but I'm not sure I can answer anything more.

3             MR. WOODS: Part of the 2020 Project,  
4     which is being built now, additional beds coming  
5     online for next June, and I think the total  
6     student population on campus is going to be about  
7     43 percent will be housed on campus, and that's  
8     first- and second-year students.

9             MS. VILLANUEVA: Okay. Because my concern  
10    is that, you know, I want to buy a house  
11    specifically in north Merced, but I do see that  
12    the housing rates are rising because U.C.  
13    students -- all U.C. students can't afford to live  
14    on campus because it's really expensive, so what  
15    they do instead is that they have roommates who  
16    live off campus in big houses that cost a lot of  
17    money, and the landlords sometimes, you know, kind  
18    of hike the prices because they know that U.C.  
19    students can afford it because there's roommates.

20            So that's my concern. And there's really  
21    a lot of students taking over in north Merced, so  
22    I'm just concerned because I'm born and raised  
23    here in Merced, and I really want to buy a home  
24    here soon, so that's just my concern. I don't  
25    really want the students to overtake all the

1 homes, the beautiful homes in north Merced. So  
2 that's my concern.

3 MR. WOODS: Thank you.

4 MS. BARATI: The next name I have here is  
5 Elvia. Elvia.

6 MS. ROBLES: Good afternoon. My name is  
7 Elvia Robles.

### Commenter 7

8 (As translated by Mr. Perez) I've been  
9 here since 1989 and I built my first home in 1981  
10 with my husband and we made a little business  
11 along with the house that we bought.

12 I lived here for about 25 years and,  
13 during that time, I also lived here in Merced. In  
14 2015, I got divorced from my husband and also I  
15 had a bankruptcy because of how high everything  
16 was becoming, how expensive everything was getting  
17 here in Merced.

18 I've been having trouble finding housing.  
19 As a matter of fact, my son and I, we live in a  
20 house, but it's low income housing. My son  
21 started working full time. Subsequently, they  
22 told us that we could no longer qualify for low  
23 income housing, so from \$500 we were paying  
24 before, it went up to \$770.

25 My son just works just minimum. That's

1     what he gets, minimum wage. I work with special  
2     needs children with autism. I only get 60 hours a  
3     month, and that's also at minimum wage. And I  
4     can't continue to live that way. Just to even try  
5     to find a house, you have to pay \$40 per person,  
6     \$40 for myself and \$40 for my son just to apply,  
7     and that's not refundable. And that doesn't  
8     guarantee me that I'm going to get that house.  
9     Right now, just a two-bedroom home is over \$800 or  
10    more.

11           And I'm just here to ask U.C. Merced to  
12    amend the presentation of this document that does  
13    not take into consideration the data that shows  
14    that, and really it affects low income residents  
15    and also how this plan is going to affect the  
16    community. So that's what I would like to present  
17    now and then also help you guys see that the  
18    research or the documents that have been  
19    demonstrated or shown really demonstrates how this  
20    will impact the community.

21           Thank you. Sorry. I'm so sensitive.

22           MS. BARATI: I have another. Edward  
23    Flores.

### Commenter 8

24           MR. FLORES: So I wanted to talk a little  
25    bit about the population projections. I've done

7-1

1 population projections before as a consultant. I  
2 have a Ph.D. in sociology. I've also been a  
3 project manager for the Population in Dynamics  
4 Research Group out of the University of California  
5 under Dell Myers, you know, whose population  
6 projections are amongst the best in the field of  
7 tomography.

8 And so I wanted to talk a little bit about  
9 the numbers that I computed since the last meeting  
10 that was here. And so I want to address the SEIR  
11 which says that on January 1st, 2018, there were  
12 1281 Merced City housing units vacant. Vacancies,  
13 that was an estimate, and in the report from the  
14 Department of Finance, which those figures are  
15 from January 1st.

16 The fall 2017, you said Merced student  
17 body was 7857. The fall 2018, U.C. Merced student  
18 body was 8544 which is higher than the numbers  
19 that are in your report, so if you go to the U.C.  
20 Merced web page, they have the numbers that are  
21 higher than is what is in the report.

22 So all this says is there is a growth of  
23 577 students from one year to the next, that the  
24 Department of Finance numbers on January 1st, 2018  
25 didn't capture it because it happened in the fall.

8-1

8-2

1           So -- and then I also looked to see what  
2 percentage arrived from the three counties that  
3 are close to U.C. Merced. Only 15 percent. The  
4 report says 33 percent of students arrived from a  
5 40-mile radius, but from Stanislaus and Merced  
6 County and Madera, only 15 percent of U.C. Merced,  
7 new U.C. Merced students in the year that you  
8 looked at were from those cities and counties.

8-3

9           So it's more appropriate to say that 15  
10 percent come from within a 40-mile radius. So 85  
11 percent do not. So that means that we should --  
12 out of those 577, there should be 489 that we  
13 expect that would need housing, so at  
14 two-and-a-half students per housing, that's 195  
15 housing units.

8-4

16          I applied some of these numbers as well to  
17 the forecast of the 2020 population, 10,000  
18 students, and, as well, the 1680 beds that we're  
19 expecting to arrive at the University as part of  
20 the 2020 plan. And along with, you know, numbers  
21 for new employees, the number of housing units  
22 that are vacant fall of 2018 should have been a  
23 1,086, but it is going to go up to 1206 because of  
24 the 1680 dormitory beds that'll be new.

8-5

25          But the problem is that with this LRDP

8-6

1 that forecasts another \$5,000 students by 2030  
2 with no mitigation plans, as folks have mentioned  
3 before, the policy is like U.C. Merced did not  
4 present a housing plan to the Regents of the  
5 University to not take part of the president's  
6 initiative.

8-6

7 So without any mitigation plan, there are  
8 not enough housing units in the City of Merced to  
9 absorb the 5,000 students that are going to be  
10 arriving because we can expect 85 percent to be  
11 coming from outside of the 40 mile. That will be  
12 4235 students that will need housing for 1694  
13 units at two-and-a-half students per unit.

8-7

14 But if we also expect 1131 new employees,  
15 half of them are going to be living in Merced.  
16 That means that we'll be on the negative side  
17 1,054 housing units.

18 And I don't think anybody here is saying  
19 don't expand the University. I think they're very  
20 excited about the University. And the question's  
21 just how can we work together as a community to  
22 create some sort of mitigation plan so that we can  
23 accommodate, you know, all of the opportunities  
24 that the University is trying to provide the  
25 people that are coming to this town to take part

1 in and being part of this expansion. That's all.

2 Thank you.

3 MS. BARATI: Those are all the cards we  
4 were given, you know, people who wanted to speak.  
5 Is there is anybody else that would like to come  
6 and present? Do you want to?

### Commenter 9

7 MS. VILLARREAL: Hi. Name is Gracey  
8 Villarreal. I moved to Merced about 11 years ago  
9 and I actually moved here because it was quieter,  
10 it was smaller and it was a better environment for  
11 me to raise my kids.

12 Now, with coming to Merced and being  
13 here -- I loved it in the beginning. My grandma  
14 owned a ranch. It was fantastic. After U.C.  
15 Merced started coming here and the expansion of  
16 the whole growth, like everyone was saying, it has  
17 increased, and it is harder for me to raise my  
18 five children, plus my boyfriend's four children,  
19 so together we have nine.

20 We do live on the north side of the  
21 Merced, and as we go to take walks around the  
22 area, we do notice that it is crowded with  
23 students. We've tried to engage with them as  
24 well, you know, but we also want a family home,  
25 not something where it's -- I don't know even how

1 to explain, but like where it's so crazy with the  
2 parties. Maybe they would need a place for them  
3 to be -- I don't know -- do their thing, make  
4 their growth, whatever it may be.

5 But, yeah, it has gone up. The prices of  
6 our home is kind of expensive. We do what we can.  
7 We provide for our children as much as we can, but  
8 the higher the increases of the rent, the harder  
9 it becomes for us to provide for not only the  
10 housing but the food, the gas, and other items  
11 that they may need for school to further their  
12 education.

13 So instead of maybe having us continue to  
14 live in Merced, I feel like we're being pushed  
15 out, maybe pushed towards another city, and I  
16 personally want to continue to live in Merced  
17 County. I came here to raise my children here,  
18 not to be pushed away because of a high cost and  
19 quality of everything that's going on. Thank you.

20 MS. BARATI: Anybody else would like to  
21 speak that hasn't spoken or if you want to come up  
22 a second time, we do have time.

**Commenter 10**

23 MS. VILLANUEVA: My name is ~~Danielle~~  
24 Villanueva. So I definitely agree with one of the  
25 previous speakers here about how he said we're not

9-1

**Deja**



1 so much looking at the U.C. development and growth  
2 in a negative way aspect, but so much to the part  
3 where -- we just want to be -- we just want to be  
4 secure in the fact that there will be student  
5 housing and not only student housing but enough,  
6 enough student housing. And it worries us because  
7 it doesn't just affect students there, but people  
8 who have lived in this community already, and  
9 that's all we're asking is to just really take  
10 into consideration how much and don't lower the  
11 numbers, you know. Really, really kind of capture  
12 the fact that U.C. Merced will grow.

13 It's a beautiful campus, and that's what  
14 it should -- that's what it should do. But at the  
15 same time, please make sure that you do whatever  
16 it is on your end to make sure that it ensures  
17 students affordable housing and enough of them  
18 because that's how you keep a -- that's how you  
19 keep a healthy community, you know, where students  
20 close to their school campus so that's not a  
21 stress factor, you know.

22 So we're just asking that you definitely  
23 just keep that in mind and just thank you for  
24 hearing me and -- thank you.

25 MS. BARATI: Ladies and gentlemen, anybody

1 else?

2 UNIDENTIFIED SPEAKER: One question.

3 MS. BARATI: You can ask a question. We  
4 may not be able to answer it, though, depending on  
5 what it is.

6 UNIDENTIFIED SPEAKER: Like I had stated  
7 earlier, the report cites -- yeah, the Draft SEIR  
8 references the University of California  
9 President's Housing Initiative but U.C. Merced was  
10 the only one of the nine U.C. campuses not to  
11 present a housing plan to the Regents. How come  
12 there hasn't been a housing plan to the Regents?

13 MS. BARATI: It's outside the scope of  
14 this particular hearing in my view. You'd agree,  
15 right?

16 MR. WOODS: Yeah.

17 MS. BARATI: We'll take your comments and  
18 can respond to it, but it's not related to the  
19 EIR.

20 UNIDENTIFIED SPEAKER: Okay. Yeah,  
21 because like everyone has been talking about, you  
22 know, we love that U.C. Merced's growing. That's  
23 what Merced's known for now, and I really  
24 appreciate the U.C. being here because, you know,  
25 that's what we're known for. But I just wish you

1 guys would have a housing plan for the students,  
2 you know, and could present that to us because  
3 that would make us feel more at comfort. It would  
4 make us feel more at ease, and it would also --  
5 you guys would also be transparent with us too.

6 So transparency is a big thing, and if  
7 we've seen some kind of housing plan, then we  
8 would feel more secure and more -- depending on,  
9 you know, what the housing plan is, we would feel  
10 more at ease and we wouldn't have so many concerns  
11 like we do now.

12 So, like I said, U.C. Merced is a  
13 beautiful campus. I'm so glad it's here. I plan  
14 to go to U.C. Merced to attend there and -- yeah,  
15 just keep in mind the rest of Merced too. Thank  
16 you.

17 MS. BARATI: Can you back up and give your  
18 name, make sure she gets your name.

19 MS. ROBLES: Elvia Robles.

20 (As translated by Mr. Perez) Progress for  
21 the University, it will help our community and  
22 also all of our young ones. It's important  
23 because you guys develop our youth and you guys  
24 help them so that they have an education and are  
25 smart, and they can get jobs, but, for example,

1     what happened with my son where he couldn't even  
2     find a job here, he had to move to Illinois.  
3     That's where he was able to find a job on what he  
4     had studied.

5             It's good to expand the University but  
6     it's also better to create jobs and businesses  
7     that help those students that have those  
8     educations.

9             It's like, for example, if you have a tree  
10    and it gives you a lot of fruit but if the family  
11    is not able to eat all the fruit, then the fruit  
12    goes bad. So my son was saying that he couldn't  
13    get a job. He studied here locally, and if he  
14    stayed here locally, then he would have had to  
15    work at Foster Farms killing chickens.

16            Aside from expanding it and making it  
17    beautiful, they also have to look at how they can  
18    develop new jobs.

19            MR. WOODS: I'd like to thank everyone for  
20    coming out tonight and giving your public  
21    testimony this evening, so we have another week as  
22    far as the public comment period. Ends next  
23    Monday, November 4th, at 5:00 p.m. So there's  
24    still opportunity for people to turn comments in  
25    by email or written, and we have information on

1     our website as well.

2             And the University is going to be taking  
3     all the comments received at the public hearing  
4     and address any comments related to the EIR and  
5     those -- response to that will be published -- I'm  
6     not sure about the time of it, but it will be on  
7     our website as far as when it will be available.  
8     So the comments we've received, we'll be  
9     responding back in writing, and it'll be posted.  
10    Thank you again for coming out this evening.

11             (The formal hearing concluded at  
12             6:04 p.m.)

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1 STATE OF CALIFORNIA, )  
2 COUNTY OF MERCED ) : ss.

3 I, Christine M. Cradit, do hereby  
4 certify:

5 That I am a licensed, Certified Shorthand  
6 Reporter, duly qualified and certified as such by  
7 the State of California;

8 That the said foregoing transcript was by  
9 me recorded stenographically at the time and place  
10 first therein mentioned; and the foregoing pages  
11 constitute a full, true, complete and correct  
12 record made;

13 That I am a disinterested person, not  
14 being in any way interested in the outcome of said  
15 action nor related to any of the parties in said  
16 matter in any manner whatsoever.

17 Dated this 4th day of November, 2019.

18   
19 \_\_\_\_\_  
20 C.M. CRADIT, CSR No. 3805  
21  
22  
23  
24  
25

**Public Meeting 2 (October 28, 2019)**

**PM2 Commenter 1 – Joanna Morales**

**Response PM2-1-1**

The SEIR does not evaluate the effect of campus growth on the cost of housing as that is outside the scope of a CEQA document. The SEIR does evaluate the effect of the additional campus population on housing and finds the impact to be less than significant. Therefore, no mitigation is provided in the SEIR.

**PM2 Commenter 2 – J. Chavez**

**Response PM2-2-1**

The SEIR does not evaluate the effect of campus growth on the cost of housing as that is outside the scope of a CEQA document. The SEIR does evaluate the effect of the additional campus population on housing and finds the impact to be less than significant. Therefore, no mitigation is provided in the SEIR.

**PM2 Commenter 3 – Carlos Vega**

**Response PM2-3-1**

The commenter asserts that the rents in Merced have increased due to the presence of the UC Merced students. The comment is acknowledged for the record and will be forwarded to the decision makers for their review and consideration.

**Response PM2-3-2**

The commenter suggests that the Campus work with the Communities for New California to assess the effects on local housing and develop a mitigation plan. The comment is acknowledged for the record and will be forwarded to the decision makers for their review and consideration.

**PM2 Commenter 4 – Maite DeMaria**

**Response PM2-4-1**

The commenter states that the SEIR is incorrect in finding that the implementation of the 2020 LRDP will not have a significant impact on rents in the City of Merced. The SEIR does not evaluate the project's effect on rents as that is outside the scope of a CEQA document. The SEIR does evaluate the effect of the additional campus population on housing resources and finds the impact to be less than significant.

**Response PM2-4-2**

The commenter asserts that if the SEIR is not revised, new homes will not be built, and rent will increase further. Construction of new housing is not based on the conclusions in an EIR but on the demand for housing and other factors such as cost of construction, availability of project financing, the capacity of the local infrastructure, cost and complexity of environmental mitigation, and local agency approvals. The comment is acknowledged for the record and will be forwarded to the decision makers for their review and consideration.

**PM2 Commenter 5 – Paul Garcia**

**Response PM2-5-1**

Adequate noticing was conducted regarding all three public meetings. Notices were posted on the UC Merced website and at the Merced County Clerk's Office, and a newspaper ad was placed in the local newspapers regarding all three public meetings. Additionally, the public were notified about the hearings via the UC Merced website, and information regarding the second and third public meeting was also disseminated via social media.

**Response PM2-5-2**

The effects of the proposed LRDP on bus transit and traffic congestion are addressed in Section 4.8, Transportation in the Draft SEIR and the Recirculated Draft SEIR.



**PM2 Commenter 6 – Deja Villanueva**

**Response PM2-6-1**

The commenter asserts that the SEIR does not adequately assess the effect of the 2020 LRDP on local housing and does not provide a mitigation plan for the impact. The SEIR discusses impacts associated with population and housing in SEIR Section 4.6. The comment is acknowledged for the record and will be forwarded to the decision makers for their review and consideration.

**Response PM2-6-2**

See Response ORG-1-2.

**Response PM2-6-3**

See Response ORG-1-3.

**Response PM2-6-4**

See Response ORG-1-4.

**Response PM2-6-5**

See Response ORG-1-6.

**Response PM2-6-6**

See Response ORG-1-12.

**Response PM2-6-7**

UC Merced plans to provide on-campus housing under the 2020 LRDP such that at least 50 percent of the enrolled students in 2030 would live on campus. UC Merced currently does not have any plans to develop housing off campus.

**Response PM2-6-8**

The commenter asks what would be done to house the remaining 50 percent of the students. As discussed in the Draft SEIR (and the Recirculated Draft SEIR), the remaining students would be expected to live off campus in the City of Merced, Atwater, and other nearby and more distant communities.

**PM2 Commenter 7 – Elvia Robles**

**Response PM2-7-1**

The commenter asks that the SEIR be revised as it does not take rent data into account that shows that low income residents will be affected. The SEIR does not evaluate the project's effect on rents as that is outside the scope of a CEQA document. The comment is acknowledged for the record and will be forwarded to the decision makers for their review and consideration.

**PM2 Commenter 8 – Edward Flores**

**Response PM2-8-1**

The commenter is correct in that based on Department of Finance 2018 dwelling unit data and housing vacancy rate for the City of Merced, there were 1,281 vacant units in the City as of January 2018.

**Response PM2-8-2**

The commenter states that the enrollment levels for UC Merced are reported for the Fall semester and that generally each year the enrollment at the campus increases by 577 students. As the campus student population increased in Fall 2018, those 577 students were not captured in the DOF population estimate for the City of Merced which is dated January 1, 2018. That is accurate. It is assumed that those students would be counted in the January 2019 population estimate for the City.

**Response PM2-8-3**

The commenter states that the SEIR states that 33 percent of the students arrived from a 40-mile radius whereas his data shows that only 15 percent of the new students arrived from Merced, Stanislaus and Madera Counties. Please see Response IND-2-2 regarding the SEIR's assumptions about the origins of the new students.

**Response PM2-8-4**

Please see Response IND-2-2 regarding the issues with the commenter's analysis of likely housing demand associated with the new students.

**Response PM2-8-5**

Please see Response IND-2-2 regarding the issues with the commenter's analysis of likely housing demand associated with the new students and employees.

**Response PM2-8-6**

The impact related to housing was determined to be less than significant and therefore no mitigation is set forth in the SEIR for the impact. The UC President's Housing Initiative required the UC campuses to submit a housing plan to add 14,000 student beds by 2020. Campuses that did not have a plan to add new beds by 2020 submitted housing plans in response to the Housing Initiative. UC Merced had already planned to add about 1,680 new beds by 2020 as part of the 2020 Project and work on the project had commenced. Therefore, UC Merced was not required to submit a housing plan in response to the Housing Initiative.

**Response PM2-8-7**

Please see Response IND-2-2 regarding the issues with the commenter's analysis of likely new students and employees, and the commenter's estimate of the number of units that the new students and employees would require in the City of Merced.

**PM2 Commenter 9 – Gracey Villarreal**

**Response PM2-9-1**

The commenter asserts that she and her family are being pushed to move to another city due to cost of housing and quality of life concerns due to the presence of UC Merced students in the City of Merced. The comment does not relate to the environmental effects of the proposed 2020 LRDP, and no response is required. The comment is acknowledged for the record and will be forwarded to the decision makers for their review and consideration.

**PM2 Commenter 10 – Deja Villanueva**

**Response PM2-10-1**

The commenter states that the community would like to be assured that there will be enough student housing provided by the University. The comment is acknowledged for the record and will be forwarded to the decision makers for their review and consideration.

## 4.0 DRAFT SEIR TEXT REVISIONS

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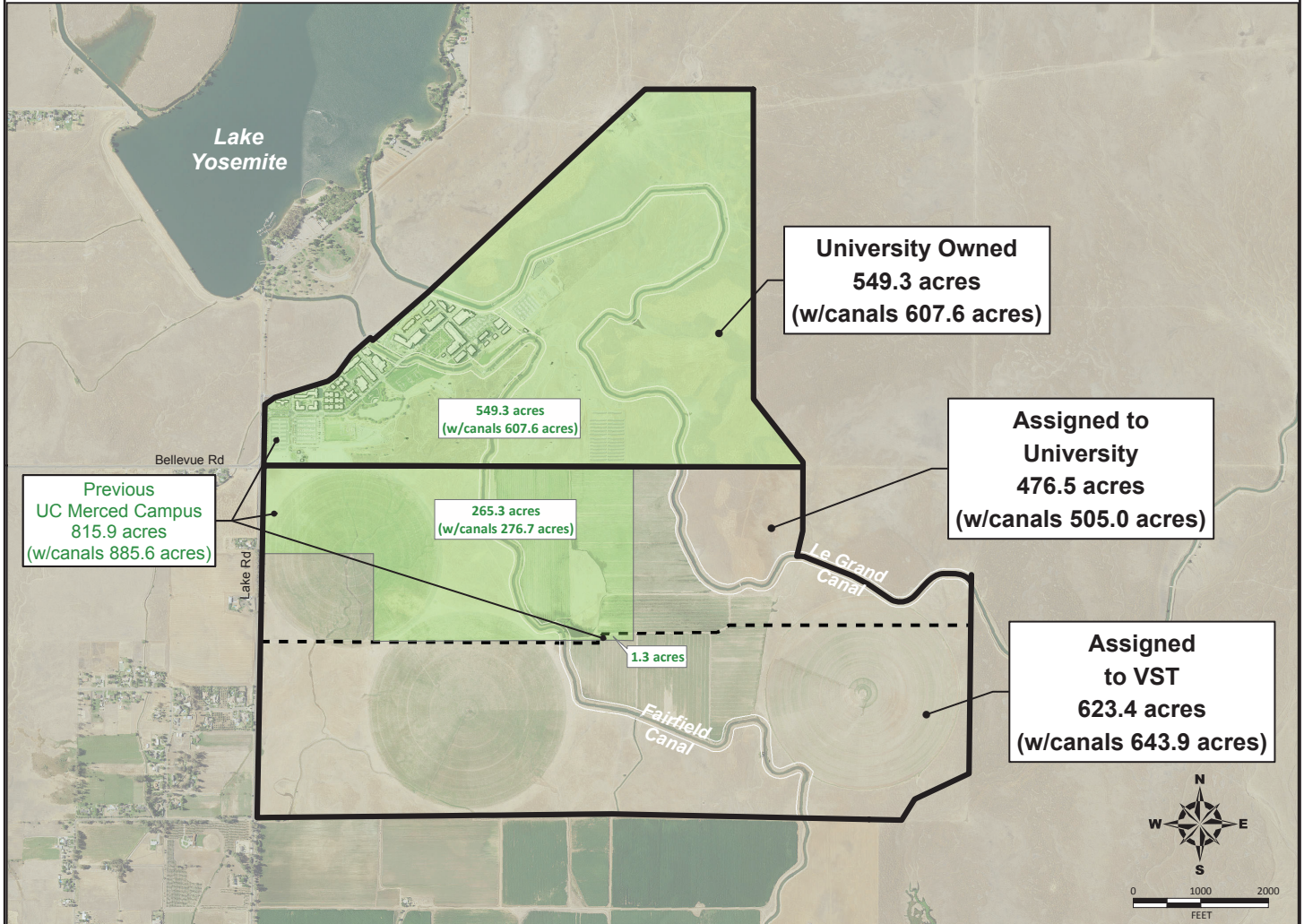
This section presents specific changes to the text of the Recirculated Draft SEIR that are being made to clarify any errors, omissions, or misinterpretation of materials in the Recirculated Draft SEIR in response to comments received during the public review period and/or corrections based on the University's own review of the Recirculated Draft SEIR. In no case do these revisions result in a greater number of impacts or impacts of a greater severity than those set forth in the Recirculated Draft SEIR. Where revisions to the main text are called for, the page and paragraph are set forth, followed by the appropriate revision. Added text is indicated by underlined text. Text deleted from the Recirculated Draft EIR is shown in ~~strikeout~~. Page numbers correspond to the page numbers in the Recirculated Draft SEIR.

### Section 1.3, Project Background and Need Revisions

Text on pages 1.0-4 and 1.0-5 is revised as shown below to reflect the correct UCLC property acreages. **Figure 1.0-1, Revised Campus Land Area**, on page 1.0-7 is also updated accordingly as shown here.

Although 549 acres of the 815-acre campus site were owned by the University, about 266 acres in the southern portion of the campus site still remained in the ownership of UCLC. In addition, UCLC owned the University Community North lands to the south of the campus site, for a total of approximately ~~1,111~~ 1,100 acres. In 2017, the UCLC lands were subdivided, with approximately 477 acres in the northern portion of the UCLC property transferred to the University and approximately ~~634~~ 623 acres transferred to VST. With this subdivision, the acreage of the campus site increased to approximately 1,026 acres. **Table 1.0-1, Approved and Revised Campus Acreage**, below provides the ownership information and shows the changes to the campus site following the subdivision of the UCLC lands. (All of the numbers reported in the text and table exclude acreage that is within canal right-of-way/easements which are held by the Merced Irrigation District.)

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SOURCE: UC Merced, 2020

FIGURE 1.0-1

Revised Campus Land Area

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**Table 1.0-1  
Approved and Revised Campus Acreage**

	Regents	UCLC	UCLC Land Added/Subtracted	Total Area
Approved Campus (2009)	549	266	–	815
University Community North (2009)	0	833	–	833
<b>Total</b>				<b>1,648</b>
Revised Campus (2016)	549.3	476.5	476.5	1,025.8
University Community North (2016)	-	<u>1,110.1</u> <u>1,099.9</u>	- 476.5	<u>633.6</u> <u>623.4</u>
<b>Total</b>				<b><u>1,659.6</u> <u>1,649.2</u></b> <sup>1</sup>

Source: University of California, Merced 2019

Notes: All acreages in this table exclude the canal rights-of-way acreage.

<sup>1</sup> The southeastern boundary of the University Community North lands was redefined between 2009 and 2016, resulting in an increased total area. Acreages were calculated using Geographic Information System (GIS) mapping. The marginal overall increase in total acreage from 2009 to 2016 is due to rounding; the 2009 acreages were underestimated slightly.

### Section 3.0, Project Description Revisions

Figure 3.0-6, **Campus Open Space**, on page 3.0-19 is revised slightly as shown on the following page to remove detail related to “Secondary Paths,” as the path alignments may change.

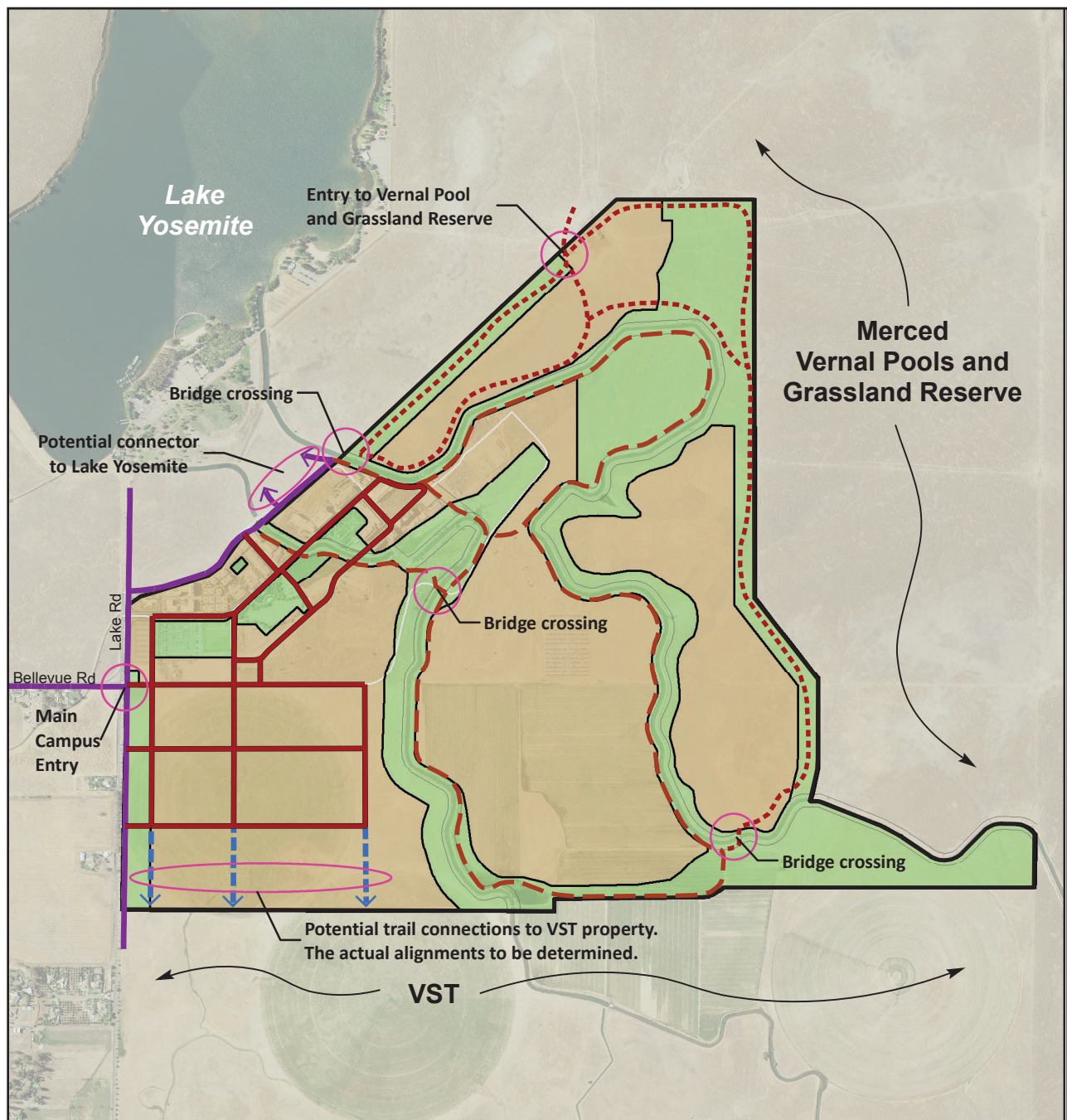
### Section 4.2, Biological Resources Revisions

Text on page 4.2-59 is revised as shown below to reflect the correct UCLC property acreage.

**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. (*Less than Significant*)**

In 2002, following the completion of environmental review and approval of a new UC campus on a 910-acre site near Lake Yosemite in Merced County, construction of the first campus facilities was commenced on an approximately 100-acre portion of the 910-acre campus site, in an area that was occupied by a former golf course and did not contain any wetlands.

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#### Trails

- Campus Pathway
- - - Canal Loop Trail
- . . . . . Nature Trail
- Community Collector Corridor
- - - - - Potential Trail Connection to the VST.  
The Actual Alignment to be Determined.

#### Land Use

	Open Space	311 ac.
	Other Land Uses	715 ac.
Total Area		1,026 ac.

UC Merced Campus

SOURCE: University of California Merced, 2020

FIGURE 3.0-6

Campus Open Space

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Concurrently with commencement of campus development, in 2002, the University and Virginia Smith Trust (VST) formed a limited liability corporation (LLC) called University Community Land Company (UCLC) for the development of an approximately ~~4,444~~ 1,100-acre parcel to the south of the campus (University Community North). Following the establishment of the very first facilities on the campus, the University continued to work with the U.S. EPA, USACE, and other state and federal agencies to adjust the location of the proposed campus. Once agreement on the exact location of the campus was achieved, the University prepared a revised LRDP (2009 LRDP) for the campus. In March 2009, the Regents certified the EIR and approved the 2009 LRDP. That EIR evaluated and disclosed the direct and indirect impacts of campus development and University Community North on wetlands and other waters of the U.S. present on the campus and University Community North sites.

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Text on page 4.2-67 is revised as shown below to correct a minor misspelling.

**LRDP Impact BIO-4: Implementation of the 2020 LRDP would result in a potentially significant adverse impact on nesting and overwintering habitat for Crotch bumble bee. (*Potentially Significant; Less than Significant*)**

As noted earlier in this section, Crotch ~~bumble~~ bumble bee has been recently listed as a candidate endangered species by the California Fish and Game Commission. While there have been no documented observations of Crotch bumble bee within the project site or the adjacent Tier 1(a) conservation lands, no focused surveys have been conducted to date, the campus is within the range for this species, and the annual grassland areas with small mammal burrows provide potentially suitable underground nesting habitat. Furthermore, the vernal pool-grassland complex within the POS and the ROS areas of the campus and the adjacent Tier 1 conservation lands, as well as the campus landscaping, could potentially provide floral resources/foraging habitat for Crotch bumble bee.

---

**Mitigation Measure BIO-4** related to the crotch bumble bee has been revised to include minor clarifications, as shown below.

**LRDP MMBIO-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, Aa 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 ~~including surveys in~~ 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 shall 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 and 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).

**Significance after Mitigation:** Less than significant

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### Section 4.3, Greenhouse Gas Emissions Revisions

Text on page 4.3-25 is revised as shown below to reflect the correct 2030 population numbers for the campus.

#### *Operational Emissions*

The 2020 LRDP is a comprehensive land use plan to guide physical development at UC Merced through 2030. The 2020 LRDP describes a development program of approximately 1.83 million gross square feet of new building space through 2030. The 2020 LRDP also estimates and reports the daily population that is expected to be present on the campus in 2030. According to the 2020 LRDP, a daily population of 11,280 persons is projected for the campus in 2020, and a daily population of 17,711 in 2030. Both numbers include about 300 staff that would be located in off-campus facilities. (Although the off-campus staff are not considered part of the 2020 LRDP, they are conservatively included in the analysis of GHG impacts). Implementation of the 2020 LRDP would result in the construction of new buildings, a growth in campus programs and population, and an associated increase in GHG emissions.

Since 2009, UC Merced has been routinely estimating and reporting Scope 1, Scope 2, and Scope 3 (commuting only) emissions to the California Climate Action Registry each year. These reported

emissions were obtained from UC Merced and used to estimate the historical (2005) and the future 2020 and 2030 GHG emissions that would result from UC Merced operations. Year 2005 emissions were estimated as this was the first year of campus operation and is the baseline that is used in the analysis to establish future GHG emissions targets for the campus that are consistent with AB 32 and SB 32 goals. Year 2020 emissions were estimated to show the campus's progress towards the AB 32 and SB 32 targets, and year 2030 emissions were estimated as they represent the campus's total emissions at full development of the campus under the 2020 LRDP.

---

Text on page 4.3-27 is revised as shown below to explain that commuting emissions will decrease in future years.

### **Scope 3 Emissions**

#### ***Commuting***

Scope 3 commuting emissions for the year 2009 through 2017 were obtained from the Sustainability Office. The Sustainability Office computes Scope 3 emissions associated with student, faculty and staff travel by estimating the miles driven based on zip code data of campus population with registered parking permits and an emission factor of 0.000420 MTCO<sub>2e</sub>/mile. Similar to Scopes 1 and 2, Scope 3 emissions were estimated by applying the average growth in per capita emissions obtained from the reported Scope 3 emissions for years 2009 through 2017 and interpolating emissions for 2005. However, commuting emissions for 2020 and 2030 were calculated using the per capita emissions rate derived from 2017 commuting emissions. This is conservative as per capita commuting emissions in the future years will continue to decrease due to fuel efficiency, ZEV vehicles, and other improvements.

---

Text on pages 4.3-27 and -28 is revised as shown below to better explain the methodology used to estimate GHG emissions from solid waste.

#### ***Wastewater and Solid Waste***

Existing wastewater GHG emissions were calculated using existing wastewater generation data for the



campus for 2016 and the formulas provided by the California Air Resources Board Local Government Operations Protocol for quantifying GHG emissions. As UC Merced was able to provide only one year of wastewater data (2016), an average growth in wastewater generation could not be derived. So, the per capita rate for 2016 was applied to the other years of analysis as a static factor to an increasing population, which results in increased emissions. This provides a conservative estimate of wastewater emissions.

Solid waste emissions were calculated by applying a combination of both per capita rates of solid waste and the amount of building space projected for 2030, using the solid waste calculation methodology provided by the United Nations Framework Convention on Climate Change Clean Development Mechanism.

---

LRDP Impact GHG-1, which is presented on pages 4.3-28 through 33 of the Recirculated Draft SEIR, is reproduced below in full and shows in redline and strikeout corrections made to the estimated emissions, based on the correct 2030 total population number for UC Merced. All of the changes do not change the significance of the impact or require new or revised mitigation.

**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. (*Significant; Less than Significant with Mitigation*)**

### ***Construction GHG Emissions***

Emissions associated with construction would occur throughout the timeframe of the 2020 LRDP from January 2021 to December 2030. Project construction activities would include site preparation, grading, building construction, pavement and asphalt installation, landscaping and hardscaping, and architectural coatings. Based on the results of CalEEMod modeling, approximately 6,118 MTCO<sub>2e</sub> of GHG emissions would be emitted during the approximately 10-year project construction period, which is about 612 MTCO<sub>2e</sub>/year. With respect to small-scale projects that may be located within lands designated CMU, CBRSL or ROS, due to the small size and nature of these projects, they would be unlikely to result in substantial GHG emissions during construction.

Neither the University nor any of the air districts, including SJVAPCD, has set forth quantitative thresholds for the evaluation of construction-phase GHG emissions. Construction GHG estimates are presented for informational purposes only.

### ***Operational GHG Emissions***

~~2020 LRDP~~ Implementation of the 2020 LRDP would contribute to long-term cumulative increases in GHG emissions as a result of additional buildings and people on the campus. Sources of new emissions would include building heating, cooling and lighting systems, water use, wastewater generation, solid waste generation, as well as increases in traffic to the campus. These sources would represent the great majority of GHG emissions that would be produced in association with the proposed project, because the campus does not, and would not as part of the implementation of the 2020 LRDP, emit industrial or agricultural gases. Thus, the campus would generate little in the way of GHGs other than carbon dioxide. While certain research activities on the campus may involve the emission of other GHGs, these activities typically result in minimal GHG emissions.

**Table 4.3-3, Estimated UC Merced Operational GHG Emissions**, presents the historical (2005), existing (2017), and projected 2020 and 2030 GHG emissions for the campus. The 2020 and 2030 emissions reflect BAU growth of the campus under the 2020 LRDP and exclude measures that may be implemented to comply with the Sustainability Policy. ~~The one exception is emissions from the use of electricity which are reported as zero emissions.~~ This is accurate conservative because after 2020, UC Merced's total electricity needs will be met by on-site generation of renewable energy and purchase of electricity from the grid that is 100 percent from renewable sources. As shown in **Table 4.3-4**, area sources and commuting are the top two sources of GHG emissions at the campus.

**Table 4.3-4**  
**Estimated UC Merced Operational GHG Emissions (in MTCO<sub>2</sub>e)**

GHG Emissions Source	Historical 2005 Emissions	Existing 2017 Emissions	Future 2020 Emissions	Future 2030 Emissions
<b>Direct Sources</b>				
Scope 1 Area Sources <sup>a</sup> and Campus Fleet	1,341	4,045	4,044	<del>3,160</del> <u>3,474</u>
Total Direct	1,341	4,045	4,044	<del>3,160</del> <u>3,474</u>
<b>Indirect Sources</b>				
Scope 2 Electricity	2,519	2,740	<u>2,291</u> <sup>c</sup>	<del>0</del> <u>1,085</u>
Scope 3 Commuting	2,131	2,895	3,497	<del>4,994</del> <u>5,490</u>
Scope 3 Water Supply <sup>b</sup>	349	53	34	<del>8</del> <u>8</u>
Scope 3 Wastewater <sup>b</sup>	4	26	31	<del>44</del> <u>48</u>
Scope 3 Solid Waste	126	721	817	<del>944</del> <u>944</u>
Total Indirect	5,129	6,435	4,379	<del>5,990</del> <u>7,575</u>
<b>All Sources</b>				
Total (direct and indirect)	6,469	10,479	10,712	<del>10,137</del> <u>11,049</u>

Source: Barati Consulting 2020.

Notes:

a. Area source emissions based on natural gas combustion on the campus.

b. UC Merced also reports Scope 3 business air travel and Scope 3 business ground travel emissions, which are not included in this table as those emissions sources are not typically analyzed under CEQA. In contrast, the Campus does not report Scope 3 water supply wastewater and solid waste emissions; however, those emissions are included in this table since guidance put forth by the CARB states that GHG emissions from these sources should be included in the estimated GHG emissions under CEQA.

c. By 2020, UC Merced and MCRWMA anticipate to complete a landfill gas to energy project that would involve the conveyance of treated landfill gas (methane) to the campus to operate three to four microturbines to generate electricity and hot water, while also allowing UC Merced to discontinue the use of three natural gas fired hot water boilers. Although combustion of methane in the microturbines would result in GHG emissions, overall the project would result in less GHG emissions than are currently produced at the landfill from the flaring of landfill gas (MCRWMA 2019). After 2025, all of the electricity used on the campus will be obtained from renewable sources, in compliance with the UC Sustainability Policy.

Compliance with the Sustainability Policy will have the effect of reducing UC Merced's total emissions. Further, the Campus' Sustainability Strategic Plan and the CAP, which are aligned with the Sustainability Policy, include numerous provisions that will substantially reduce the increase in the campus' GHG emissions, as the campus grows.

- The plans encourage use of transit and alternative transportation modes, which has helped and will continue to reduce transportation-related GHG emissions, relative to the emissions that would occur without these plans.
- Individual projects under the 2020 LRDP would implement GHG emission reduction strategies consistent with the applicable provisions of the Sustainability Policy, which include green building design, sustainable building operations, sustainable transportation, and sustainable water systems.<sup>4</sup>
- UC Merced will also implement other campus-wide energy saving programs.

Therefore, it is reasonable to assume that the increase in annual emissions due to LRDP implementation would be much lower than the numbers reported in Table 4.3-4.

**Table 4.3-5, Comparison of Projected Emissions to Thresholds**, below reports UC Merced historic, existing and projected 2020 and 2030 emissions both in terms of both total emissions as well as per capita emissions. It also reports UC Merced's 2030 targets both in terms of a total emissions target and a per capita target; these targets are used in this SEIR as thresholds of significance. As the table shows, the campus' per capita emissions in 2030 would be well below the per capita target for 2030. Note that the 2017 Scoping Plan encourages the use of per capita targets for purposes of planning for GHG reductions and provides a per capita rate of 6.0 MTCO<sub>2</sub>e/capita for year 2030 (along with 2.0 MTCO<sub>2</sub>e/capita for 2050). The campus' per capita emissions in 2030 would be well below the Scoping Plan 2030 per capita rate as well as the UC Merced 2030 per capita target.

However, if the campus' total emissions in 2030 are compared to the corresponding total emissions target, the emissions would exceed the target. As **Table 4.3-5** shows, the campus' total emissions in 2030 would be about ~~10,137~~ 11,049 MTCO<sub>2</sub>e/year. To be compliant with SB 32, the campus' 2030

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<sup>4</sup> The UC Policy on Sustainable Practices is periodically updated and expanded. The current full text can be viewed on-line at <http://www.ucop.edu/ucophomc/coordrev/policy/PP032207ltr.pdf> or obtained through the University-wide Policy Office, Office of the President, 1111 Franklin Street, 12th Floor, Oakland, CA 94607.

emissions would need to be about 3,300 MTCO<sub>2</sub>e/year. As the campus' emissions would exceed this target, this represents a significant impact.

**Table 4.3-5**  
**Comparison of Projected Emissions to Thresholds**

GHG Emissions Source	Historic 2005 Emissions	Existing 2017 Emissions	2020 Emissions	Future 2030 Emissions
<b>Comparison to 2030 Threshold Based on Total Emissions (MTCO<sub>2</sub>e/year)</b>				
Total Emissions	6,469	10,479	10,712	<del>10,137</del> 11,049
UC Merced 2030 Total Emissions Target (based on AB 32 and SB 32)	–	–	–	3,300
Total Emissions Target Met?	–	–	–	NO
<b>Comparison to Thresholds Based on Per Capita Emissions (MTCO<sub>2</sub>e/service person/year)</b>				
Total Emissions	6,469	10,479	10,712	<del>10,137</del> 11,049
Total Campus Population	1,352	9,417	11,280	<del>16,111</del> 17,711
Per Capita Emissions	4.78	1.11	0.95	<del>0.63</del> 0.62
UC Merced 2030 Per Capita Target (based on AB 32 and SB 32)	–	–	–	2.44
Per Capita Target Met?	–	–	–	YES

Source: Impact Sciences and Barati Consulting ~~2019~~, 2020.

Note: Total Campus Population includes all students, faculty and on-campus staff, plus off-campus staff.

As discussed above, the Sustainability Policy requires every campus to achieve Climate neutrality from Scope 1 sources (such as campus heating and cooling systems and campus fleet) and Scope 2 sources (purchased electricity) by 2025. Further, it states that campuses will install additional on-site renewable electricity supplies and energy storage systems whenever cost-effective and/or supportive of campus carbon goals. With respect to off-campus electricity, the policy states that by 2025, the University will rely on 100 percent clean electricity supplies. Campuses served directly by the University's WPP began implementing clean-electricity supplies starting in 2017 and will transition to clean-electricity supplies

by 2021. With regard to on-site combustion, the policy states that by 2025, at least 40 percent of the fuel used for on-site combustion will be low-carbon biogas. UC Merced will comply with the policy and is planning to install additional on-site renewable power generation sources such as solar arrays and by 2020, 100 percent of its off-campus electricity will be clean energy. As noted above, UC Merced is also planning to use landfill gas from the Merced County Highway 59 landfill to generate electricity and for water heating by 2020. The Campus has acknowledged that the hot water boilers in campus housing as well as in the housing added under the 2020 Project will continue to be operated on natural gas and therefore, all of the existing Scope 1 emissions will not be eliminated. However, all new buildings constructed under the 2020 LRDP will be fully electric and hot water boilers will be either solar or electric. Therefore, in reality, UC Merced will not increase its Scope 1 emissions even as the campus grows. **Table 4.3-6** below reports the amount by which campus emissions would exceed the target in 2030 if only the Scope 2 emissions were eliminated and the amount of exceedance if both Scope 1 and Scope 2 emissions were eliminated.

**Table 4.3-6**  
**Exceedance of 2030 Target (in MTCO<sub>2</sub>e/year)**

GHG Emissions Source	2030 Emissions	2030 Emissions with Zero Scope 1 and 2 Emissions
Scope 1 Area Sources and Campus Fleet	<del>3,160</del> <u>3,474</u>	0
Scope 2 Electricity	<del>987</del> 0	0
Scope 3 Commuting	<del>4,994</del> <u>5,490</u>	<del>4,994</del> 5,490
Scope 3 Water Supply	8	8
Scope 3 Wastewater	<del>44</del> <u>48</u>	<del>44</del> <u>48</u>
Scope 3 Solid Waste	944	944
<b>Total</b>	<del>10,137</del> <u>9,964</u>	<del>5,990</del> 6,490
Campus 2030 Emissions Target	3,300	3,300
Exceedance	<del>6,837</del> <u>6,664</u>	<del>2,690</del> <u>3,190</u>

Source: Impact Sciences and Barati Consulting ~~2019~~, 2020.

In both cases, the total emissions would exceed the targeted emission level of 3,300 MTCO<sub>2</sub>e/year, and the impact would be significant. To address this impact, **LRDP Mitigation Measure GHG-1a** is set forth below which 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 respect to small-scale projects that may be located within lands designated CMU, CBRSL or ROS, due to the small size and nature of these projects, they would be unlikely to result in substantial GHG emissions during their operation.

#### **Mitigation Measures:**

**LRDP MM 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 MTCO<sub>2</sub>e/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<sub>2</sub>e/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<sub>2</sub>e/year.

**LRDP MM GHG-1b:** UC Merced shall implement **LRDP Mitigation Measures AQ-2a and -2b**.

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

**Significance after Mitigation:** As shown in **Table 4.3-6**, to achieve the 3,300 MTCO<sub>2</sub>e/year goal, UC Merced will need to reduce its 2030 emissions by about an amount ranging between about ~~2,690~~ 3,190 and ~~6,837~~ 6,664 MTCO<sub>2</sub>e/year which would not be a large reduction. Further, UC Merced has determined that it is feasible to purchase the required renewable energy credits and offsets. Therefore, with the implementation of **LRDP Mitigation Measures GHG-1a, 1b, and 1c**, the impact would be less than significant.

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LRDP Impact GHG-2, which is presented on pages 4.3-33 through 35 of the Recirculated Draft SEIR, is reproduced in full below and the text is corrected to align this impact with the revised numbers presented in LRDP Impact GHG-1 above. All of the revisions do not change the significance of the impact or require new or revised mitigation.

**LRDP Impact GHG-2: Implementation of the 2020 LRDP would conflict with state law, UC Sustainable Practices Policy, and the UC Merced Climate Action Plan, adopted for the purpose of reducing the emissions of greenhouse gases. (Significant; Less than Significant with Mitigation)**

#### *State Laws*

AB 32 established the goal for the reduction of California's GHG emissions to 1990 levels by 2020. In 2015 and 2016, SB 350 and SB 32 were signed into law, establishing the state's mid-term target for 2030 emissions to be 40 percent below the 1990 emissions. In view of this mid-term target, as noted above, the 2017 Scoping Plan sets forth a target efficiency threshold of 6.0 MTCO<sub>2</sub>e/ capita as applicable to plans through 2030. The analysis under **LRDP Impact GHG-1** above shows that with the implementation of the 2020 LRDP, on a per capita basis, the campus would emit ~~0.63~~ 0.62 MTCO<sub>2</sub>e/capita/year in 2030. This is substantially below the state average rate of 6.0 MTCO<sub>2</sub>e/capita/year as well as the campus-specific rate of 2.44 MTCO<sub>2</sub>e/capita/year derived for the campus for compliance with SB 32. Furthermore, UC Merced would implement **LRDP Mitigation Measures GHG-1a, 1b, and 1c** to reduce its total emissions such that they are below 3,300 MTCO<sub>2</sub>e/year, a target emissions level that is 40 percent less than the campus' 2020 emissions target. Therefore, with mitigation, campus development under the 2020 LRDP, including small-scale projects



developed on CMU, CBRSL or ROS lands, will not conflict with the state laws and regulations related to GHG emissions.

### *UC Plans and Policies*

The 2020 LRDP is a projected development program for the Merced campus for the years 2020 through 2030. Under the plan, the campus is anticipated to add about 1.83 million square feet of building space by 2030. The on-campus population is projected to increase to about 17,400 persons by 2030.<sup>5</sup> The addition of building space would increase the use of energy on the campus and the additional population would result in more persons commuting to the campus and between the campus and off-campus facilities. Increased ~~on~~-campus population would also increase water use, wastewater generation and solid waste generation. All of these changes would have the potential to increase the campus' GHG emissions. However, as under existing conditions, campus development under the 2020 LRDP would continue to be completed in a manner that it is compliant with the UC Sustainability Policy, UC Merced Sustainability Strategic Plan, and the UC Merced CAP. Campus projects under the 2020 LRDP will continue to achieve a minimum of a Silver rating under the LEED Green Building Rating System. 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 would 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.

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<sup>5</sup> As noted under LRDP Impact GHG-1, in 2030, about 300 UC Merced staff would be located in off-campus facilities that are not part of the 2020 LRDP. Therefore, the total UC Merced population would be about 17,711. That number was conservatively used in the analysis of GHG impacts in LRDP Impact GHG-1 above, even though the total population under the 2020 LRDP would be 17,411 persons.

#### **Mitigation Measures:**

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

**Significance after Mitigation:** With mitigation, which includes purchase of offsets if needed, the impact would be reduced to a less than significant level.

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### **Section 4.8, Transportation Revisions**

Text on page 4.8-1 is revised as shown below to reflect the correct UCLC property acreage.

With regard to University Community North, as discussed in **Section 1.0**, the UCLC property to the south of the campus was subdivided in 2017. Some of the land area that made up the University Community North was added to the campus and about ~~634~~ 623 acres of the former University Community North lands were transferred to the Virginia Smith Trust (VST). When VST moves forth with land development plans for the ~~634~~ 623-acre property, it will obtain land use permits and approvals from the County or the City and will implement mitigation measures that are imposed on the development by the authorizing land use jurisdiction.

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### **Appendix 4.10 Water Supply Evaluation Revisions**

Page 18 of Appendix 4.10, Water Supply Evaluation, has been revised as follows.

Groundwater accounted for 100 percent of the City's potable water supply in 2015, and will continue to be the City's primary source of potable water for the foreseeable future. The City's well system consists of 20 production wells and local water treatment facilities at the wells. These wells vary in depth from ~~60 to 230~~ 161 to 800 feet deep and have a total capacity of 54,100 gallons per minute.

## 5.0 MITIGATION MONITORING AND REPORTING PROGRAM

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The California Environmental Quality Act (CEQA) requires that a Lead Agency establish a program to monitor and report on mitigation measures adopted as part of the environmental review process to avoid or reduce the severity and magnitude of potentially significant environmental impacts associated with project implementation. CEQA (Public Resources Code Section 21081.6 (a)(1)) requires that a Mitigation Monitoring and Reporting Program (MMRP) be adopted at the time that the agency determines to carry out a project for which an Environmental Impact Report (EIR) has been prepared, to ensure that mitigation measures identified in the EIR are fully implemented.

The MMRP for the UC Merced 2020 Long-Range Development Plan (LRDP) is presented in **Table 5.0-1, UC Merced 2020 Long-Range Development Plan Project Mitigation and Monitoring Program**. **Table 5.0-1** includes the full text of mitigation measures identified in the Final Subsequent EIR (SEIR) as well as the full text of mitigation measures from the 2009 LRDP Final EIS/EIR that are still relevant to subsequent projects implemented under the 2020 LRDP. The MMRP describes implementation and monitoring procedures, responsibilities, and timing for each mitigation measure identified in the Final SEIR, including:

**Mitigation Measure:** Provides the mitigation name, or ID, and the full text of the mitigation measure as provided in the 2020 LRDP Final SEIR or 2009 LRDP Final EIS/EIR.

**Implementation Procedure:** Summarizes the steps to be taken to implement the measure.

**Mitigation Timing:** Identifies the stage of the project during which the mitigation action will be taken.

**Mitigation Responsibility:** Designates entity responsible for implementation of the mitigation measure.

**Monitoring and Reporting Procedure:** Specifies procedures for documenting and reporting mitigation implementation.

UC Merced may modify the means by which a mitigation measure will be implemented, as long as the

alternative means ensure compliance during project implementation. The responsibilities of mitigation implementation, monitoring and reporting extend to several UC Merced departments and offices and may be contractually delegated to the project development team. The manager or department lead of the identified unit or department will be directly responsible for ensuring the responsible party complies with the mitigation. UC Merced Physical and Environmental Planning (UCMPEP) is responsible for the overall administration of the program and for assisting relevant departments and project managers in their oversight and reporting responsibilities. This department is also responsible for ensuring the relevant parties understand their charge and complete the required procedures accurately and on schedule.

**Table 5.0-1**  
**UC Merced 2020 Long-Range Development Plan Mitigation Monitoring and Reporting Program**

Mitigation Measure	Mitigation Procedures	Mitigation Timing	Mitigation Responsibility	Monitoring and Reporting Procedure
<b>Aesthetics</b> (2009 LRDP Final EIS/EIR)				
<b>LRDP MM AES-1a:</b> The University will plant tall trees along the campus' western boundary to screen views of the campus facilities from Lake Yosemite Regional Park.	Review final landscape plans of projects along the western boundary of the Campus. Revise design, if necessary, to screen views to the extent feasible.	Project design and construction.	UCMPEP	Prior to construction. Document in project file.
<b>LRDP MM AES-1b:</b> Where possible, major vehicular and pedestrian transportation corridors on the Campus shall be located and designed to provide views of the Sierra Nevada.	Review final circulation plans. Revise design, if necessary, to provide the scenic view to the extent feasible.	Project design and construction.	UCMPEP	Prior to construction. Document in project file.
<b>LRDP MM AES-3a:</b> The University shall design all new aboveground infrastructure on the Campus to the following standards: (a) Screen aboveground infrastructure from view from public rights-of-way or scenic vistas, via landscaping, fencing, or other architectural screening; (b) Require creative design measures to camouflage structures by integrating them with existing buildings and among other existing uses; (c) Locate aboveground infrastructure on sites that are not visible from visually sensitive	Review of engineering plan for aboveground utility lines.  Review project design for compatibility. Revise design, if necessary, to ensure compatibility.	Project design and construction.	UCMPEP	Prior to construction. Document in project file.

**Table 5.0-1**  
**UC Merced 2020 Long-Range Development Plan Mitigation Monitoring and Reporting Program**

<b>Mitigation Measure</b>	<b>Mitigation Procedures</b>	<b>Mitigation Timing</b>	<b>Mitigation Responsibility</b>	<b>Monitoring and Reporting Procedure</b>
areas, such as residential communities and open space areas; (d) Require providers to co-locate their structure on a single site, where technically feasible and visually desirable; and (e) Locate antennae and equipment on other existing community facility sites, such as water tanks or utility poles.				
<b>Air Quality</b>				
<b>LRDP MM AQ-1a:</b> 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.	Campus / Construction Contractors will include this requirement in the contract specifications.	Prior to and throughout project construction.	UCMPEP / Construction Contractors	Implementation will be monitored through the contract submittal process and confirmed and documented at regular intervals in project mitigation monitoring report.
<b>LRDP MM AQ-1b:</b> UC Merced shall include in all construction contracts the measures specified	Continue to require standard dust control	Prior to construction.	UCMPEP / Construction	Implementation will be

**Table 5.0-1**  
**UC Merced 2020 Long-Range Development Plan Mitigation Monitoring and Reporting Program**

<b>Mitigation Measure</b>	<b>Mitigation Procedures</b>	<b>Mitigation Timing</b>	<b>Mitigation Responsibility</b>	<b>Monitoring and Reporting Procedure</b>
<p>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:</p> <ul style="list-style-type: none"> <li>• 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.</li> <li>• All on-site unpaved roads and off-site unpaved access roads shall be effectively stabilized of dust emissions using water or chemical stabilizer/suppressant.</li> <li>• 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.</li> <li>• 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</li> </ul>	<p>measures as part of every construction project contract.</p> <p>Inspect construction site at regular intervals during construction to verify compliance with specified dust control measures.</p>	<p>During construction.</p>	<p>Contractors</p>	<p>monitored through the contract submittal process.</p> <p>Confirm and document at regular intervals throughout construction period in project mitigation monitoring report.</p>

**Table 5.0-1**  
**UC Merced 2020 Long-Range Development Plan Mitigation Monitoring and Reporting Program**

Mitigation Measure	Mitigation Procedures	Mitigation Timing	Mitigation Responsibility	Monitoring and Reporting Procedure
container shall be maintained. <ul style="list-style-type: none"> <li>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.)</li> <li>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.</li> </ul>				
<b>LRDP MM AQ-2a:</b> UC Merced shall implement the following measures to reduce emissions from vehicles: <ul style="list-style-type: none"> <li>Provide pedestrian-enhancing infrastructure to encourage pedestrian activity and discourage vehicle use.</li> <li>Provide bicycle facilities to encourage bicycle use instead of driving, such as bicycle</li> </ul>	Ensure that facilities listed are included in project design as applicable: verify construction of pedestrian-enhancing infrastructure, bicycle facilities, carpool transit-enhancing infrastructure, facilities to	During detailed project planning or project design prior to project.	UCMPEP	Prior to approval of final design of applicable projects.



**Table 5.0-1**  
**UC Merced 2020 Long-Range Development Plan Mitigation Monitoring and Reporting Program**

<b>Mitigation Measure</b>	<b>Mitigation Procedures</b>	<b>Mitigation Timing</b>	<b>Mitigation Responsibility</b>	<b>Monitoring and Reporting Procedure</b>
parking, bicycle lanes, bicycle lockers; and showers and changing facilities for employees. <ul style="list-style-type: none"> <li>• Provide preferential carpool and vanpool parking for non-residential uses.</li> <li>• Provide transit-enhancing infrastructure to promote the use of public transportation, such as covered bus stops and information kiosks.</li> <li>• Provide facilities, such as electric car charging stations and a CNG refueling station, to encourage the use of alternative-fuel vehicles.</li> </ul>	accommodate alternative-fuel vehicles.			
<ul style="list-style-type: none"> <li>• Improve traffic flows and congestion by timing of traffic signals at intersections adjacent to the campus to facilitate uninterrupted travel.</li> </ul>	Monitor traffic at affected intersections and adjust timing of traffic signals as appropriate to facilitate uninterrupted travel.	During operation.	Facilities Department	At least yearly and document results and outcomes; place in file.
<ul style="list-style-type: none"> <li>• Work with campus transit provider to replace CatTracks buses with either electric buses or buses operated on alternative fuels.</li> <li>• 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.</li> </ul>	Work with campus transit provider and City of Merced to provide alternative fuel buses, park and ride lots, and enhanced transit service.	During operation.	UCMPEP	At least yearly and document results and outcomes; place in file.

**Table 5.0-1**  
**UC Merced 2020 Long-Range Development Plan Mitigation Monitoring and Reporting Program**

<b>Mitigation Measure</b>	<b>Mitigation Procedures</b>	<b>Mitigation Timing</b>	<b>Mitigation Responsibility</b>	<b>Monitoring and Reporting Procedure</b>
<ul style="list-style-type: none"> <li>Replace campus fleet vehicles with electric vehicles or vehicles that operate on alternative fuels.</li> </ul>	Develop policy that requires that campus fleet vehicles are replaced with electric or alternative fuel vehicles.	During operation.	Purchasing Department	At least yearly and document results and outcomes; place in file.
<ul style="list-style-type: none"> <li>Reduce the number of daily vehicle trips by providing more housing on campus.</li> </ul>	Ensure that additional campus housing is incorporated as part of future campus planning and development.	Throughout LRDP development.	UCMPEP	Prior to approval of final design of applicable projects.
<p><b>LRDP MM AQ-2b:</b> UC Merced shall implement the following measures to reduce emissions from area and energy sources, as feasible:</p> <ul style="list-style-type: none"> <li>Utilize low-VOC cleaning supplies and low-VOC paints (100 grams/liter or less) in building maintenance.</li> </ul>	Adopt standard specifications or design guidelines that include area source reduction measures to be required for construction projects. Ensure that where feasible applicable measures are included in each project.	During operation.	UCMPEP	At least yearly and document results and outcomes; place in file.
<ul style="list-style-type: none"> <li>Utilize electric equipment for landscape maintenance.</li> </ul>	Develop policy that requires that where feasible new landscape equipment purchased is	During operation.	Purchasing Department	At least yearly and document results and outcomes; place

**Table 5.0-1**  
**UC Merced 2020 Long-Range Development Plan Mitigation Monitoring and Reporting Program**

Mitigation Measure	Mitigation Procedures	Mitigation Timing	Mitigation Responsibility	Monitoring and Reporting Procedure
	electric.			in file.
<ul style="list-style-type: none"> <li>Plant low maintenance landscaping.</li> <li>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.</li> <li>Instead of natural gas water heaters, install solar water heating systems.</li> </ul>	<p>UCMPEP will review design development and construction drawings to ensure that low maintenance landscaping and solar water heating systems are included in relevant projects.</p> <p>Develop a public information program for resident students aimed at reducing ROG emissions</p>	<p>During detailed project planning or project design prior to project.</p> <p>During operation.</p>	UCMPEP	<p>Prior to approval of final design of applicable projects.</p> <p>At least yearly and document results and outcomes; place in file.</p>
<b>Cumulative MM C-AQ-1:</b> Implement LRDP MM AQ-2a and AQ-2b. No additional mitigation is available.	See monitoring and reporting for LRDP Mitigation Measures AQ-2a and AQ-2b above.	See monitoring and reporting for LRDP Mitigation Measures AQ-2a and AQ-2b above.	See monitoring and reporting for LRDP Mitigation Measures AQ-2a and AQ-2b above.	See monitoring and reporting for LRDP Mitigation Measures AQ-2a and AQ-2b above.
<b>Biological Resources</b>				
<b>LRDP MM BIO-4a:</b> Prior to any new	Retain a qualified biologist	Develop plan prior	UCMPEP /	Prior to, during,

**Table 5.0-1**  
**UC Merced 2020 Long-Range Development Plan Mitigation Monitoring and Reporting Program**

<b>Mitigation Measure</b>	<b>Mitigation Procedures</b>	<b>Mitigation Timing</b>	<b>Mitigation Responsibility</b>	<b>Monitoring and Reporting Procedure</b>
<p>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.</p> <p>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</p>	<p>to conduct surveys for Crotch bumble bee and to develop a plan to protect active nest sites and individuals during construction.</p> <p>Verify surveys were conducted and document results. Include mitigation specifications in construction contract as necessary.</p>	<p>to construction</p> <p>Monitor prior and during construction activities.</p>	<p>Construction Contractor</p>	<p>and at of completion of construction activities</p> <p>Construction Contractor will submit reports to UCMPEP for project files.</p>

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<p>(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 shall 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 and the pre-construction survey, no further mitigation is required.</p> <p>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:</p> <ul style="list-style-type: none"> <li>• Specifications for construction timing and sequencing requirements (e.g., avoidance of raking, mowing, tilling, or other ground</li> </ul>				

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<p>disturbance until late March to protect overwintering queens);</p> <ul style="list-style-type: none"> <li>• 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;</li> <li>• Establishment of appropriate no-disturbance buffers for nest sites and construction monitoring by a qualified biologist to ensure compliance;</li> <li>• 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);</li> <li>• 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</li> <li>• Prescription of an appropriate restoration seed mix targeted for the Crotch bumble bee,</li> </ul>				

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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).				
<p><b>LRDP MM BIO-9a:</b> 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.</p> <p>(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.</p> <ul style="list-style-type: none"> <li>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</li> </ul>	<p>Retain a qualified biologist to conduct surveys and to develop a plan to avoid active nest sites during construction, or as an option, remove potential breeding habitat during non-breeding season.</p> <p>Verify survey was conducted and document results. Include mitigation specifications in construction contract as necessary.</p>	<p>Develop plan prior to construction</p> <p>Monitor prior and during construction activities.</p>	<p>UCMPEP / Construction Contractor</p>	<p>Prior to and during construction activities</p> <p>Construction Contractor will submit reports to UCMPEP for project files.</p>

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**UC Merced 2020 Long-Range Development Plan Mitigation Monitoring and Reporting Program**

<b>Mitigation Measure</b>	<b>Mitigation Procedures</b>	<b>Mitigation Timing</b>	<b>Mitigation Responsibility</b>	<b>Monitoring and Reporting Procedure</b>
ground disturbing activities during the non-breeding season (typically between September 16 and February 14).				
<ul style="list-style-type: none"> <li>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.</li> <li>If an unoccupied nest (without birds or eggs) of a non-listed or fully protected</li> </ul>	Qualified biologist will develop and implement a plan to avoid active nest sites during construction, establish buffer zone, and monitor active nests. Verify that plan is implemented.	Develop plan prior to construction Monitor prior and during construction activities.	UCMPEP / Construction Contractor	Prior to and during construction activities Construction Contractor will submit monitoring reports to UCMPEP for project files.



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<p>species (as determined by the qualified avian biologist) is found, the nest shall be removed under the direction of the qualified avian biologist.</p> <ul style="list-style-type: none"> <li>• 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.</li> <li>• 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</li> </ul>				

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<p>the success or failure of the nest is documented.</p> <ul style="list-style-type: none"> <li>• 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.</li> <li>• If an active nest is causing a safety hazard, CDFW shall be contacted to determine if the nest can be removed.</li> </ul>				
<p>(b) Minimize impacts to burrowing owl and compensate for habitat loss.</p> <p>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</p>	<p>Retain a qualified biologist to conduct preconstruction surveys for active burrows according to the CDFW's Staff Report on Burrowing Owl Mitigation. If burrowing owls detected, verify that mitigation measures are followed. Document in a memo.</p>	<p>Develop plan prior to construction</p> <p>Monitor prior and during construction activities.</p>	<p>UCMPEP / Construction Contractor</p>	<p>Prior to and during construction activities</p> <p>Construction Contractor will submit reports to UCMPEP for project files.</p>

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<p>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:</p> <ul style="list-style-type: none"> <li>• Project implementation shall seasonally and spatially avoid negative impacts and disturbances that could result in the take of burrowing owls, nest or eggs.</li> <li>• 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.</li> </ul>				

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<ul style="list-style-type: none"> <li>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.</li> <li>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.</li> </ul>				
<b>LRDP MMBIO-9b:</b> Structures proposed under the 2020 LRDP shall incorporate bird-safe design practices (e.g., American Bird Conservancy's Bird-Friendly Building Design [2015] or San	Review final building and structure design plans for appropriate bird safety designs.	Project design; prior to all individual project approvals.	UCMPEP	Prior to construction. Document in project file.

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<p>Francisco Planning Department's Standards for Bird-Safe Buildings [2011]) to minimize the potential for bird-window collisions. Design elements, including but not limited to the following, shall be considered:</p> <ul style="list-style-type: none"> <li>• 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.</li> <li>• Incorporate windows that are not clear or reflective into the building or structure designs.</li> <li>• Use windows that incorporate glass types such as UV-A or fritted glass and windows that incorporate UV-absorbing and UV-reflecting stripe.</li> <li>• 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).</li> <li>• Reduce the proportion of glass to other building materials in new construction.</li> </ul>	<p>Revise design, if necessary, to ensure compatibility with bird-safe design practices.</p>			

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<ul style="list-style-type: none"> <li>Avoid placement of bird-friendly attractants (i.e. vegetated roofs, water features, tall trees) near glass whenever possible.</li> <li>Install motion-sensitive lighting in any area visible from the exterior that automatically turn lights off during after-work hours.</li> </ul> <p>Prior to all individual project approvals, the UC Merced Physical and Environmental Planning Department shall review the final designs of the buildings and structures to ensure that appropriate bird safety designs have been effectively incorporated to reduce potential impacts to birds.</p>				
<b>Cultural Resources</b> (2009 LRDP Final EIS/EIR)				
<b>LRDP MM CUL-1b:</b> Prior to the development of the Campus and Community North, the University shall ensure that the two previously evaluated historic irrigation canals, Fairfield Canal and the Le Grand Canal, the farm complex, the fence line and prehistoric site MCN-1 which were recommended to be found ineligible for listing under the NRHP and CRHR, are formally	This mitigation measure is no longer required because in 2009, pursuant to Section 106 of the National Historic Preservation Act, the SHPO reviewed materials submitted by the University and the USACE	N/A	N/A	N/A

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evaluated. Formal NRHP and CRHR evaluations of these resources will be reviewed by the SHPO for concurrence. If SHPO does not concur with the findings of these previous evaluations, the development of any necessary treatment measures will be stipulated in a Historic Properties Treatment Plan as requirements of the PA executed for this project. Identified treatment measures will be implemented prior to any direct effects to the canals as required by the PA.	related to the potential historic resources included in this mitigation measure. The SHPO provided a concurrence letter to the USACE, noting that these resources are not eligible for the NRHP (and by extension the CRHR).			
<b>LRDP MM CUL-2:</b> If buried cultural resources, such as chipped or ground stone, historic debris, building foundations, or non-human bone are inadvertently discovered during ground-disturbing activities on the campus, work will stop in that area and within 100 feet of the find until a qualified archaeologist can assess the significance of the find and, if necessary, develop appropriate treatment measures. Treatment measures typically include development of avoidance strategies or mitigation of impacts through data recovery programs such as excavation or detailed documentation.	Inform contractor about need to watch for buried cultural resources.	During preparation of construction contract.	UCMPEP	Document in project file at the start of construction.
If cultural resources are discovered during	If resources are discovered,	During construction,	UCMPEP	Document in

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construction activities, the construction contractor and lead contractor compliance inspector will verify that work is halted until appropriate treatment measures are implemented in coordination with the USACE and UC Merced.	halt work and implement appropriate treatment measures.	in the event of a discovery.		project file upon implementation of required measures.
<b>LRDP MM CUL-3:</b> If human remains of Native American origin are discovered during ground-disturbing activities, the Campus and/or developer will comply with state laws relating to the disposition of Native American burials, which falls within the jurisdiction of the California Native American Heritage Commission (Public Resources Code Section 5097). If human remains are discovered or recognized in any location other than a dedicated cemetery, there shall be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent human remains until	Document measures taken to preserve human remains discovered on campus in place.	During construction.	UCMPEP	Confirm and document in project file during planning and construction.
<ul style="list-style-type: none"> <li>the coroner of Merced County has been informed and has determined that no investigation of the cause of death is required; and</li> </ul>	Retain Native American representative to monitor archaeological excavation.	During planning, and upon discovery of human remains in an archaeological	UCMPEP	Confirm and document in project file.



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<ul style="list-style-type: none"> <li>if the remains are of Native American origin;</li> <li>the descendants from the deceased Native Americans have made a recommendation to the land owner or the person responsible for the excavation work, for means of treating or disposing of, with appropriate dignity, the human remains and any associated grave goods as provided in Public Resources Code Section 5097.98; or</li> </ul>		context.		
<ul style="list-style-type: none"> <li>the California Native American Heritage Commission was unable to identify a descendant or the descendant failed to make a recommendation within 24 hours after being notified by the Commission.</li> </ul>	Contact archaeologist and County Coroner in the event of discovery of suspected human bone.	Upon discovery of suspected human bone.	UCMPEP	Confirm and document in project file.
<b>LRDP MM CUL-4a:</b> Prior to project construction, construction personnel will be informed of the potential for encountering significant paleontological resources. All construction personnel will be informed of the need to stop work in the vicinity of a potential discovery until a qualified paleontologist has been provided the opportunity to assess the significance of the find and implement appropriate measures to protect or scientifically remove the find. Construction	For projects in previously undisturbed lands, inform contractor about need to watch for paleontological resources.	During preparation of construction contract.	UCMPEP	Document in project file at the start of construction.

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personnel will also be informed of the requirements that unauthorized collection resources are prohibited.				
	Retain qualified paleontologist to perform work as specified.	During construction, in the event of a discovery.	UCMPEP	Document in project file upon completion of recordation and recovery.
<b>LRDP MM CUL-4b:</b> A qualified paleontologist will be intermittently present to inspect exposures of Merhten Formation, North Merced Gravels, and Riverbank Formation during construction operations to ensure that paleontological resources are not destroyed by project construction.	Retain qualified paleontologist to perform work as specified.	Prior to start of excavation and during construction.	UCMPEP	Complete upon documentation of compliance with appropriate measures.
<b>Geology and Soils (2009 LRDP Final EIS/EIR)</b>				
<b>LRDP MM GEO-2:</b> During project-specific building design, a site-specific geotechnical investigation shall be performed by a Certified Engineering Geologist or Licensed Geotechnical Engineer to assess detailed seismic, geologic, and soil conditions at each construction site. The study shall include an evaluation of liquefaction potential, slope stability, landslide potential,	Retain Certified Engineering Geologist or Licensed Geotechnical Engineer to conduct site-specific geotechnical investigation. Document implementation of geotechnical	During project design, prior to start of excavation, and during construction.	UCMPEP	Complete upon construction in compliance with geotechnical report.

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expansive and compressible soils, and other structural characteristics and shall identify specific geotechnical recommendations designed to mitigate for the site hazards. The geotechnical recommendations will be followed.	recommendations in a memo.			
<b>Greenhouse Gas Emissions</b>				
<p><b>LRDP MM GHG-1a:</b> 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 MTCO<sub>2</sub>e/year by the end of the year 2030.</p> <p>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<sub>2</sub>e/year goal for 2030.</p> <p>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</p>	<p>Develop policies to ensure total GHG emissions do not exceed 3,300 MTCO<sub>2</sub>e/year by 2030.</p> <p>Monitor GHG emissions annually, and ensure that where feasible applicable GHG emission reduction measures are included in each project.</p> <p>Purchase renewable energy credits or other GHG offsets if emissions exceed 3,300 MTCO<sub>2</sub>e/year by</p>	<p>During operation.</p> <p>During detailed project planning or project design prior to project.</p> <p>During operation.</p>	UCMPEP	<p>At least yearly and document results and outcomes; place in file.</p> <p>Prior to approval of final design of applicable projects.</p> <p>Confirm and document prior to construction of projects.</p>

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at or below 3,300 MTCO <sub>2</sub> e/year.	2030.			
<b>LRDP MM GHG-1b:</b> UC Merced shall implement LRDP Mitigation Measures AQ-2a and -2b.	See monitoring and reporting for Mitigation Measures AQ-2a and AQ-2b above.	See monitoring and reporting for Mitigation Measures AQ-2a and AQ-2b above.	See monitoring and reporting for Mitigation Measures AQ-2a and AQ-2b above.	See monitoring and reporting for Mitigation Measures AQ-2a and AQ-2b above.
<b>LRDP MM GHG-1c:</b> UC Merced shall periodically review new technologies that can be implemented to further reduce the campus' GHG emissions.	Develop policies to ensure that new technologies are regularly reviewed with the intent of reducing GHG emissions.	During operation.	UCMPEP	At least yearly and document results and outcomes; place in file.
<b>LRDP MM GHG-2:</b> Implement LRDP Mitigation Measures GHG-1a, 1b, and 1c.	See monitoring and reporting for Mitigation Measures GHG-1a, GHG-1b, and GHG-1c above.	See monitoring and reporting for Mitigation Measures GHG-1a, GHG-1b, and GHG-1c above.	See monitoring and reporting for Mitigation Measures GHG-1a, GHG-1b, and GHG-1c above.	See monitoring and reporting for Mitigation Measures GHG-1a, GHG-1b, and GHG-1c above.
<b>Cumulative MM C-GHG-1:</b> Implement LRDP Mitigation Measures GHG-1a, 1b, and 1c.	See monitoring and reporting for Mitigation Measures GHG-1a, GHG-1b, and GHG-1c above.	See monitoring and reporting for Mitigation Measures GHG-1a, GHG-1b, and GHG-1c above.	See monitoring and reporting for Mitigation Measures GHG-1a, GHG-1b, and GHG-1c above.	See monitoring and reporting for Mitigation Measures GHG-1a, GHG-1b, and GHG-1c above.

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Mitigation Measure	Mitigation Procedures	Mitigation Timing	Mitigation Responsibility	Monitoring and Reporting Procedure
<b>Hazards and Hazardous Materials</b> (2009 LRDP Final EIS/EIR)				
<b>LRDP MM HAZ-4:</b> In the event that non-permitted disposal sites, trash burn pits, wells, underground storage devices, or unknown hazardous materials are encountered during construction on the campus site, construction activities would cease until all contaminated areas are identified, and remediated or removed. This process of identification and remediation or removal would be coordinated with the Merced County Division of Environmental Health.	Inform contractor about need to watch for hazardous materials.	During preparation of construction contract.	UCMPEP	Document in project file at the start of construction.
	Coordinate with Merced County Division of Environmental Health as required.	During construction, in the event of an encounter.	UCMPEP	Document in project file upon completion of remediation or removal.
<b>Hydrology and Water Quality</b>				
<b>Cumulative MM C-HYD-2:</b> UC Merced shall continue to 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.	Work with regional water agencies, including MID and City of Merced, to develop programs.	During operation.	UCMPEP	At least yearly and document results and outcomes; place in file.
<b>Noise</b>				

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<p><b>LRDP MM NOI-3:</b> 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:</p> <ul style="list-style-type: none"> <li>• 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.</li> <li>• 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.</li> <li>• 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.</li> <li>• All mobile or fixed noise-producing equipment used on the project that is</li> </ul>	<p>Develop construction noise mitigation program and adopt as part of standard construction contract specifications.</p> <p>Inspect construction sites to verify that measures are being implemented.</p>	<p>Prior to and during construction.</p>	<p>UCMPEP / Construction Contractor</p>	<p>Confirm and document during construction. Document compliance in project file upon completion of construction.</p>

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<p>regulated for noise output by local, state or federal agency shall comply with such regulation while engaged in project-related activities.</p> <ul style="list-style-type: none"> <li>• Electrically powered equipment shall be used instead of pneumatic or internal combustion powered equipment, where practicable.</li> <li>• Material stockpiles, mobile equipment staging, construction vehicle parking, and maintenance areas shall be located as far as practicable from noise-sensitive land uses.</li> <li>• Stationary noise sources such as generators or pumps shall be located away from noise-sensitive land uses as feasible.</li> <li>• 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.</li> <li>• The erection of temporary noise barriers shall be considered where project activity is unavoidably close to noise-sensitive receptors.</li> </ul>				

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<ul style="list-style-type: none"> <li>The noisiest construction operations shall be scheduled to occur together to avoid continuing periods of the greatest annoyance, wherever possible.</li> <li>Construction vehicle trips shall be routed as far as practical from existing residential uses.</li> <li>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.</li> <li>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.</li> </ul>				
<b>LRDP MM NOI-4a:</b> 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,	Develop construction vibration mitigation program and adopt as part of standard construction contract specifications.  Inspect construction sites to verify that measures are being implemented.	Prior to and during construction.	UCMPEP / Construction Contractor	Confirm and document during construction. Document compliance in project file upon completion of construction.



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<b>Mitigation Measure</b>	<b>Mitigation Procedures</b>	<b>Mitigation Timing</b>	<b>Mitigation Responsibility</b>	<b>Monitoring and Reporting Procedure</b>
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.				
<b>LRDP MM NOI-4b:</b> 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.	Ensure that construction vibration mitigation program include precautions for highly sensitive uses as described.  Inspect construction sites to verify that precautions are being implemented.	Prior to and during construction.	UCMPEP	Confirm and document during construction.  Document compliance in project file upon completion of construction.
<b>Public Services and Recreation</b>				
<b>LRDP MM PUB-6a:</b> 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.	Work with County to implement mitigation measures.	During detailed project planning or project design prior to project approval.	UCMPEP	Following completion of the environmental review process for new park

**Table 5.0-1**  
**UC Merced 2020 Long-Range Development Plan Mitigation Monitoring and Reporting Program**

Mitigation Measure	Mitigation Procedures	Mitigation Timing	Mitigation Responsibility	Monitoring and Reporting Procedure
				<p>facilities, if mitigation costs are identified in connection with those facilities proposed.</p> <p>Document compliance in project file</p>
<p><b>LRDP MM PUB-6b:</b> 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.</p>	<p>Negotiate with County to determine fair share contribution toward feasible and required environmental mitigation measures for improvements to Lake Yosemite Regional Park.</p>	<p>During detailed project planning or project design prior to project approval.</p>	<p>UCMPEP</p>	<p>Following completion of the environmental review process for new park facilities, if mitigation costs are identified in connection with those facilities proposed.</p>

**Table 5.0-1**  
**UC Merced 2020 Long-Range Development Plan Mitigation Monitoring and Reporting Program**

Mitigation Measure	Mitigation Procedures	Mitigation Timing	Mitigation Responsibility	Monitoring and Reporting Procedure
				Document compliance in project file.
<b>LRDP MM PUB-6c:</b> 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 <b>LRDP Mitigation Measures PUB-6a</b> and <b>PUB-6b</b> above, will implement mitigation measures to avoid and minimize indirect effects on biological resources.	Document compliance with mitigation measure in conjunction with Mitigation Measures PUB-6b and PUB-6c above.	During detailed project planning or project design prior to project approval.	UCMPEP	Document compliance with mitigation measures prior to approval of improvements of the regional park.
<b>Transportation</b>				
<b>LRDP MM TRANS-1: Campus Traffic Mitigation Program (CTMP).</b> 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				

**Table 5.0-1**  
**UC Merced 2020 Long-Range Development Plan Mitigation Monitoring and Reporting Program**

Mitigation Measure	Mitigation Procedures	Mitigation Timing	Mitigation Responsibility	Monitoring and Reporting Procedure
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 ( <i>CEQA Guidelines</i> §15130(a)(3)). The CTMP will consist of the following elements/measures:				
<b>Measure TRANS-1a: Travel Demand Management.</b> 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 policies 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.  <b>Measure TRANS-1b: Transit Enhancement.</b> To	Report on provision of TDM programs, transit services, and usage of these programs and services.	Throughout LRDP development.	UCMPEP	At intervals of each 2,000-person increase in student population, relative to the 2020 LRDP baseline.  Document compliance in project file.

**Table 5.0-1**  
**UC Merced 2020 Long-Range Development Plan Mitigation Monitoring and Reporting Program**

Mitigation Measure	Mitigation Procedures	Mitigation Timing	Mitigation Responsibility	Monitoring and Reporting Procedure
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.				
<b>Measure TRANS-1c: Sustainability and Monitoring.</b> 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.	Report on sustainable elements of each building project.	Throughout LRDP development.	UCMPEP	Prior to design approval of each building project.
<b>Measure TRANS-1d: Campus Traffic Impact Monitoring.</b> 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,	Conduct AM and PM peak period traffic counts at Campus gateway(s) and report trip generation rate per FTE student, relative to Draft SEIR rate.	Throughout LRDP development.	UCMPEP	At intervals of each 2,000-person increase in student population, relative to the 2020 LRDP baseline.

**Table 5.0-1**  
**UC Merced 2020 Long-Range Development Plan Mitigation Monitoring and Reporting Program**

Mitigation Measure	Mitigation Procedures	Mitigation Timing	Mitigation Responsibility	Monitoring and Reporting Procedure
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 <b>Table 4.8-9</b> of the Draft 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 <b>Table 4.8-9</b> of the Draft SEIR.				Document compliance in project file.
<b>Measure TRANS-1e: Proportional Share Determination.</b> 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.	Report proportional share based on monitored trip generation.	Throughout LRDP development.	UCMPEP	At intervals of each 2,000-person increase in student population, relative to the 2020 LRDP baseline. Document compliance in project file.
<b>Measure TRANS-1f: Mitigation Payments.</b> The	(1) Internally commit	(1) When affected	UCMPEP	As each

**Table 5.0-1**  
**UC Merced 2020 Long-Range Development Plan Mitigation Monitoring and Reporting Program**

<b>Mitigation Measure</b>	<b>Mitigation Procedures</b>	<b>Mitigation Timing</b>	<b>Mitigation Responsibility</b>	<b>Monitoring and Reporting Procedure</b>
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	proportional share funding; (2) Pay affected jurisdiction.	jurisdiction programs each project, provides a construction cost estimate, and completes a full project funding plan; (2) Prior to project construction.		improvement project is programmed, cost estimates are prepared, and full funding plans are prepared. Document compliance in project file.

**Table 5.0-1**  
**UC Merced 2020 Long-Range Development Plan Mitigation Monitoring and Reporting Program**

Mitigation Measure	Mitigation Procedures	Mitigation Timing	Mitigation Responsibility	Monitoring and Reporting Procedure
the campus, the University will be responsible for the entire cost of improvements at this intersection.				
<p><b>Cumulative MM C-TRANS-1:</b> The University will implement LRDP MM 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.</p> <p>Certain improvements in <b>Table 4.8-12</b> of the Draft SEIR are the same as, or similar to, improvements identified in <b>Table 4.8-9</b> of the Draft SEIR 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.</p> <p>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.</p>	See monitoring and reporting for LRDP Mitigation Measures TRANS-1a through TRANS-1f above.	See monitoring and reporting for LRDP Mitigation Measures TRANS-1a through TRANS-1f above.	See monitoring and reporting for LRDP Mitigation Measures TRANS-1a through TRANS-1f above.	See monitoring and reporting for LRDP Mitigation Measures TRANS-1a through TRANS-1f above.



## 6.0 REPORT PREPARERS

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### 6.1 REPORT PREPARERS

#### 6.1.1 Lead Agency

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Elisabeth Gunther, UC Merced Counsel

Francesca Cannizzo, Campus Biologist

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

Brian Harrington, Associate Director, Physical and Environmental Planning

Ha Ly, Planning Specialist

##### *University of California, Office of the General Counsel*

Hope Schmeltzer, Senior Land Use/EHS Counsel

Anagha Dandekar Clifford, Senior Counsel

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Delia Votsch, EIT, Transportation Engineer, Fehr & Peers

***West Yost Associates***

Elizabeth Drayer, P.E., Vice President, West Yost Associates

**APPENDIX A**

**SAN JOAQUIN RAPTOR/WILDLIFE RESCUE CENTER –**

**FEBRUARY 3, 2020 COMMENT LETTER ATTACHMENTS**

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## Second California Public Records Act Request for Draft SEIR and Recirculated Draft SEIR 2020 LRDP

January 22, 2020

**San Joaquin Raptor/Wildlife Rescue Center**

**P.O. Box 778**

**Merced, CA 95341**

**(209) 723-9283, ph. & fax**

**[sjrcc@sbcglobal.net](mailto:sjrcc@sbcglobal.net)**

**January 22, 2020**

Via Electronic Mail

ERIC KALMIN

DIRECTOR, RECORDS MANAGEMENT AND INFORMATION PRACTICES

OFFICE OF LEGAL AFFAIRS

5200 Lake Road | Merced, California 95343

[legalaffairs.ucmerced.edu](mailto:legalaffairs.ucmerced.edu) | 209285.8708

UCM Public Records [publicrecords@ucmerced.edu](mailto:publicrecords@ucmerced.edu)

### **RE: Second California Public Records Act Request for Draft SEIR and Recirculated Draft SEIR 2020 LRDP**

Dear Mr. Kalmin:

This is our second PRA request because our first request was not adequately addressed by the university.

Pursuant to public rights under the California Public Records Act (Government Code Section 6250 et seq.) and the California Constitution, as amended by passage of Prop 59 on November 3, 2004, we are writing again to request to review all original documents in the record for the 2020 Recirculated Draft EIR in possession of the University of California, Merced including but not limited to correspondence, emails, notes, meetings (internal and interagency), staff reports, phone records, expense reports, and supporting data and referenced material for:

The Biological Opinion, the 2002 LRDP EIR/EIS and associated documents including but not limited to the DEIR/EIS, NOP, instead of the book-length, illustrated brochure for 2002 you sent us; The NOP mailing list for 2018; Materials from internal meetings and other public meetings regarding the SEIR and Recirculated SEIR; re: the Oct. 28 public meeting; the Public Review period, Sept. 19 to Nov. 4. 2019; and the Recirculation: Public meeting Jan. 16; all comment letters submitted on the SEIR;

Scoping meeting minutes, reports, staff reports, consultants' reports, April 2 and April 25, 2018; UC Merced Conservation Strategy, including but not limited to the Mitigation and Monitoring and Easement programs and Compensatory Mitigation from the date of the BO to the present; All material concerning the involvement of local, state and federal legislators and executive officials in the project;

All administrative EIRs for all phases of the UC Merced project – for EIRs, SEIRs, EIR/EISs;

**Second California Public Records Act Request for Draft SEIR and Recirculated Draft SEIR  
2020 LRDP**

**ORG-2**

January 22, 2020

Any discussions about the NOP (2020 LRDP, Nov.) comment letters; Public comment letters for the Nov. 4 Draft SEIR; All material on the project between Nov. 4 – Dec. 20; All notes concerning reasons for recirculation of SEIR; All material on discussion why no EIS for the 2020 LRDP;

Any materials made available for September, October, December, and January public meeting; All material discussing recirculation of SEIR;

Any material discussing bird and bat collisions with solar panels anywhere on UC Merced – buildings, parking lots or elsewhere on the campus; Heat and light radiance from buildings, solar arrays, asphalt; cumulative impacts of UC Merced induced residential and commercial development; The UC Merced Wildlife Protocol for wild, feral, migratory, hibernating and resident species; All material submitted to OPR and to agencies, state and federal, local, organizations, individuals notified of NOP, SEIR, and recirculated SEIR.

All material discussing how much has UCM paid Merced County, City of Merced for infrastructure including but not limited to water, sewer, gray water, groundwater, fire, police and ambulance/medical services, and how much UCM owes these jurisdictions presently; All materials concerning discussions with MID including but not limited to canals, seepage, and MID liability; all budgets and expense reports of staff, consultants, experts, for the SEIR and recirculated SEIR project;

All records notes, minutes of meetings pre-NOP; All material re. the LLC and Virginia Smith Trust partnership, the Five G's, Hunt Property, and Flying M Ranch; All materials discussing plans for the next phase of UC Merced.

We request the right to review the original records at a time to be arranged prior to any copying taking place. As provided by the Public Records Act, you have ten days to determine whether you have records subject to the Act. If you have any questions or concerns, please contact us. Thank you for your time and courtesy.

With regard to any documents that may be withheld, we request compliance with Government Code section 6255 by providing a

written reply (1) identifying the type or nature of the record, or portion thereof, being withheld, and (2) demonstrating that the record in question is exempt under the express provisions of the PRA, or that, on the facts of the particular case, the public interest served by not disclosing the record clearly outweighs the public interest served by disclosure of the record.

Also, before taking any action that might result in charges for reimbursement (*i.e.*, fees established by statute or the “direct cost” of copying of documents or electronic formatted data), we request that you provide an estimate of the costs involved.<sup>1</sup> Initially we would like an opportunity to make an appointment and review the file in your offices. We will then be able to

Determine whether we would like copies of any of the documents.

- (1) Govt. Code, § 6253, subd. (b); *North County Parents Organization For Children With Special Needs v. Department of Education* (1994) 23 Cal.App.4<sup>th</sup> 144, 146-148 (holding that charges under PRA are statutorily limited to fees established by statute, and “direct cost” of

**Second California Public Records Act Request for Draft SEIR and Recirculated Draft SEIR 2020 LRDP** **ORG-2**

January 22, 2020

providing requested copies, and that no charge may be levied under PRA for any other purpose).

If we can provide any clarification that will help expedite your attention to this request, please contact us at (209) 723-9283.

We await your timely reply.



Cc:

Protect Our Water [protectourwater@sbcglobal.net](mailto:protectourwater@sbcglobal.net)

Central Valley Safe Environment Network [cvsen@sbcglobal.net](mailto:cvsen@sbcglobal.net)

Other Interested Parties

2002

- 1.
2. SCH Number 2001021065

## SCH Number 2001021065

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### Project Info

#### Title

University of California Merced Campus

#### Description

The Science and Engineering 2 (S&E) Project will construct a 3 story, ~102,000 sf academic building on a 1.5 acre site on the UC Merced campus. The building will provide teaching space, research laboratories, and office space for the US Merced School of Natural Sciences and the School of Engineering. The S&E 2 Building will be the fifth academic building located within the Phase 1 area of Campus.

[Download CSV New Search](#)

17 documents in project

Type	Lead Agency	Received	Title
NOD	University of California	9/21/2009	Science and Engineering 2
NOD	University of California	9/19/2008	University of California Pond Maintenance, Agreement No. 2008-0036-R4
NOD	University of California	7/30/2008	University of California Pond Maintenance, Agreement No. 2008-0036-R4
NOD	University of California	6/26/2008	Early Childhood Education Center Project
NOD	University of California	7/20/2007	Social Sciences and Management Building
NOD	University of California	4/27/2007	Sierra Terraces Housing Project
NOD	University of California	9/22/2005	Sierra Terraces Housing Project
NOD	University of California	1/21/2005	Joseph Edward Gallo Recreation and Wellness Center
NOD	University of California	10/14/2004	Merced Garden Suites and Lakeview Dining Facilities;



Type	Lead Agency	Received	Title
NOD	University of California	7/2/2004	Merced Garden Suites and Lakeview Dining Facilities
NOD	University of California	9/20/2002	Merced Garden Suites and Lakeview Dining Facilities
NOD	University of California	5/13/2002	University of California Merced Campus Site Development and Infrastructure with Central Plant Facility
NOD	University of California	1/18/2002	University of California Merced Campus Site Development and Infrastructure with Central Plant Facility
NOD	University of California	1/18/2002	University of California Merced Campus Site Development and Infrastructure with Central Plant Facility
FIN	University of California	1/7/2002	University of California Merced Campus
EIR	University of California	8/13/2001	University of California Merced Campus
NOP	University of California	2/15/2001	University of California Merced Campus

## 2009

1. [Home](#)
2. [Search](#)
3. SCH Number 2008041009

# SCH Number 2008041009

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## Project Info

### Title

University of California (UC) Merced and University Community Plan, UC Merced Phase 2 Campus

### Description

Project consists of a boundary change for the Merced 2020 Project site to include the approx. 4.84 acre P3 construction staging and parking area located northeast of the North Bowl parking lot, and exclude a triangular area located between Le Grand Canal and Fairfield Canal and a second triangular located to the east of Fairfield Canal. The project results in a decrease in total site area from 153.4 to 143.7 acres. The boundary change encompasses the alignment of a proposed roadway that would be constructed from the 2020 project site east of the Fairfield Canal to the P3 area. This road will be paved and used to access the P3 area during 2020 project construction, and remain in place as part of the final 2020 Project. The project also relocates portions of a previously installed CA Tier Salamander

exclusion fence to align with the modified 2020 Project site boundary. The Project will install the new segment of the CTS fence prior to removing the affected segment of the CTS fence.

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24 documents in project

Type	Lead Agency	Received	Title
NOD	10th District Agricultural Association	1/3/2020	University of California, Merced - Little Lake and Lower Pond Grading Project (Lake Alteration Agreement No. 1600-2019-0180-R4)
NOD	University of California, Merced	8/30/2017	University of California, Merced 2020 Project Site Boundary Change
NOD	University of California, Merced	5/25/2017	Power Purchase and Site License Agreement for North Bowl Parking, Corp. Yard & Housing 4 Photovoltaics Project
NOD	University of California, Merced	5/9/2017	University of California, Merced - Little Lake and Lower Pond Grading Project (Lake Alteration Agreement No. 1600-2016-0213-R4)
NOD	University of California, Merced	8/18/2016	Merced 2020 Project Agreements
NOD	University of California, Merced	7/27/2016	Merced 2020 Project - LRDP Amendment and Design Approval
NOD	University of California, Merced	11/6/2015	University of California, Merced Campus and Community North Project (Project) (Major Amendment No. 2 to California Endangered Species Act Incidental Take Permit
NOD	University of California, Merced	8/12/2015	UC, Merced Campus and Community North Project (Project) (Major Amendment No. 2 to California Endangered Species Act Incidental Take Permit (ITP) No. 2081-2009-0
NOD	University of California, Merced	5/29/2014	Central Plant/Telecommunications Reliability Upgrade Project
NOD	University of California, Merced	5/20/2013	Classroom and Academic Office Building
NOD	University of California, Merced	3/6/2013	Classroom and Academic Office Building
NOD	University of California, Merced	1/23/2012	Site Development & Infrastructure Phase 4

Type	Lead Agency	Received	Title
NOD	University of California, Merced	1/10/2012	Student Services Building
NOD	University of California, Merced	10/4/2011	UC, Merced and Comm. North Project (Major Amendment No. 1 to CA Endangered Species Act Incidental Take Permit No. 2081-2009-010-04 (ITP))
NOD	University of California, Merced	9/14/2011	Recreation Center North
NOD	University of California, Merced	4/5/2011	University of CA, Merced Campus and Community North Project (CA Endangered Species Act Incident Take Permit No. 2081-2009-010-04 (ITP))
NOD	University of California, Merced	2/24/2011	Site Development & Infrastructure Phase 4
NOD	University of California, Merced	2/24/2011	Site Development & Infrastructure Phase 6
NOD	University of California, Merced	2/11/2011	North Bowl Parking Lot Phase 1 Project
NOD	University of California, Merced	2/11/2011	Housing 4: The Summits Project
NOD	University of California, Merced	7/3/2009	UC Merced 2009 Long Range Development Plan
NOD	University of California, Merced	3/20/2009	UC Merced 2009 Long Range Development Plan
EIR	University of California, Merced		

## 2020LRDP

1. [Home](#)
2. [Search](#)
3. SCH Number 2018041010

# SCH Number 2018041010

## Project Info

**Title** University or California (UC) Merced 2020 Long Range Development Plan (LRDP) Project

**Description** Each campus in the UC system is required to periodically examine its academic goals, and to support those goals, formulate a land use plan in a Long Range Development Plan (LRDP). An LRDP is defined by statute (Public Resources Code (PRC] 21080.09) as a "physical development and land use plan to meet the academic and institutional objectives for a particular campus or medical center of public higher education." The Regents approved the 2009 LRDP for the UC Merced campus as a guide for physical development to accommodate enrollment growth projected through 2030. The University has determined that an updated LRDP must be prepared to better reflect the revised campus site and changed conditions in the area. A Draft Subsequent Environmental Impact Report (SEIR) has been prepared to evaluate the potentially significant environmental effects of the proposed UC Merced 2020 LRDP.

[Download CSV New Search](#)

3 documents in project

Type	Lead Agency	Received	Title
SBE	University of California	12/20/2019	University of California (UC) Merced 2020 Long Range Development Plan (LRDP) Project
SBE	University of California	9/20/2019	University or California (UC) Merced 2020 Long Range Development Plan (LRDP) Project
NOP	Regents of the University of California	4/3/2018	UC Merced Draft 2018 Long Range Development Plan

<https://goldrushcam.com/sierrasuntimes/index.php/news/local-news/21821-more-rain-and-less-snow-means-increased-flood-risk-stanford-study-reveals>

## More Rain and Less Snow Means Increased Flood Risk, Stanford Study Reveals

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Last Updated: Wednesday, 29 January 2020 09:55

Published: Wednesday, 29 January 2020 09:52

**3**

**By analyzing more than two decades of data in the western U.S., scientists have shown that flood sizes increase exponentially as a higher fraction of precipitation falls as rain, offering insight into how flood risks may change in a warming world with less snow.**

January 29, 2020 - By Danielle Torrent Tucker - As the world warms and precipitation that would have generated snowpack instead creates rain, the western U.S. could see larger floods, according to new Stanford research.



Water flowing from the eroded overflow spillway of Oroville Dam, California, on Feb. 11, 2017. New research offers insight into how flood risks may change in a warming world that has less snow. (Image credit: William Croyle, California Department of Water Resources / Wikimedia Commons)

An analysis of over 400 watersheds from 1980 to 2016 shows that winter floods driven by rainfall can be more than 2.5 times as large as those driven by snowmelt. The researchers also found that flood sizes increase exponentially as a higher fraction of precipitation falls as rain, meaning the size of floods increased at a faster rate than the increase in rain.

The study, which appears in the January issue of *Water Resources Research*, is particularly salient for people planning infrastructure while taking global warming into account. As Northern Californians saw during the Oroville Dam crisis in 2017 when a spillway failure forced more than 180,000 residents to evacuate, warm storms can pose big problems.

“The Oroville Dam crisis is a good example of how existing infrastructure is already vulnerable to flooding,” said lead author Frances Davenport, a PhD student in Earth system science at Stanford’s **School of Earth, Energy & Environmental Sciences** (Stanford Earth). “These results show that warming alone – even without changes in precipitation amounts – could lead to changes in the size of floods.”

While it might seem obvious that a greater fraction of precipitation falling as rain would cause bigger floods, the new research reveals that rainfall and flood size have a non-linear relationship. For example, a storm with 100 percent rain has 25 percent more liquid precipitation than a storm with 80 percent rain, but the researchers found that the average flood is 33 percent larger, meaning that the floods grow at a faster rate than the increase in liquid precipitation.

## Future infrastructure needs

The results could inform management of reservoirs that not only secure the region's water supply but also provide a buffer for flooding, according to senior author **Noah Diffenbaugh**, the Kara J. Foundation Professor at Stanford Earth.

"Planners are being asked to project forward what kind of conditions today's infrastructure will have to withstand in the coming years and decades," Diffenbaugh said. "Both the shape and magnitude of our non-linear results have the potential to benefit planners in Western states that are trying to integrate the changing nature of snow hydrology into their decisions."

The researchers evaluated 410 watersheds using daily streamflow measurements from the U.S. Geological Survey to identify the largest precipitation events and the time periods with the highest streamflow. They then analyzed these events by comparing the amount of rain, snow and snowmelt leading up to and following each event.

In collaboration with economist and co-author **Marshall Burke**, an assistant professor of Earth system science, the researchers adapted methods from econometrics – a branch of applied statistics – to account for other influences like soil characteristics, slope and land-use change, in order to tease out the impact of precipitation alone. According to the authors, the analysis is one of the early attempts to apply these econometric techniques to hydrology.

"By using this econometric method, we can look at how flooding has varied across the full range of historical variability in each watershed," Davenport said. "This allows us to identify patterns that may not yet be evident in long-term flooding trends."

The results are useful to water managers thinking about long-term flood risks, especially in areas expected to experience warming and continued variability in the total amount of precipitation, according to the researchers. They were motivated to focus their analyses on the western U.S. because the same dams and reservoirs used to store water for the dry season also provide flood control during the wet season, with snow playing an important role in each.

"We've seen in recent years the real-time tension between keeping water in the reservoir so it can be used later in the year, and letting it out so that there's space available to prevent flooding from the next storm," said Diffenbaugh, who is also the Kimmelman Family Senior Fellow at the **Stanford Woods Institute for the Environment**. "States like California are well aware that as the snow hydrology of the western U.S. continues to change, the infrastructure that was designed and built around the old climate of the last century will continue to be pushed to its limits. Our results shed new light on how rapidly planners can expect extreme runoff to intensify as precipitation becomes more dominated by rain throughout the region."

*Co-author Julio Herrera-Estrada conducted research for the study while a postdoctoral researcher at Stanford Earth. Diffenbaugh is also an affiliate of the **Precourt Institute for Energy**. Burke is a center fellow at the **Freeman Spogli Institute for International Studies** and, by courtesy, at the **Woods Institute for the Environment**.*

*Funding for the research was provided by Stanford University.*  
Source: Stanford





ORG-2

Welcome  
**North Merced Annexation  
Feasibility Study**

**Planning Commission/City Council  
Workshop**



**EMC PLANNING GROUP**

January 27, 2020





## Workshop Purpose



ORG-2

- Update Planning Commission and City Council on Feasibility Study Process/Initial Findings
- Solicit Planning Commission and City Council Input on Issues/Preferred Growth Option(s)
- Enable Continued Public Input/Participation
- Catalyze Next Steps in Preparing the Feasibility Study



## Background



ORG-2

- North Merced as Future Growth Area
- 2016 Bellevue Community Plan as Partial Roadmap
- UC Merced as a Direct Growth Driver
- Development Interest in North Merced Over Time, But Ad Hoc Locations
- Challenge - Where, When and How Much Growth?



## Feasibility Study Purpose

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ORG-2

- City/LAFCO seeking a logical approach to growth
- Evaluate Options/Provide Guidance for Growth Location, Amount, Timing, and Management
- Enable City Council to Identify Preferred Growth Option(s)
- Inform Landowners, Developers and Residents About Development Opportunities/Expectations



## North Merced Study Area Setting

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ORG-2

- 7,600 Acres
- Approx. 700 Parcels/Property Owners
- Existing Rural Residential Subdivisions - Lots of 1-3 acres
- Remainder is Largely Vacant
- UC Merced = the Major Existing Land Use
- Biological Resources as Main Resource Constraint
- Owners/Developers of Larger Properties

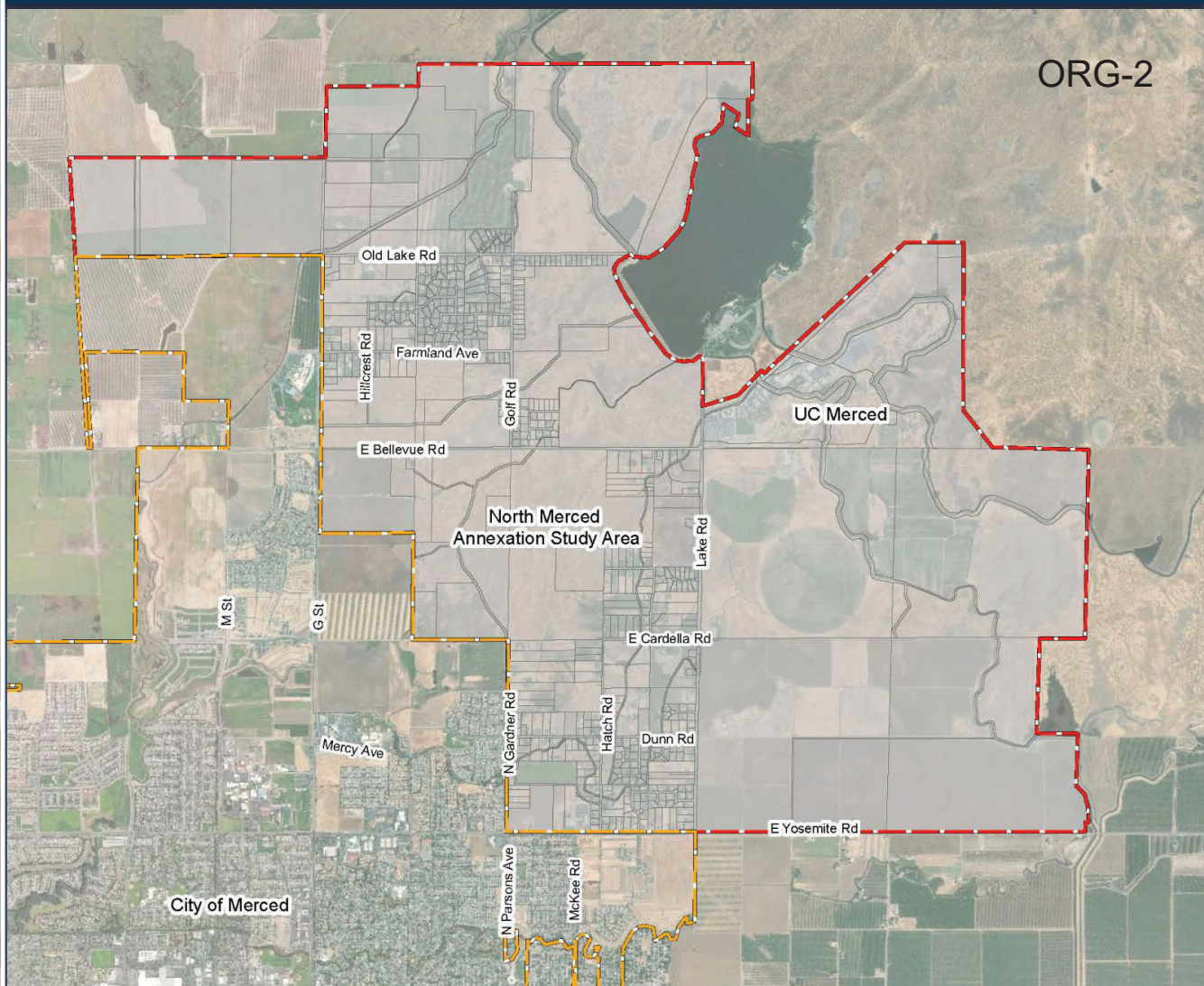




## North Merced Study Area



ORG-2

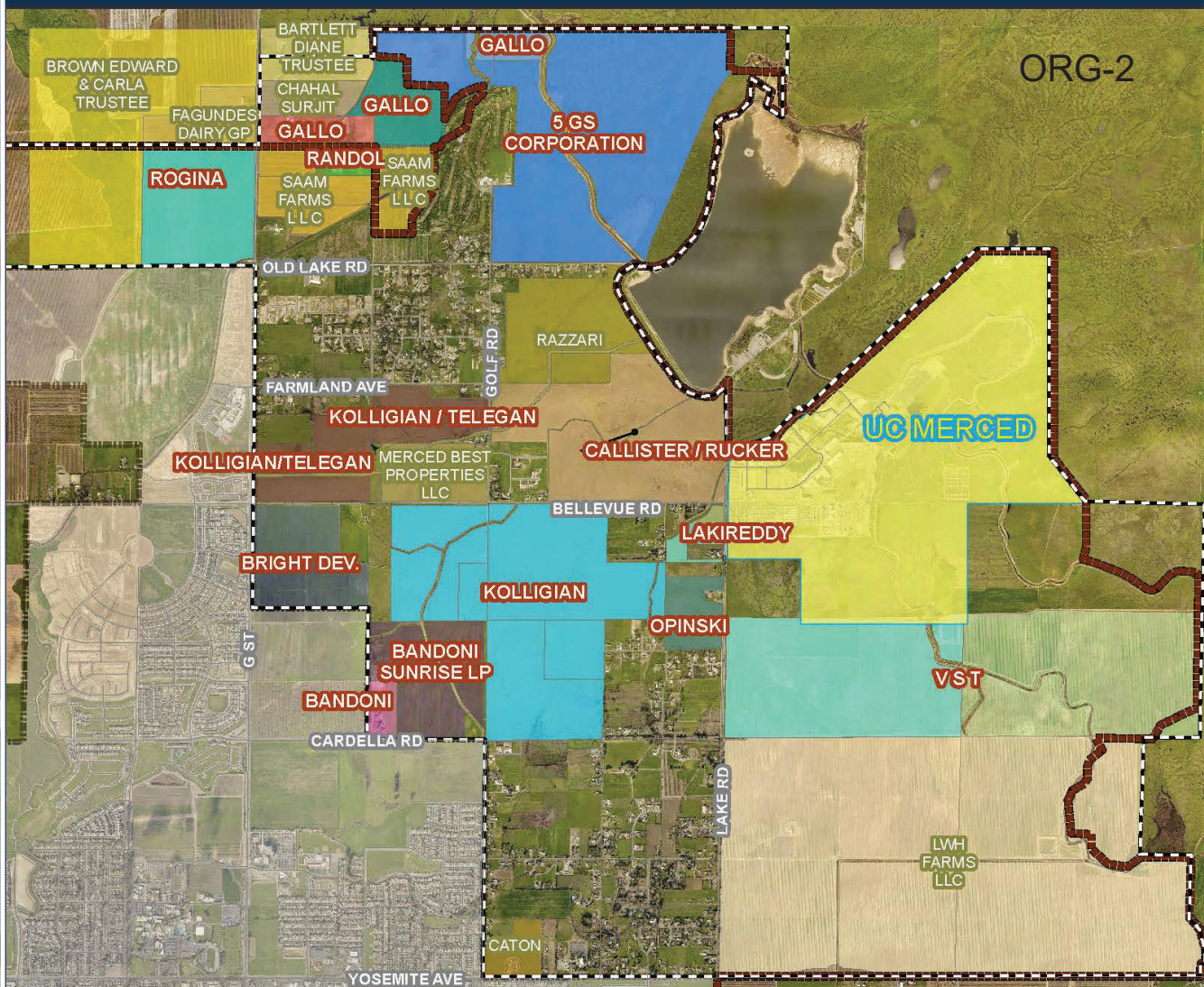






# North Merced Major Landowners

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ORG-2



## North Merced Development Planning Context

ORG-2

- Destination for Major Growth in General Plan
- General Plan is Development Guidance for 20-30 Years
- Buildout Rarely, if Ever, Occurs Within this Timeframe
- Bellevue Community Plan (BCP) Adopted in 2015 – Designed to Implement General Plan for Specific Area
- County Approved University Community Plan (UCP) in 2004 –Land Use Plan for Area South of UC Merced
- County Approved Yosemite Lakes Estates Community Plan (YLE) in 2004





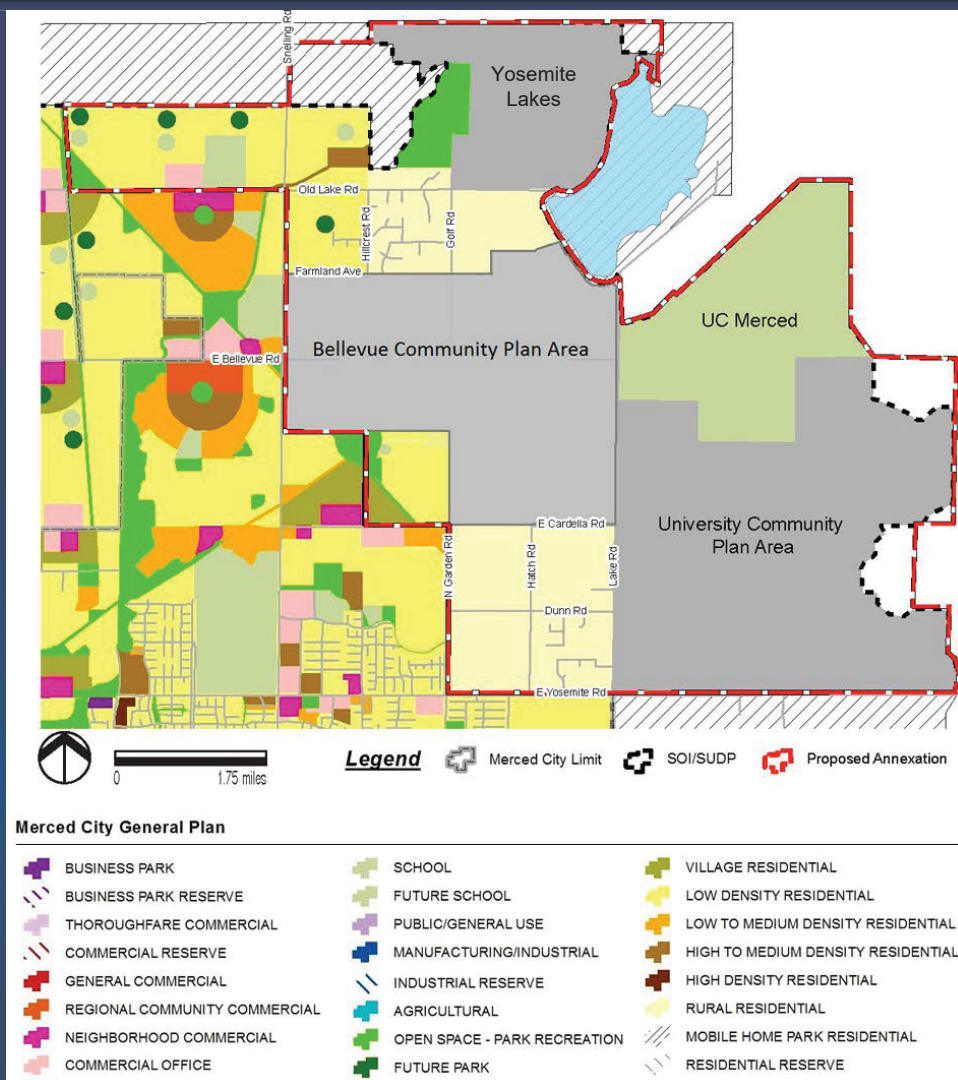
# North Merced Planning Context

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ORG-2







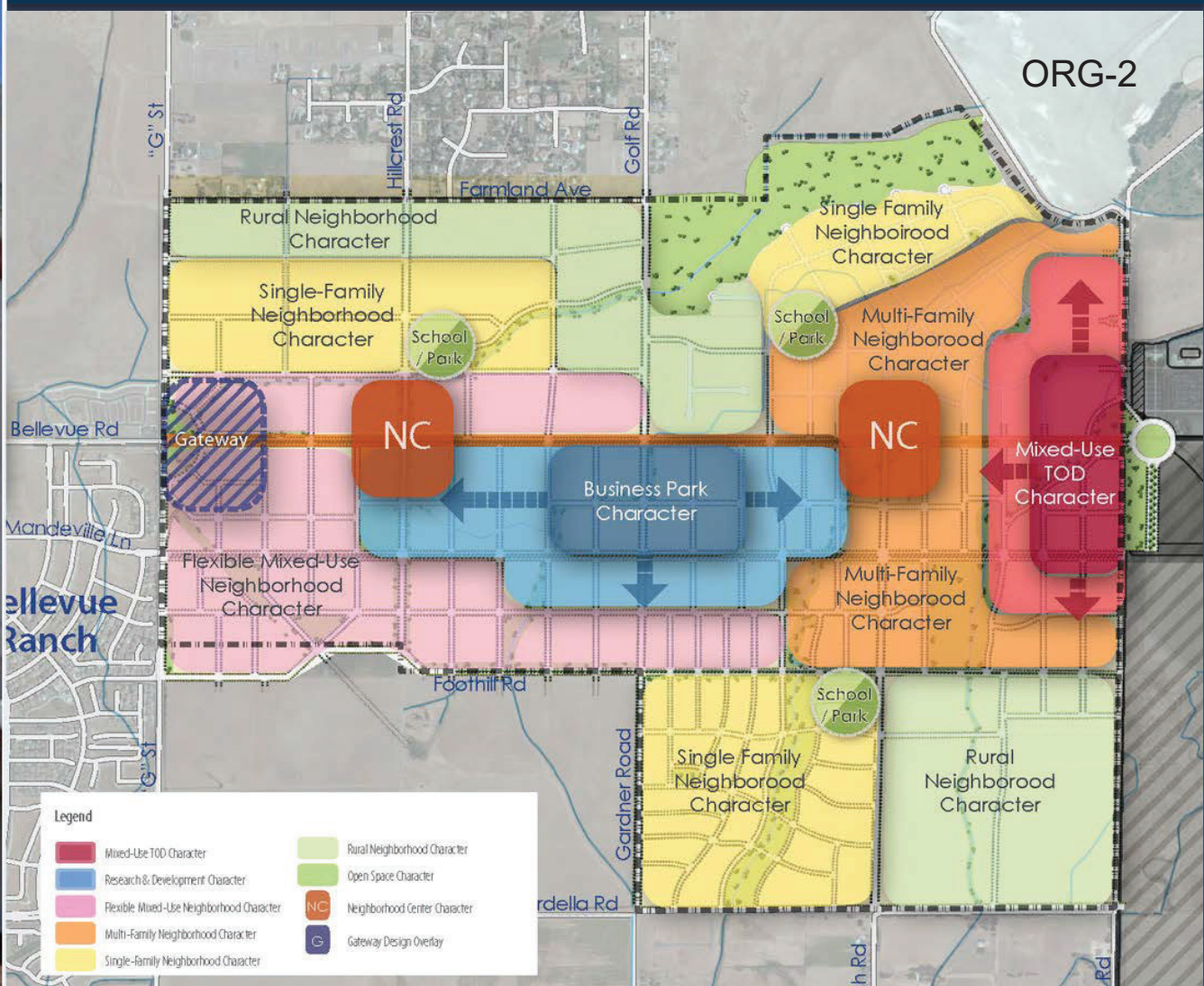
# Bellevue Community Plan

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ORG-2





## Outreach/Information Gathering

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ORG-2

- Project Information/Website
- Two Public Meetings
- Landowner/Developer Interviews
- Decision Maker Interviews
- Agency Staff Interviews



## Outreach/Information Gathering

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ORG-2

- Annexation Interest Polling
  - Purpose
  - Polling Question and Assumptions
    - ◆ *“Based on the information you have now and the assumption that the costs relating to annexation (i.e. sewer and water hook-ups, etc.) are reasonable, would you support annexation of your property at this time?”*
  - Results
    - ◆ 32% to 37% Response Rate





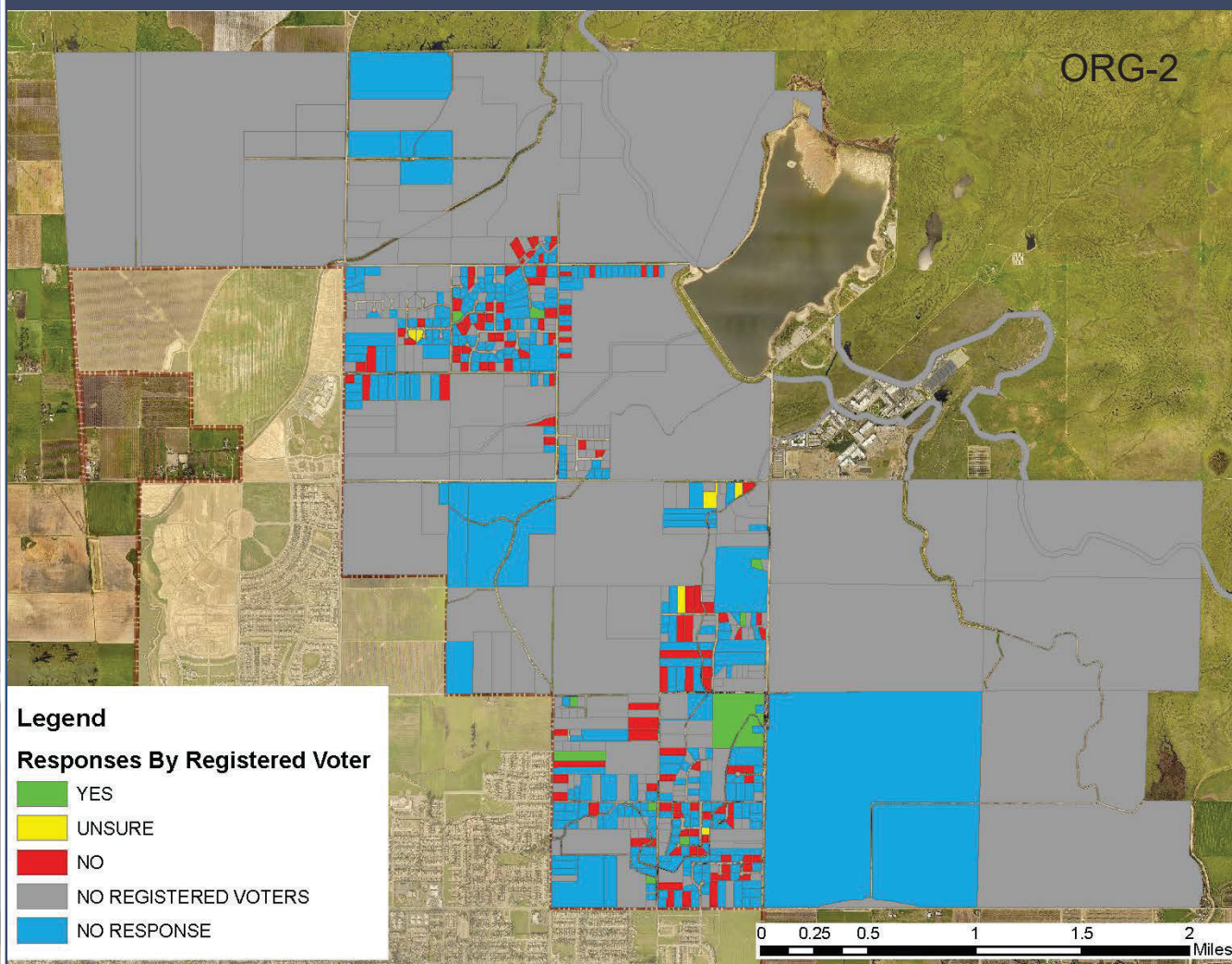
## Polling Results – Registered Voters

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ORG-2







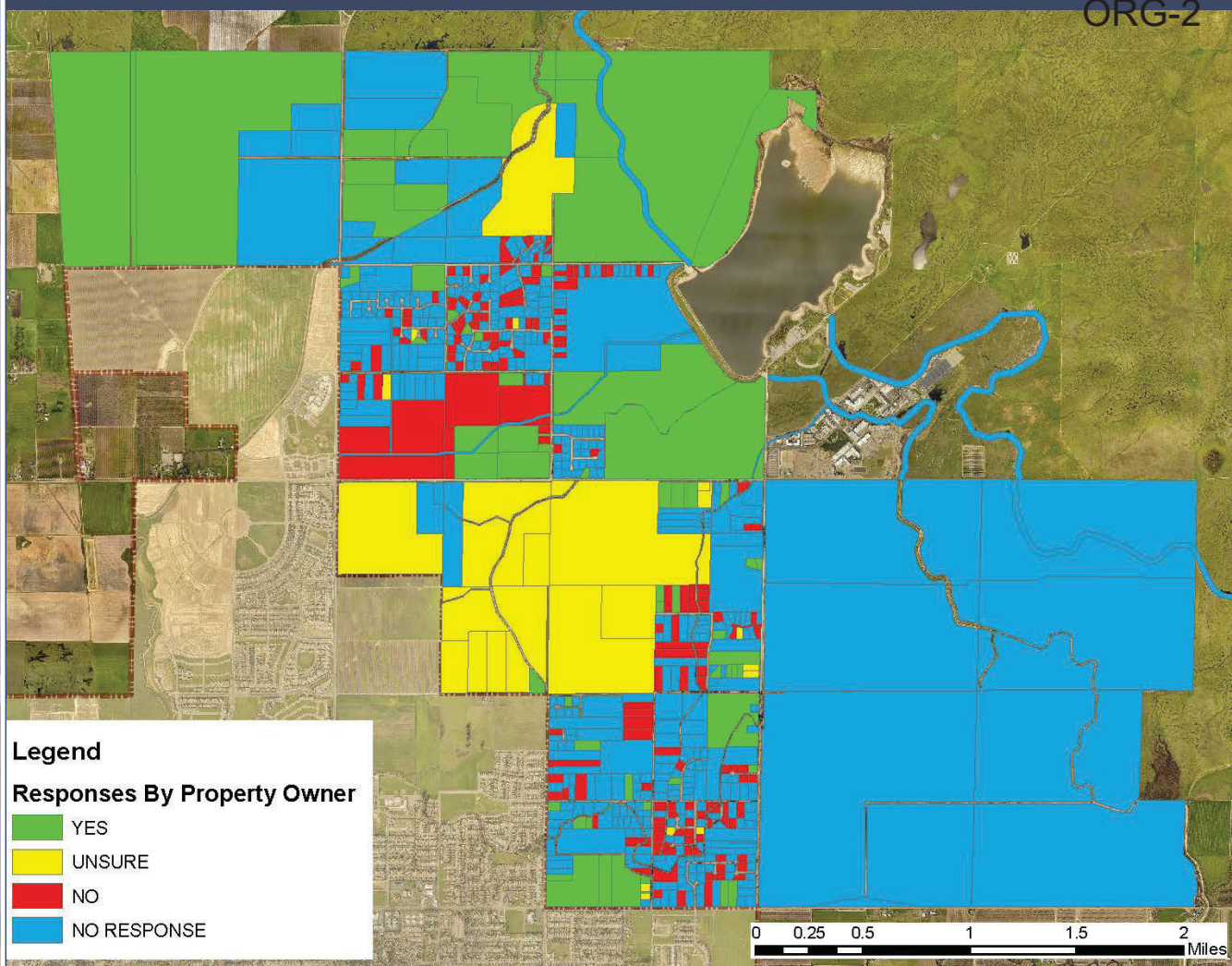
## Polling Results – Property Owners

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ORG-2





## Residential Development Supply and Demand



ORG-2

- Projected Residential Demand
  - MCAG Projects 500-600 Dwelling Units/Year to 2050 or Nearly 15,000 Units for City of Merced
- Available Residential Supply
  - Within City Limits - About 5,500 Approved/Unbuilt Units
  - Within North Merced Area:
    - ◆ BCP (6,675 Units)
    - ◆ UCP (10,488 Units in 2004)
    - ◆ YLE Community Plan (1,500 Units)
    - ◆ North of Old Lake Rd. (3,000 Units)
  - Within South Merced Sphere of Influence Area



## Non-Residential Development Supply and Demand



ORG-2

- Projected Non-Residential Demand
  - MCAG Projects 6.6 million sq. ft. in Hwy 99 corridor **to 2045** (including UC Merced)
- Available Non-Residential Supply
  - Within City Limits = About 13 million sq. ft.
  - Within North Merced Area:
    - ◆ BCP = 2.8 million sq. ft.
    - ◆ UCP (VST Portion Only) = 2.6 million sq. ft.
    - ◆ UC Merced = 1.1 million sq. ft.
    - ◆ Additional Capacity: General Plan = 12 million sq. ft., Castle Commerce Center = 8 million sq. ft., City of Atwater



## UC Merced Component of Demand



ORG-2

- 2019 LRDP Reduces Prior Projected Growth Rate
- Projected Residential Demand
  - 900 - 1,900 Units (Students + Faculty) from 2020-2030
- Projected UC Generated Non-Residential Demand
  - Retail/Office – 17,000 to 40,000 sq. ft.
  - R&D/Flex Space
    - ◆ 140,000 sq. ft./year *Starting 2027*
    - ◆ About 2.5 million sq. ft. Total
- UC Needs Best Met Near UC?





## Supply & Demand Themes

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ORG-2

- Substantially More Residential Land Capacity than Demand over the next 5-15 Years
- Substantially More Non-Residential Land Capacity than Demand over the next 5-15 Years
- “Organic” Growth is main Growth Component
- UC Residential Demand is Modest to 2030 and Non-Residential Demand is Limited Until 2027 or Beyond
- Growth Demand in North Merced Can be Expected – But Tempered By Demand over the Next 5-15 Years?
- BCP, University Community Plan (and Potentially Yosemite Lakes) in Competition for the “Growth Pie”



## Wastewater Collection System

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ORG-2

- Draft Sewer Collection Master Plan
  - Purpose
  - Next Steps:
    - ◆ Draft EIR – June/July
    - ◆ Polling on Forming Assessment District
    - ◆ If No Assessment District, Must Find Other Funding
- Best Case – Trunk Line Construction Starts in 5-7 Years (3 Years EIR/Assessment District) + (Construction Planning 2-4 Years)
- Longer-Term Case – Alternative Funding Needed – Improvement Construction Timing Unknown



## Wastewater Collection System



ORG-2

- What Capacity is Available Now?
  - Reduced UC Growth = New Capacity Available Now
    - ◆ 3,350 Dwelling Units, or
    - ◆ 10,000,000 sq. ft. Office/Commercial/Biz Park
  - Flow Monitoring Now = Additional Capacity?
    - ◆ Actual Existing Flows vs. Assumed Design Flows – Actual Potentially Lower than Design?
    - ◆ Key Input to Additional Short-Term Growth Capacity vs. Longer-Term Growth Capacity



## Wastewater Collection System

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ORG-2

- Existing Capacity Available
- Limits on “Holding” Purchased Capacity?
- Longer-Term Growth Must be Supported by New Collection Infrastructure – AD or Other Funding



## WWTP Sewer Treatment Capacity

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ORG-2

- Existing Capacity for About 13,400 Dwelling Units
- Existing City Commitment to 5,500 Approved Units
  - Some May Never be Built/Remain Committed?
- Some Capacity Available to New Development
  - About 7,900 Dwelling Units, or
  - 40,000,000 sq. ft. Office/Business Park/Commercial
- Next WWTP Expansion Planning Has Begun
- Additional Future Expansions Required for Long-Term Growth in North Merced/Elsewhere



## Key Growth Option Factors

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ORG-2

- General Plan/City Goal to Grow Towards/Annex UC
  - BCP as Primary Plan to Achieve this Goal
- Organic Growth Demand vs. UC Driven Growth Demand
- Locations for Organic vs. UC Driven Growth
  - UC LRDP Assumes its Needs Best Met Near Campus – BCP and/or UCP
- Infill vs. Growth Into North Merced/Other Locations
- Land Demand Allocation for Cost Competitiveness





## Key Growth Option Factors (Cont.)

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ORG-2

- Concerns and Interests of Residents
- Landowner/Developer Capability, Experience, Readiness
- Regulatory Barriers (e.g. Federal/State Permits)
- Sewer Collection Capacity – Existing vs. Future/Timing
- Sewer Treatment Capacity – Existing vs. Future/Timing
- Options to Annexation as Mechanism to Catalyze Growth
- Development Type/Economic Development Support



## Mechanisms to Support Growth

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ORG-2

- General Plan Policy Guidance
- Infill Development (Reduced Public Services Costs if Right Location?)
- Traditional Annexation
  - Lands Contiguous to Existing City Limits
  - Logical Growth/Extension of Infrastructure/Services
  - Preferred Mechanism if Achieves Growth Objectives





## Mechanisms to Support Growth

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ORG-2

- Out-of-Boundary Service Agreement (OBSA)
  - Land in County - Not Contiguous to City Limit
  - City/Developer Contract to Extend Infrastructure/Services
  - Developer Agrees to Annex When Requested
  - Circumstances for Potential Use:
    - ◆ Traditional Annexation is Challenging/Not Feasible
    - ◆ Targeted Use to Catalyze Desired Growth
    - ◆ Must Also be Approved by LAFCO
  - Already Used as Tool to Extend City Sewer to UC Merced



## Concept Growth Options

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ORG-2

- Short-Term Phasing for Any Option(s) Based Primarily on:
  - Existing Sewer Collection Capacity Availability
  - Developer Readiness
  - Environmental/Regulatory Constraints
- Exclude Existing Rural Residential Neighborhoods in Short- to Mid-Term Unless Future Polling Supports Annexation
- Options are Not in Order of Priority
- Could be a Combination of More than One Option
- All Growth Proposals Require Environmental Review



## Growth Within BCP

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ORG-2

- West to East (Annexation/Organic + Interim UC Needs?)
- Growth Node in West (Annexation/Organic) + Growth Node in East (UC Focused with OBSA)
- Growth Node Only in East (UC Focused with OBSA)
- Annex Entire BCP with Phasing (e.g. 1A or 1B or Other)



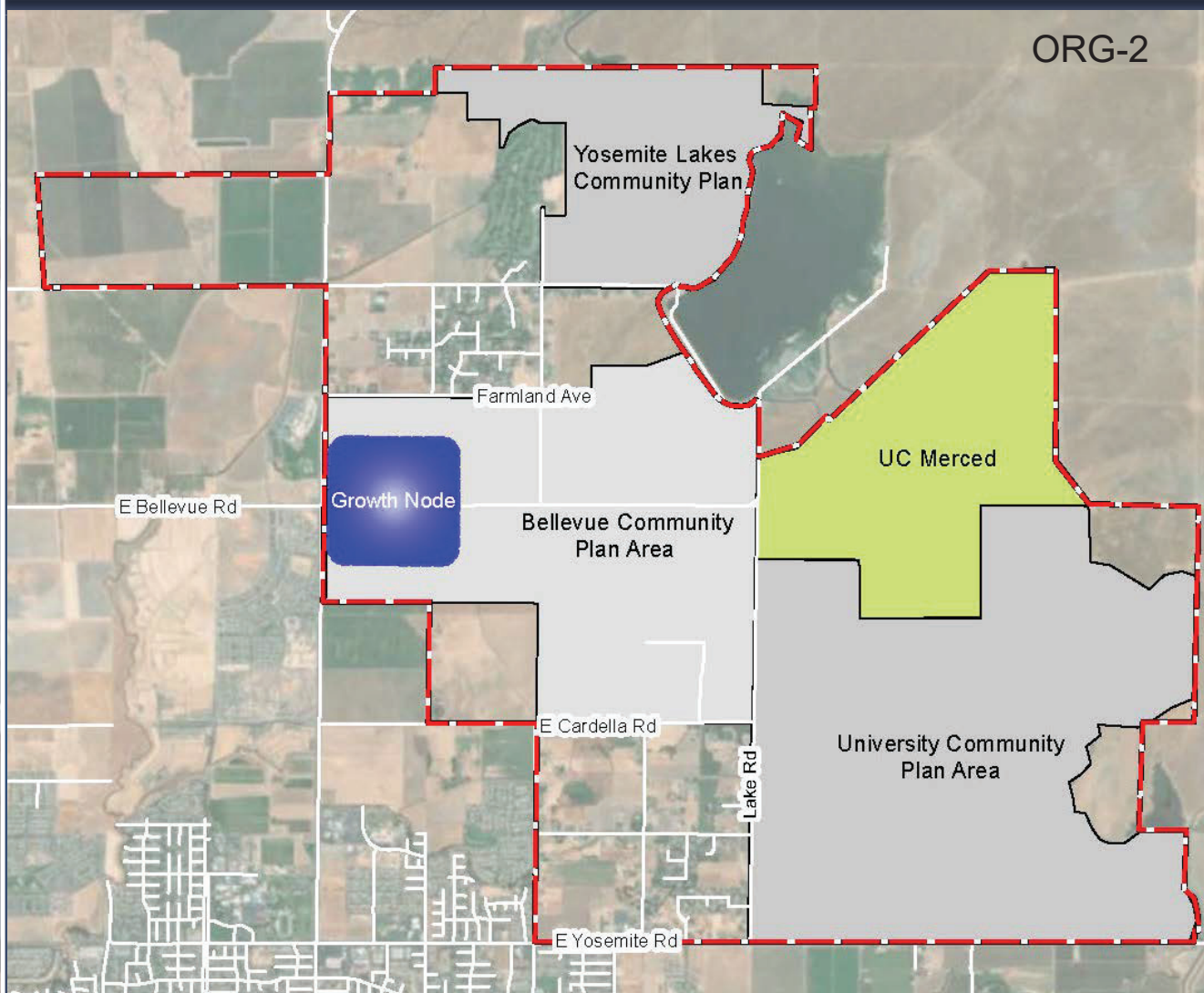
## BCP – West to East/Interim UC Needs

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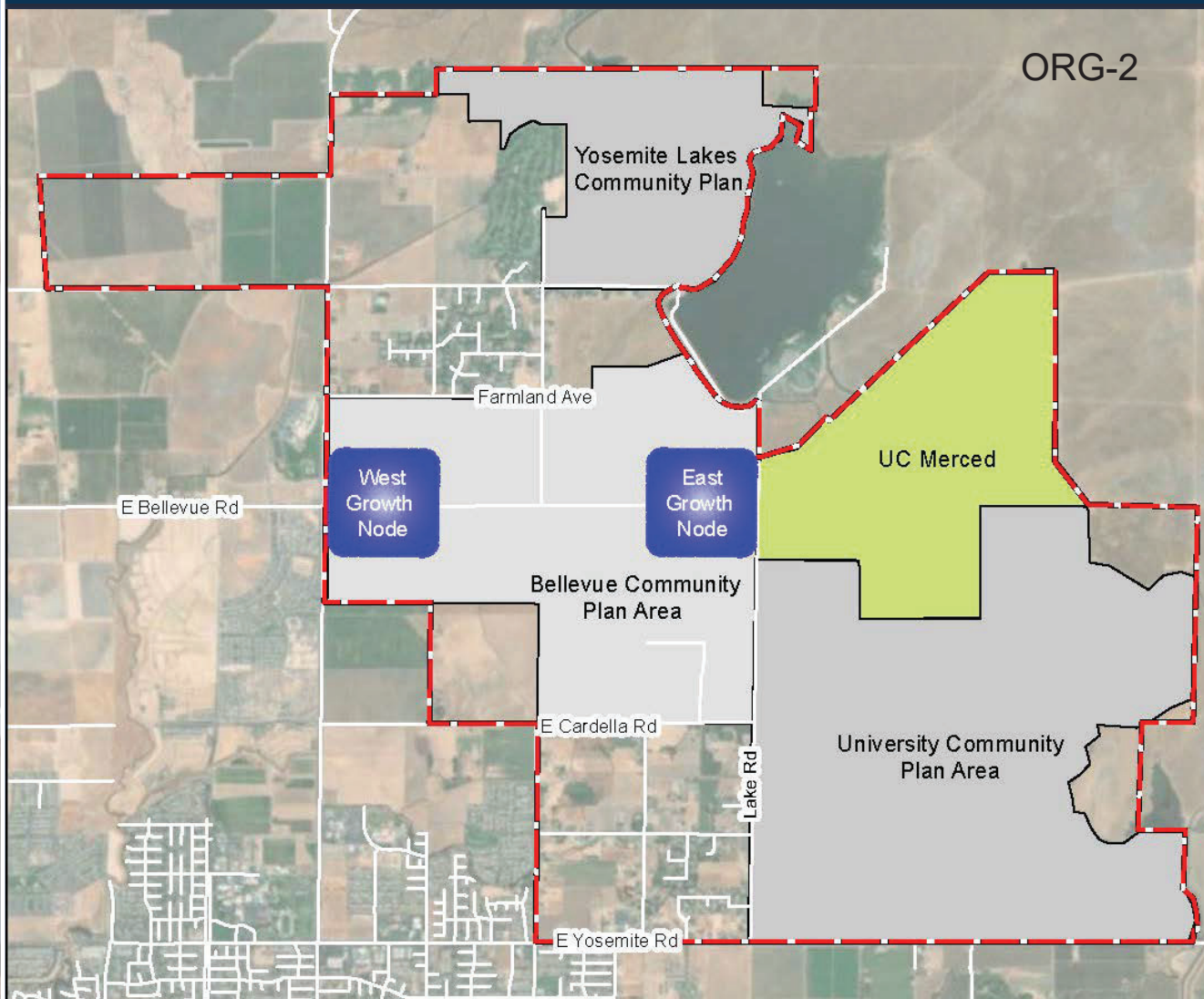
## BCP – West + East Growth Nodes

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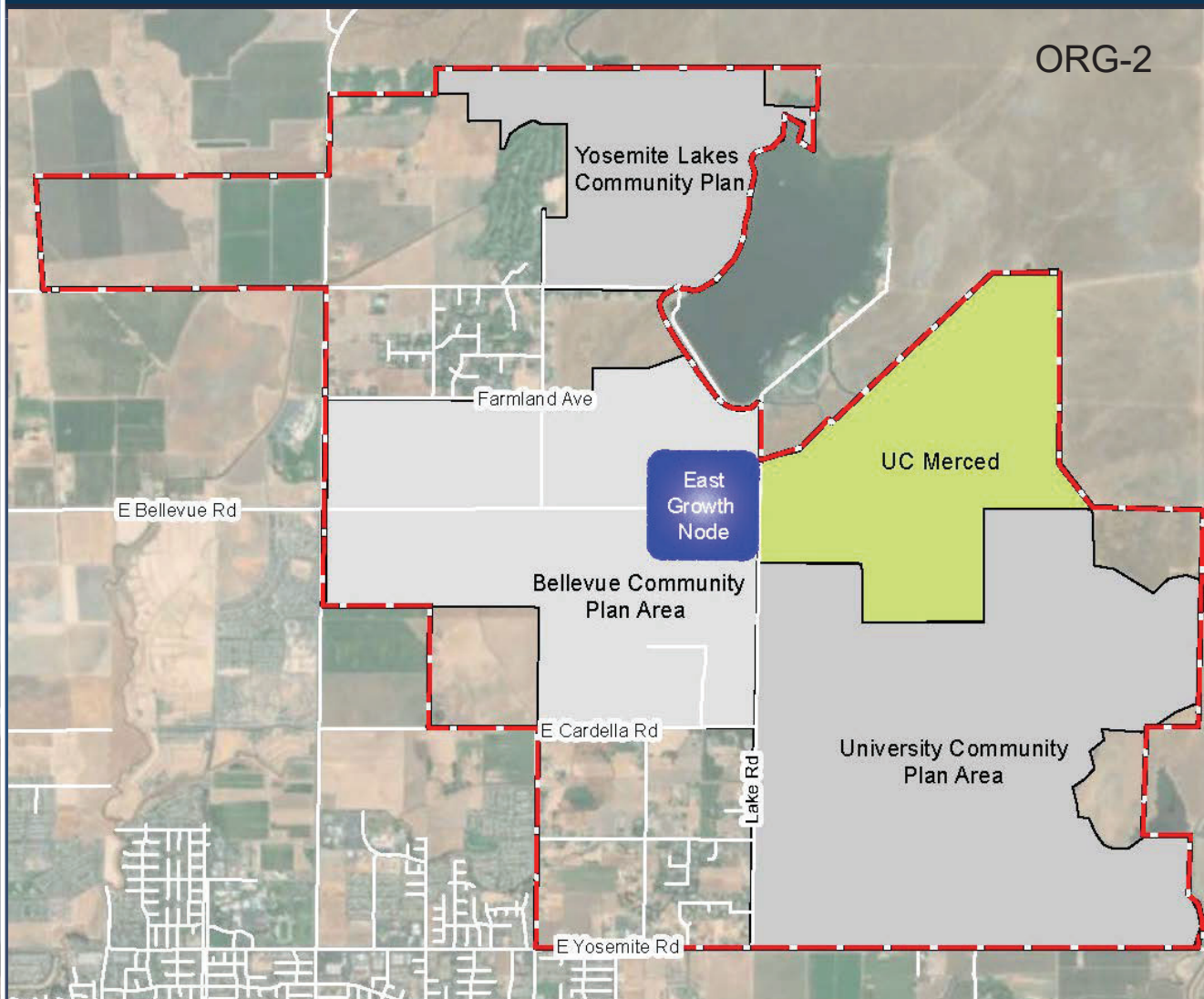
## BCP – East Only Growth Node

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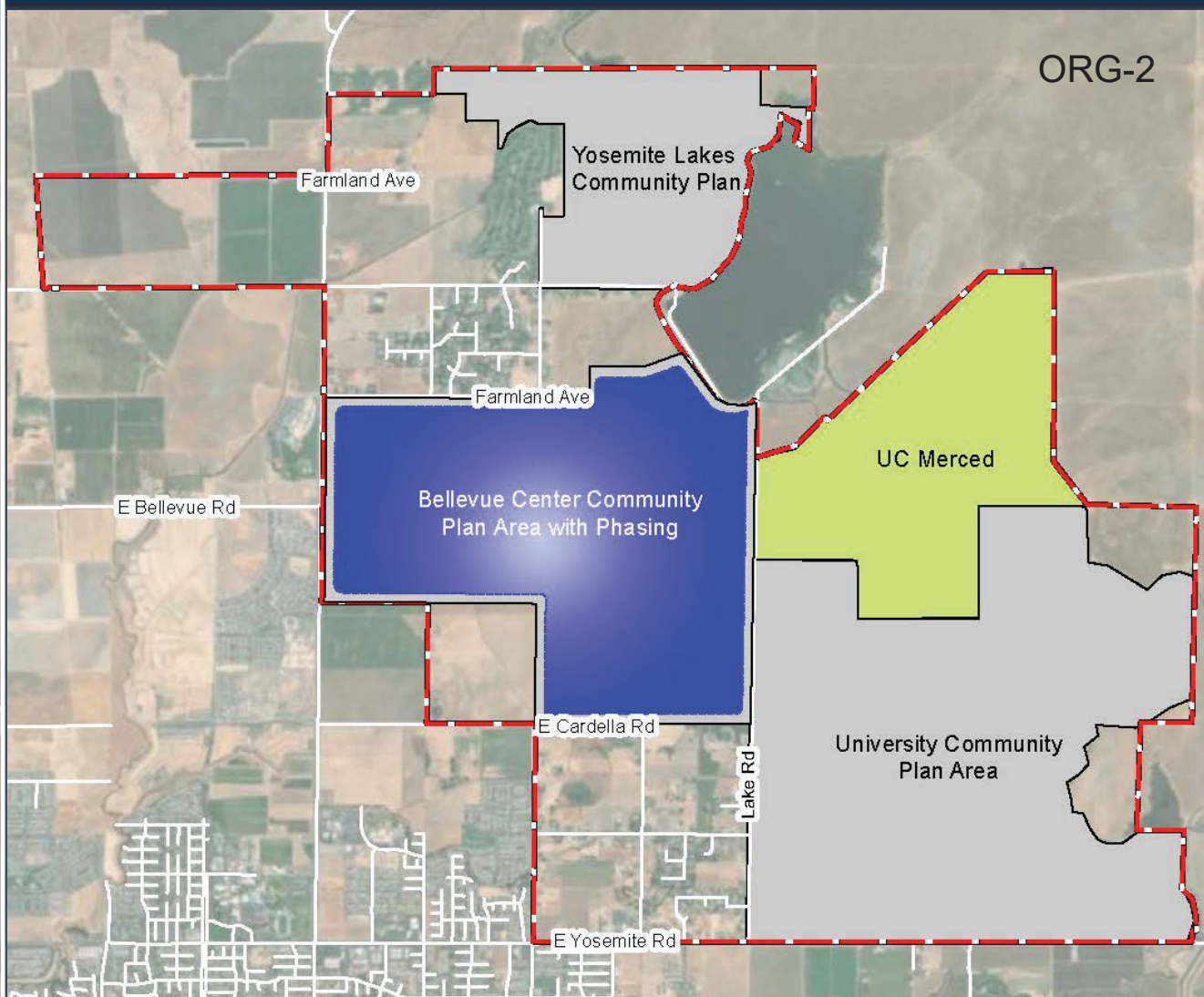
## BCP – Entire BCP with Phasing

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ORG-2





## Growth Within Community Plans



ORG-2

- Yosemite Lakes Estates (Gallo)
  - In Combination with One or More Other Options. Phased?
  - Development Type Fills Existing Market Gap and/or Indirectly Supports UC
  - Traditional Annexation Likely Constrained? = OBSA?
- University Community Plan (VST)
  - VST Currently Revising Plan/Including Phasing
  - UC Merced Focused
  - Traditional Annexation Likely Constrained? = OBSA?





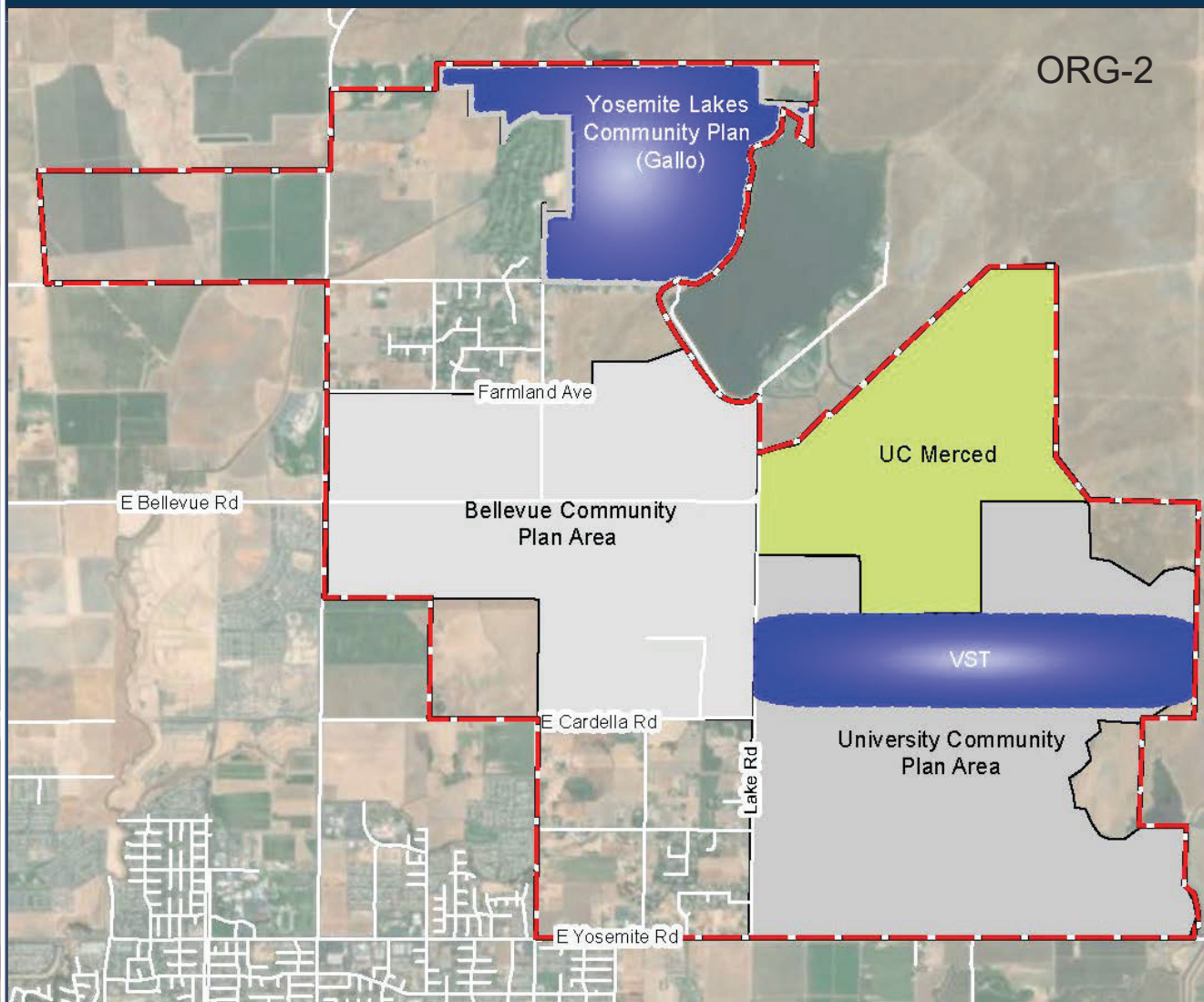
## Yosemite Lakes (Gallo)/UCP (VST)

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## Growth Outside BCP/Community Plans

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- North of Old Lake/West (e.g. Rogina. Brown, SAAM)
- Annexation/Organic Growth
- Little UC Annexation Benefit?



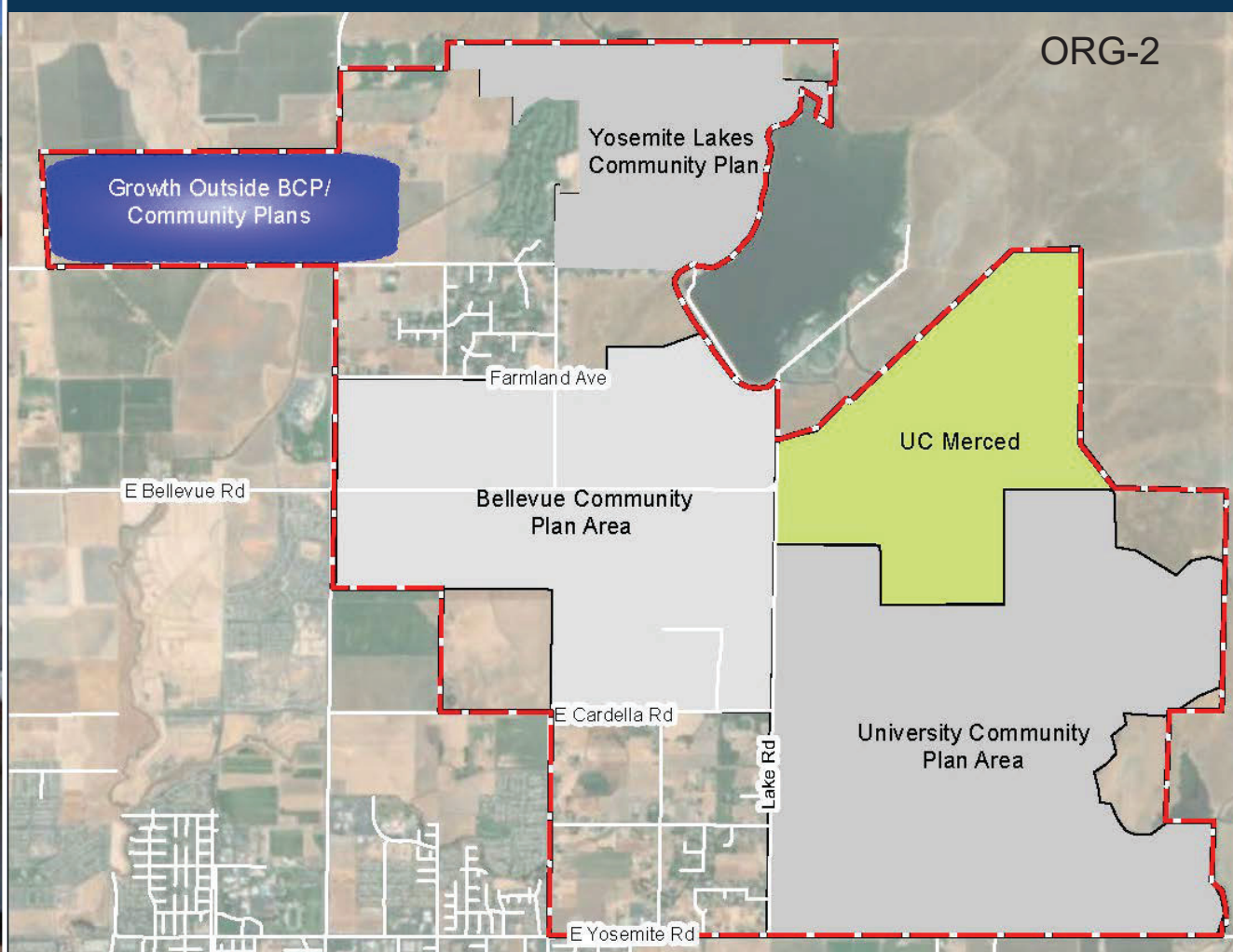
## Growth Outside BCP/Community Plans

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## Feasibility Study – Draft Content



ORG-2

- Background and Purpose
- Environmental/Infrastructure Constraints
- Public Outreach Process/Input
- Input from City Council, Board of Supervisors, Agencies, etc
- Technical Studies
- Growth Option Factors
- Mechanisms to Facilitate Growth
- Growth Options and Options Evaluations
- Preferred Growth Option(s)
- Actions Required to Implement Option(s)
  - General Plan Amendments (Amend Existing/Propose New Policies/Direction)
  - Application Requirements
  - Performance Standards



## Desired Input from Decision Makers

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ORG-2

- Ideas/Preferences on:
  - UC Annexation as the Key Growth Driver
  - Growth Option Ideas
  - Preferred Types of Development
  - Allocating Existing Sewer Collection Capacity
  - How to Treat Existing Residential Neighborhoods



## Next Steps/Schedule

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ORG-2

- Complete Sewer Collection Flow Monitoring Work
- Meet Again with LAFCO Staff to Review Growth Options
- Re-Engage Landowners/Developers as Needed
- Consider PC/CC and Public Input in Evaluating Growth Options/Priorities
- Move Forward with Draft Feasibility Study Content
- Present Draft Feasibility Study to Decision Makers



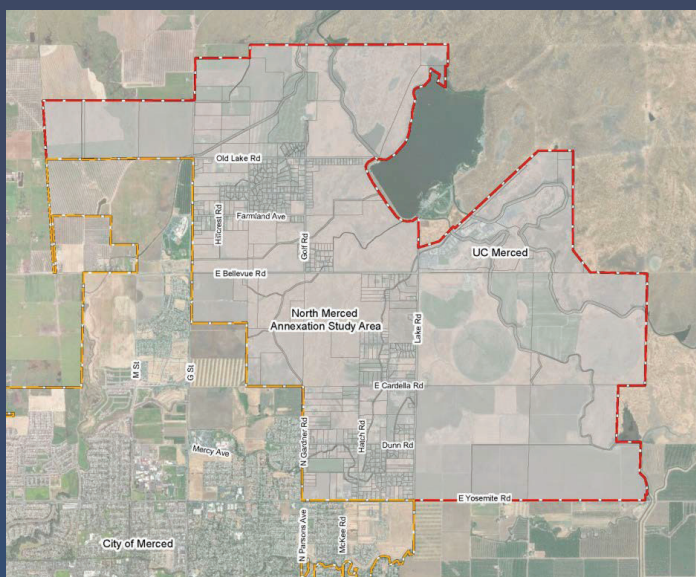
## Questions and Answers

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ORG-2



City of Merced Contact:

Kim Espinosa, Planning Manager  
City of Merced  
678 West 18th Street  
Merced, CA 95340  
(209) 385-6858  
[planningweb@cityofmerced.org](mailto:planningweb@cityofmerced.org)

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## **APPENDIX B**

### **OPERATIONAL GREENHOUSE GAS CALCULATIONS**

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**UC Merced 2020 LRDP - Operational GHG Emissions Calculations (Final SEIR)**

Source	2005	2009	2010	2011	2012	2013	2014	2015	2016	2017	2020	2030
Scope 1	1,341	3,432	3,379	3,604	4,363	3,281	4,234	3,951	3,614	4,045	4,044	3,474
Scope 2	2,519	5,277	3,389	3,752	5,227	5,432	5,705	4,162	5,457	2,740	2,291	1,085
Scope 3 - Commuting	2,131	4,246	4,681	4,927	3,328	3,328	3,885	3,412	2,890	2,895	3,497	5,490
Scope 3 - Water	349	209	184	162	142	129	115	71	61	53	34	8
Scope 3 - Wastewater	4	12	15	17	19	20	21	22	24	26	31	48
Scope 3 - Solid Waste	132	392	478	555	593	617	618	642	679	717	800	944
Total	6,474	13,568	12,124	13,017	13,672	12,808	14,578	12,259	12,725	10,476	10,695	11,049
Enrollment	875	3,413	4,381	5,198	5,760	6,195	6,268	6,685	7,336	7,967	9,700	15,000
Employment (on-campus faculty)	68	216	242	264	306	327	347	374	368	390	440	786
Employment (on-campus staff)	409	641	658	667	619	620	683	705	727	756	840	1,625
Employment (off-campus)	0	75	116	273	291	278	292	288	284	304	300	300
Total UCM Population	1,352	4,345	5,397	6,402	6,976	7,420	7,590	8,052	8,715	9,417	11,280	17,711
Per Capita Emissions	4.79	3.12	2.25	2.03	1.96	1.73	1.92	1.52	1.46	1.11	0.95	0.62

2020 Goal	2030 Goal
4.07	2.44
5503	3302

Scope 1 includes NG, campus fleet, and fugitive emissions

Scope 2 includes purchased electricity

Per capita targets

Total emissions targets

5,545 2030 Scope 3 emissions

2020 goal - 2020 emissions equal 1990 emissions or 2020 emissions 15 percent less than 2005 emissions

2030 goal - 2030 emissions are 40 percent below 1990 emissions

Commuting emissions for 2020 and 2030 were calculated using the per person emissions rate from 2017 commuting emissions. This is conservative as commuting emissions will go down as the program goes online, and due to fuel efficiency, ZEV vehicles etc. not possible. Instead, the per capita rate for 2016 was applied to the other years of analysis as a static factor to an increasing population, which results in increased emissions. This provides a conservative estimate of wastewater emissions.

**UC Merced LRDP Update - Water Use**

Year	Population	Gallons Per Year	CO2e
2005	1,352	233,826,487	348.60
2006	2,100	205,695,629	306.66
2007	2,849	180,949,096	269.76
2008	3,597	159,179,734	237.31
2009	4,345	140,029,369	208.76
2010	5,397	123,182,918	183.64
2011	6,402	108,363,206	161.55
2012	6,976	95,326,402	142.12
2013	7,420	86,530,884	129.00
2014	7,590	77,122,540	114.98
2015	8,052	47,445,341	70.73
2016	8,715	40,956,733	61.06
2017	9,417	35,355,506	52.71
2018	10,079	30,520,300	45.50
2019	10,741	26,346,355	39.28
2020	11,280	22,743,237	33.91
2021	11,763	19,632,880	29.27
2022	12,246	16,947,895	25.27
2023	12,729	14,630,107	21.81
2024	13,212	12,629,299	18.83
2025	13,696	10,902,120	16.25
2026	14,179	9,411,150	14.03
2027	14,662	8,124,085	12.11
2028	15,145	7,013,038	10.46
2029	15,628	6,053,938	9.03
2030	17,711	5,226,003	7.79

June 2012 through May 2015 UC Merced Historical Water Meter Information provided by City of Merced.

## Appendix B - Revised Operational Emissions

State	Emission Factors from eGrid			Emission factors converted to kg/kwh			Emission factors converted to MTCO2e			
	State annual CO2 non-baseload output emission rate (lb/MWh)	State annual CH4 non-baseload output emission rate (lb/GWh)	State annual N2O non-baseload output emission rate (lb/GWh)	Annual CO2 non-baseload emissions rate (kg/kwh)	Annual CH4 non-baseload emissions rate (kg/kwh)	Annual N2O non-baseload emissions rate (kg/kwh)	Annual CO2 non-baseload emissions rate (MTCO2e/kwh)	Annual CH4 non-baseload emissions rate (MTCO2e/kwh)	Annual N2O non-baseload emissions rate (MTCO2e/kwh)	Annual non-baseload emissions factor, all GHG (MTCO2e/kwh)
U.S. Nation	1555.4781	30.8338	19.7552	0.70556	0.00001	0.00001	0.0007056	0.0000003	0.0000028	0.000709
CA	993.8453	35.8684	4.3834	0.45081	0.00002	0.00000	0.0004508	0.0000003	0.0000006	0.000452

Source: U.S. EPA eGRID2012\_Version1-0.zip, worksheet eGRID2012V1\_0\_year09\_DATA, tabs ST09 and US09.

**UC Merced LRDP Update - Wastewater**

<b>Year</b>	<b>Population</b>	<b>Gallons Per Day</b>	<b>N2O from WWTP with Nitrification/Denitrification</b>	<b>CH4 from Incomplete Combustion of Digester Gas</b>
2005	1,352	50,630	4	461
2006	2,100	78,651	6	716
2007	2,849	106,672	8	971
2008	3,597	134,692	10	1,226
2009	4,345	162,713	12	1,481
2010	5,397	202,109	15	1,840
2011	6,402	239,744	17	2,183
2012	6,976	261,239	19	2,378
2013	7,420	277,866	20	2,530
2014	7,590	284,233	21	2,588
2015	8,052	301,534	22	2,745
2016	8,715	326,362	24	2,971
2017	9,417	352,651	26	3,211
2018	10,079	377,436	27	3,436
2019	10,741	402,222	29	3,662
2020	11,280	422,417	31	3,846
2021	11,763	440,508	32	4,010
2022	12,246	458,599	33	4,175
2023	12,729	476,691	35	4,340
2024	13,212	494,782	36	4,504
2025	13,696	512,873	37	4,669
2026	14,179	530,965	38	4,834
2027	14,662	549,056	40	4,999
2028	15,145	567,147	41	5,163
2029	15,628	585,238	42	5,328
2030	17,711	663,247	48	6,038

Emission calculation source: [https://www.arb.ca.gov/cc/protocols/localgov/pubs/lgo\\_protocol\\_v1\\_1\\_2010-05-03.pdf](https://www.arb.ca.gov/cc/protocols/localgov/pubs/lgo_protocol_v1_1_2010-05-03.pdf) - Equation 10.7

**UC Merced LRDP Update - Solid Waste**

Year	Population	Solid Waste (tons/year)	Solid Waste Per Capita	Greenhouse Gas Emissions (tons/year)
2005	1,352	152	0.11230	132
2006	2,100	232	0.11027	201
2007	2,849	308	0.10824	267
2008	3,597	382	0.10621	331
2009	4,345	453	0.10418	392
2010	5,397	551	0.10215	478
2011	6,402	641	0.10011	555
2012	6,976	684	0.09808	593
2013	7,420	713	0.09605	617
2014	7,590	714	0.09402	618
2015	8,052	741	0.09199	642
2016	8,715	784	0.08996	679
2017	9,417	828	0.08793	717
2018	10,079	866	0.08590	750
2019	10,741	901	0.08387	780
2020	11,280	923	0.08184	800
2021	11,763	939	0.07981	813
2022	12,246	952	0.07777	825
2023	12,729	964	0.07574	835
2024	13,212	974	0.07371	844
2025	13,696	982	0.07168	850
2026	14,179	988	0.06965	855
2027	14,662	991	0.06762	859
2028	15,145	993	0.06559	860
2029	15,628	993	0.06356	860
2030	17,711	1090	0.06153	944

Per Capita waste from UCM Waste Analysis Document

Calculation from Appendix A: Calculation Details for CalEEMod, page 43

<http://greencleanguide.com/how-to-quantify-ghg-emission-from-municipal-solid-waste-disposal-sites/>

UC Merced 2020 LRDP - Operational GHG Emissions Calculations (Draft SEIR)

Source	2005	2009	2010	2011	2012	2013	2014	2015	2016	2017	2020	2030
Scope 1	1,341	3,432	3,379	3,604	4,363	3,281	4,234	3,951	3,614	4,045	4,044	3,160
Scope 2	2,519	5,277	3,389	3,752	5,227	5,432	5,705	4,162	5,457	2,740	2,291	987
Scope 3 - Commuting	2,131	4,246	4,681	4,927	3,328	3,328	3,885	3,412	2,890	2,895	3,497	4,994
Scope 3 - Water	349	209	184	162	142	129	115	71	61	53	34	8
Scope 3 - Wastewater	4	12	15	17	19	20	21	22	24	26	31	44
Scope 3 - Solid Waste	126	381	465	543	582	609	612	639	679	721	817	944
Total	6,469	13,556	12,112	13,005	13,661	12,799	14,572	12,256	12,725	10,479	10,712	10,137
Enrollment	875	3,413	4,381	5,198	5,760	6,195	6,268	6,685	7,336	7,967	9,700	15,000
Employment (on-campus faculty)	68	216	242	264	306	327	347	374	368	390	440	786
Employment (on-campus staff)	409	641	658	667	619	620	683	705	727	756	840	25
Employment (off-campus)	0	75	116	273	291	278	292	288	284	304	300	300
Total UCM Population	1,352	4,345	5,397	6,402	6,976	7,420	7,590	8,052	8,715	9,417	11,280	16,111
Per Capita Emissions	4.78	3.12	2.24	2.03	1.96	1.72	1.92	1.52	1.46	1.11	0.95	0.63

Scope 1 includes NG, campus fleet, and fugitive emissions  
Scope 2 includes purchased electricity

2020 Goal	2030 Goal	
4.07	2.44	GHG targets are based on State targets Per capita targets
5498	3299	Total emissions targets
	4,947	2030 Scope 3 emissions

2020 goal - 2020 emissions equal 1990 emissions or 2020 emissions 15 percent less than 2005 emissions  
2030 goal - 2030 emissions are 40 percent below 1990 emissions

Commuting emissions for 2020 and 2030 were calculated using the per person emissions rate from 2017 commuting emissions. This is conservative as commuting emissions will go down as the program goes online, and due to fuel efficiency, ZEV vehicles etc.  
Wastewater emissions are conservatively calculated to increase in future years as UCM was only able to provide one year of wastewater data (2016), which means that an interpolation for other years was not possible. Instead, the per capita rate for 2016 was applied to the other years of analysis as a static factor to an increasing population, which results in increased emissions. This provides a conservative estimate of wastewater emissions.



**UC Merced LRDP Update - Water Use**

Year	Population	Gallons Per Year	CO2e
2005	1,352	233,826,487	348.60
2006	2,100	205,695,629	306.66
2007	2,849	180,949,096	269.76
2008	3,597	159,179,734	237.31
2009	4,345	140,029,369	208.76
2010	5,397	123,182,918	183.64
2011	6,402	108,363,206	161.55
2012	6,976	95,326,402	142.12
2013	7,420	86,530,884	129.00
2014	7,590	77,122,540	114.98
2015	8,052	47,445,341	70.73
2016	8,715	40,956,733	61.06
2017	9,417	35,355,506	52.71
2018	10,079	30,520,300	45.50
2019	10,741	26,346,355	39.28
2020	11,280	22,743,237	33.91
2021	11,763	19,632,880	29.27
2022	12,246	16,947,895	25.27
2023	12,729	14,630,107	21.81
2024	13,212	12,629,299	18.83
2025	13,696	10,902,120	16.25
2026	14,179	9,411,150	14.03
2027	14,662	8,124,085	12.11
2028	15,145	7,013,038	10.46
2029	15,628	6,053,938	9.03
2030	16,111	5,226,003	7.79

June 2012 through May 2015 UC Merced Historical Water Meter Information provided by City of Merced.

State	Emission Factors from eGrid			Emission factors converted to kg/kwh			Emission factors converted to MTCO2e			
	State annual CO2 non-baseload output emission rate (lb/MWh)	State annual CH4 non-baseload output emission rate (lb/GWh)	State annual N2O non-baseload output emission rate (lb/GWh)	Annual CO2 non-baseload emissions rate (kg/kwh)	Annual CH4 non-baseload emissions rate (kg/kwh)	Annual N2O non-baseload emissions rate (kg/kwh)	Annual CO2 non-baseload emissions rate (MTCO2e/kwh)	Annual CH4 non-baseload emissions rate (MTCO2e/kwh)	Annual N2O non-baseload emissions rate (MTCO2e/kwh)	Annual non-baseload emissions factor, all GHG (MTCO2e/kwh)
U.S. Nation	1555.4781	30.8338	19.7552	0.70556	0.00001	0.00001	0.0007056	0.0000003	0.0000028	0.000709
CA	993.8453	35.8684	4.3834	0.45081	0.00002	0.00000	0.0004508	0.0000003	0.0000006	0.000452

Source: U.S. EPA eGRID2012\_Version1-0.zip, worksheet eGRID2012V1\_0\_year09\_DATA, tabs ST09 and US09.

**UC Merced LRDP Update - Wastewater**

Year	Population	Gallons Per Day	N2O from WWTP with Nitrification/Denitrification	CH4 from Incomplete Combustion of Digester Gas
2005	1,352	50,630	4	461
2006	2,100	78,651	6	716
2007	2,849	106,672	8	971
2008	3,597	134,692	10	1,226
2009	4,345	162,713	12	1,481
2010	5,397	202,109	15	1,840
2011	6,402	239,744	17	2,183
2012	6,976	261,239	19	2,378
2013	7,420	277,866	20	2,530
2014	7,590	284,233	21	2,588
2015	8,052	301,534	22	2,745
2016	8,715	326,362	24	2,971
2017	9,417	352,651	26	3,211
2018	10,079	377,436	27	3,436
2019	10,741	402,222	29	3,662
2020	11,280	422,417	31	3,846
2021	11,763	440,508	32	4,010
2022	12,246	458,599	33	4,175
2023	12,729	476,691	35	4,340
2024	13,212	494,782	36	4,504
2025	13,696	512,873	37	4,669
2026	14,179	530,965	38	4,834
2027	14,662	549,056	40	4,999
2028	15,145	567,147	41	5,163
2029	15,628	585,238	42	5,328
2030	16,111	603,330	44	5,493

Emission calculation source: [https://www.arb.ca.gov/cc/protocols/localgov/pubs/lgo\\_protocol\\_v1\\_1\\_2010-05-03.pdf](https://www.arb.ca.gov/cc/protocols/localgov/pubs/lgo_protocol_v1_1_2010-05-03.pdf) - Equation 10.7

**UC Merced LRDP Update - Solid Waste**

Year	Population	Solid Waste (0.021 cubic yards/person)	Solid Wastes LBS (300 lbs/CY)	Solid Waste (tons/day)	Solid Waste (tons/year)	Solid Waste Per Capita	Greenhouse Gas Emissions (tons/year)
2005	1,352	28	8,518	4	145	0.10750	126
2006	2,100	44	13,232	7	222	0.10590	193
2007	2,849	60	17,946	9	297	0.10431	257
2008	3,597	76	22,660	11	369	0.10272	320
2009	4,345	91	27,374	14	439	0.10112	381
2010	5,397	113	34,001	17	537	0.09953	465
2011	6,402	134	40,333	20	627	0.09793	543
2012	6,976	146	43,949	22	672	0.09634	582
2013	7,420	156	46,746	23	703	0.09474	609
2014	7,590	159	47,817	24	707	0.09315	612
2015	8,052	169	50,728	25	737	0.09155	639
2016	8,715	183	54,905	27	784	0.08996	679
2017	9,417	198	59,327	30	832	0.08837	721
2018	10,079	212	63,497	32	875	0.08677	758
2019	10,741	226	67,667	34	915	0.08518	792
2020	11,280	237	71,064	36	943	0.08358	817
2021	11,763	247	74,108	37	964	0.08199	835
2022	12,246	257	77,151	39	985	0.08039	853
2023	12,729	267	80,195	40	1003	0.07880	869
2024	13,212	277	83,238	42	1020	0.07720	884
2025	13,696	288	86,282	43	1036	0.07561	897
2026	14,179	298	89,325	45	1049	0.07401	909
2027	14,662	308	92,369	46	1062	0.07242	920
2028	15,145	318	95,412	48	1073	0.07083	929
2029	15,628	328	98,456	49	1082	0.06923	937
2030	16,111	338	101,499	51	1090	0.06764	944

Per Capita waste from UCM Waste Analysis Document

Calculation from Appendix A: Calculation Details for CalEEMod, page 43

<http://greencleanguide.com/how-to-quantify-ghg-emission-from-municipal-solid-waste-disposal-sites/>

**APPENDIX C**

**SAN JOAQUIN RAPTOR/WILDLIFE RESCUE CENTER –**

**NOVEMBER 4, 2019 COMMENT LETTER ATTACHMENTS**

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Attachments

**Appendix B**

Attachments to Letter 5 from San Joaquin  
Raptor/Wildlife Rescue Center and Protect Our  
Water

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Board of Supervisors  
County of Merced  
2222 M Street  
Merced, CA 95340  
Fax: (209) 726-7977

December 14, 2004

Via Facsimile

**Re: December 7, 2004 agenda; 5: 30 P. M. GOVERNMENT CODE SECTION 54950 COMPLIANCE (LATE AGENDA ITEMS) UC DEVELOPMENT OFFICE - CONTINUED PUBLIC HEARING: To consider a proposed amendment to the Merced County General Plan and associated Environmental Review Report. Said amendment is the University Community Plan which lays out the regulatory and policy framework for the development of a new community on 2,100 acres located immediately south of the UC Merced campus.**

Dear Supervisors,

We are submitting more concerns about the Final EIR, the General Plan amendment, findings, resolutions, Exhibits A, B and the Mitigation Monitoring Plan, the Errata and Suggested Additions to Implementation Programs.

First, the documents confuse the public because they do not make clear whether these are project or programmatic level environmental reviews.

Richard Light, Colonel, Corps of Engineers, expressed a similar concern when he wrote UC Merced Chancellor Carol Tomlinson-Keasey on Sept. 21:

“Submitting separate applications for the campus and community ... was dismissed since the community application would likely not contain the level of detail needed for evaluation under the regulatory program since it is only a land use plan, not a “project” per se.”

Although Col. Light is referring to federal permitting processes, the same confusion exists for the California Environmental Quality Act EIR.

The UC Merced Long-Range Development Plan EIR and the UCP EIR completely rely on each other, yet neither at this point has a fixed location except for the three buildings on the municipal golf course, for which the UC remains non-compliant with federal statutes.

Our second concern is the lack of fixed locations for either UCM or UCP, also shared by Col. Light, who wrote, in the same letter:

“Prior to reaching this agreement, my staff made it clear in several meetings that the ‘contiguous associated community’ was not limited to a new community; rather, it includes the possibility of an existing community, as well as a combination of new



development and an existing community. As such, alternatives to be evaluated in the EIS will include sites that are adjacent to existing communities capable of providing support services to the campus, either presently or with some level of new development.”

Our third concern, given the history of fast-tracking and jumbled permitting processes surrounding this project, is why this state environmental review is not coordinated with the decisive federal environmental review.

The public rightfully suspects the UC will not obtain its federal permits and has reason to believe that an attempt will be made to use the FEIR for the UCP to illegally justify UC-campus expansion southward. This underscores the public’s suspicion that the politically manipulated environmental review has produced a dysfunctional, irresponsible, incomprehensible and unsuccessful permitting process.

“The third option discussed,” Col Light wrote the chancellor, “was to apply for the campus only, which seemed likely to get to a permit decision the soonest. You chose the latter option. Since we do not have an application for the campus community, we will describe in the EIS the community as it relates to the location of the campus and practicability of alternatives.”

The Mitigation Monitoring Plan fails to analyze costs; describe studies for mitigation, monitoring and enforcement; or identify funding sources.

The public is also concerned about the parallel planning agencies in the county mandated by the UC/UCP project and how this two-planning-department approach relates to funding for planning, preparation of environmental documents for certification, implementation, monitoring and enforcement.

The Davis administration allocated \$43 million to the Wildlife Conservation Board to disburse to the Atwater-based UC Development Planning Office (UCDPO) and UC Merced for environmental compliance:

1. UCM received \$2 million for planning processes.
2. UCDPO received \$11 million for planning processes (the State withdrew \$7 million).
3. \$30 million was to be used to purchase 65,000 acres of conservation easements to mitigate the impacts. Easements for only 25,000 acres were acquired. Approximately half of the easement allocation was returned to the state General Fund.

State and federal environmental regulators, operating in the Davis red and green teams, identified 65,000 acres necessary for mitigation and allocated funds to buy the easements. How is Merced County going to comply with established state and federal mitigation mandates for these projects?

Part of the dual-authority planning process in the county involves locating the UCDPO in Atwater, rather than – for example – in office space on the third floor of the county Administration Building now occupied by Rep. Dennis Cardoza. Do the county Board of Supervisors and UC place faith in responsible, legal planning? Or are they banking on the unrelenting political effort of Cardoza and the right wing San Joaquin Valley congressional delegation to gut federal and state environmental law and regulation for the entire nation on behalf of their local special interests, rendering publicly transparent planning moot.

The public suspects that the county, steadfastly ignoring reliable, non-partisan warnings that state and federal budget surpluses of the times were uncertain, bowed to the political promises and manipulations of a number of officials no longer in office (Davis, Atkinson, Condit, and Monteith) as well as Cardoza. Today, the state and federal government face record deficits and UC and the county, rather than installing the parallel planning offices a floor apart, lease space to Cardoza, whose contribution to pushing the project forward is to author a bill to corrupt the Critical Habitat Designation for the benefit of UC and large local ranchers.

In light of this record of misfeasance, malfeasance and nonfeasance in the UC/UCP planning process – exemplified by this latest set of “plans to make plans” to make yet unspecified other plans with imaginary money and without further environmental review – we and the public can see no reason not to be sympathetic to state Senate Pro Tem Don Perata’s announced program to take state control of the local land-use authority.

Attached are documents from the UC and Federal Agencies regarding the 404 permitting process, which clarify that the University Community Plan will NOT be reviewed as part of the 404 process for the Long Range Development Plan, but will need to be processed separately. As stated by Colonel Ronald N. Light of the Army Corps of Engineers in his letter of September 21, 2004 to Chancellor Carol Tomlinson-Keasey (attached):

“The community is not a project element of either the permit application for the campus or the infrastructure.”

The application for 404 review of the UCP has yet to be filed and is likely to take a minimum of 2 to 3 years or more to complete.

One needs only consider that the review of the campus proper has been ongoing for 3 years now (the application was filed November 9, 2001), and the Draft Environmental Impact Statement, a critical component of NEPA (National Environmental Policy Act) has yet to be released. The Corps is awaiting receipt of the long-delayed Conservation Strategies from the University of California, which were originally scheduled to be presented in the fall of 2002. That same original schedule estimated a decision on the permit approximately 2 years after release of the Conservation Strategies.

Additionally, these strategies have long been characterized as being part of the mitigation for biological impacts resulting from the UCP as well as the LRDP. This lack of detailed conservation strategies at this point is one of many flaws in the CEQA review of the UCP.

As a final point, the University is going to sign contracts with private corporations that will fund research at the University. Undoubtedly these contracts will give these private corporations the ability to patent discoveries done by the University. The County of Merced needs to establish policy language in the Campus Community Planning area (regardless of where it is finally located), to mandate that those corporate beneficiaries pay for the impacts caused by the University development. The corporate beneficiaries should have to pay for those impacts through royalties, mitigation fees, or some equivalent funding mechanism, to the County General fund for these impacts. These should include but not be limited to impacts to wildlife roads, air quality and public health.

Further there should be a bond established to pay for any impacts caused by research at this institution for losses incurred by their research. Examples would be genetic contamination to farmers' crops, contamination to ground water from gray water systems, air impacts from releases of toxic materials into the atmosphere, or any future unknown impacts.

The County should write into the policy that the "no-surprises" clause will not be allowed in Merced County. Those creating the impacts will need to remain financially responsible for all cost incurred from their impacts.

UCP impacts to County residents outside the UCP area have not been analyzed. For example there is no provision for emergency services regarding issues such as groundwater impacts.

Both of the two master plans on which this project and planning processes are reliant are sorely in need of updates: The State Master Plan for Higher Education, and the County General Plan.

For the reasons we stated in our comments on the draft and final EIRs, we urge the Board of Supervisors not to certify the FEIR and not to adopt the General Plan amendment.



Lydia Miller



Steve Burke

Cc: Interested parties

Attachments: Letters regarding Federal environmental review related to the UC Merced project.

- 1) Army Corps of Engineers, Regulatory Branch, to Carol Tomlinson-Keasey dated June 17, 2004.
- 2) Carol Tomlinson-Keasey to Colonel Michael Conrad, Army Corps of Engineers, dated July 6, 2004.
- 3) Army Corps of Engineers, Executive Office, to Carol Tomlinson-Keasey dated September 21, 2004
- 4) Army Corps of Engineers, Executive Office, to Carol Tomlinson-Keasey dated October 21, 2004

Other:

- 5) Board Agenda Item regarding lease by Congressman Cardoza of room 305 in the County Administration Building, dated December 14, 2004.
- 6) Merced County Integrated Plan (MCIP) regarding University of California.
- 7) Letter from San Joaquin Raptor Rescue Center and Protect Our Water to Ms. Deidre Kelsey and CAPS Committee Members, dated March 23, 2003 re Proposed CAPS (Merced County Agricultural Preservation Strategy)

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Board of Supervisors  
 County of Merced  
 2222 M Street  
 Merced, CA 95340  
 Fax: (209) 726-7977

December 7, 2004

**Via Facsimile**

**Re: December 7, 2004 agenda; Public Hearing item**

**To consider a proposed amendment to the Merced County General Plan and associated Environmental Review Report. Said amendment is the University Community Plan which lays out the regulatory and policy framework for the development of a new community on 2,100 acres located immediately south of the UC Merced campus. At full build out, the University Community is envisioned to have a population of 31,250 people, a total of 11,600 dwelling units and 2,023,000 square feet of commercial, office and business park development. The University Community Plan also sets forth Area Plan policies to address issues outside of the planning boundaries. The proposed University Community is located adjacent to the south of the proposed UC Merced Campus, east of Lake Road and north of Yosemite Avenue. The site is generally flat and contains various agricultural land uses, including cattle grazing and row crops. In addition to the University Community Plan, this General Plan Amendment includes an amendment of the University Community Specific Urban Development Plan (SUDP) Boundary, the re-designation of rural lands to "UC Merced" and "Multiple Use Urban Development" and various technical changes throughout the County General Plan reflecting the addition of the University Community Plan.**

Dear Supervisors,

We find the EIR to be substantially flawed, along with the related review process. The proposed amendment and EIR cannot legally be approved in our opinion.

The FEIR appears to be hastily cobbled together, possibly to satisfy some timing or funding requirement. As a result of the haste it is incomplete; conclusory; lacking in coordinated planning and mitigation efforts; is a piecemealed document stimulating piecemealed growth; involves two separate county planning departments (the Merced County Planning Department and the UC Development Planning Office); and meets no discernable standard of consistency with the existing, outdated county General Plan.

The “Errata” should have been circulated with FEIR to comply with statutory requirements for public review. The agencies have not been allowed an opportunity for review. The failure to give public and agencies proper review time for the errata compels the county to re-circulate the EIR.

The east west layout on the Bellevue corridor would allow the City of Merced to provide water to those people in the unincorporated areas impacted by declining water tables. As currently proposed the Campus Community layout would exclude residents east of Lake Road from receiving City water in the event their wells run dry from the Campus Community.

The impacts to the environment have not been adequately addressed regarding the gray water systems proposed for the Campus and Campus Community. Personal care products will build up in these soils and eventually runoff into the environment. Examples of these products are coal tar black (a known carcinogen present in hair dyes and eye makeup, thalimines present in makeup and shampoos sun screens etc.) See Merced City sewer comments for other products such as pharmaceuticals insecticides etc. that will travel through these gray water systems into the groundwater and runoff water.

### **The Mitigation and Monitoring Plan**

The plan is extremely flawed, for reasons including but not limited to:

- There are numerous instances of deferral of mitigation, specifics and details, including timing and phasing, in violation of CEQA requirements.  
Examples include:
  - 4.8-12, Best management plans for hydrological impacts, including the Stormwater Pollution Prevention Plan.
  - 4.8-15, Merced County Critical Area Flooding and Drainage Plan not completed.
  - 4.8-16, Stormwater flow information is lacking.
  - 4.10-5, no detail of “feasible measures” to minimize ground-borne vibrations
  - 4.14-1, no specifics of “fair share”.
  - 4.14-7(a) and (b), no specifics of “fair share”.
- There are numerous instances of deferral of studies, in violation of CEQA requirements.  
Examples include:
  - 4.4-4(a) and (b), Swainson’s Hawk mitigation.
  - 4.4-5, Kit Fox studies.
- The Plan relies on the presumed success of mitigations not yet formulated, in violation of CEQA.
- It inappropriately defers to procedures of other agencies.
- It was not circulated in a legal manner.

### **Project description**

This is overly narrow, allowing for inappropriate dismissal of feasible alternatives. One of the most egregious aspects of the description is “must provide 100% of growth from the campus”, which is absurd. It completely dismisses the ability and need of several surrounding existing



communities to provide opportunities for growth, it ignores existing rapid housing and commercial development near the campus, and makes no claim that every resident of the UCP subdivisions must be associated with UC Merced. This component of the description must be voided. The findings of infeasibility are unsupportable, making the Statements of Overriding Consideration invalid. Such statements cannot be made unless alternatives have been shown to be infeasible, based on substantial evidence.

### **General Plan**

Among the General Plan inconsistencies and flaws are the lack of an updated housing element, upon which this EIR nonetheless proposes to rely. Until the housing element is certified by the state, neither the county nor its constituents have any assurance the UCP is in compliance with the existing, outdated county General Plan other than through the claims of the UC Development Planning Office.

Overall, the Merced County General Plan must be comprehensively updated before this EIR can be considered adequate.

Re: Exhibit B (General Plan Consistency, etc.) II. Finding of Consistence with the General Purposes of the Merced County General Plan: "Broadly speaking, the intent of the Merced County General Plan is to ensure efficient, orderly planning for Merced County, to ensure that development occurs without overuse or unwise conversion of County resources, and to maintain the quality of life within the County.

The "general purposes" of the General Plan plays on an ambiguity in the definition of the word "general." A general plan is guiding planning document for the whole county the communities under its jurisdiction. This statement negates the whole in favor of the lesser definition of "general" as merely "not restricted."

As we have stated numerous times in the past, failure to update the General Plan puts the County in the position of placing its funding in jeopardy.

### **Staff Report of the UC Development Office Planning Director.**

We found the following defects and inconsistencies in the staff report:

- There is inadequate response – either in planning documents or orally -- to the written and oral testimony presented on Nov. 10, 2004 and Dec. 1.
- There is no identification of what land is meant by "infrastructure" in the statement: "UC has submitted an application for a 910-acre UCM campus footprint and concurrently the county has submitted a 404 permit application for wetland fill for the infrastructure serving the campus site."
- There is no cost analysis or identification of funding sources regarding mitigation compliance on the project encompassed by the count's 404 permit application. Nor is there any mention of county permit applications for state or federal takes of protected resources not covered by the Clean Water Act.

- The UCDOP is leading the county down an illegal path by citing a number of permit applications, stating that they are “working with” agencies for forthcoming regulatory compliance, without producing actual permits, MOUs, best management plans and other required state and federal regulatory documents, before manipulating county elected and appointed boards into approving the project.
- If UC Merced does not receive its federal permits for its existing planned footprint and must shift location, there is no analysis for the campus to move south onto UCP land.
- Nor is there any analysis of the economic and community loss that would be experienced if the UC moved onto Virginia Smith Trust land, eliminating scholarship funds from UCP development.
- The county is choosing to protect the financial interests of UC, the Trust and the UCP master developer rather than protect the health, welfare and quality of life of its existing residents. The most glaring example of this is a proposal to develop a Lake Yosemite Regional Park Master Plan for UC use, without even analyzing the effect of the Gallo Yosemite Lakes development that will block public access to the other side of the lake. No mitigation or replacement are offered the existing public for these takes of public recreational resource on behalf of future residents.
- The alternatives analysis is outdated, not taking into account all the residential/commercial growth that has occurred west and south of the UCP since the 2001 DEIR. Alternatives staff discussed in 2001 have substantially changed.
- The Campus Parkway is a major piece of infrastructure for the support of the UCP and the UC. To dismiss its relation to UCP development with the phrase “a separate process,” while continuing to develop, is piecemealing.
- Staff relies on the 1995 and 2001 Merced Water Supply Plans for essential information about groundwater supply, quality and distribution. These are plans in name only. These are merely “plans to make plans”, masquerading as plans for the purpose of fulfilling verbiage requirements in CEQA documents like the one under discussion.
- There must be agricultural – land mitigation requirements included in this document. UCP is required to pay something into to the county for which there is no county policy. The CAPS recommendation was never adopted by the Board of Supervisors. So, there is no existing vehicle for this proposed fund; therefore the county should not be permitted to hold these funds and allow them to drift down a back alley into its general fund.
- Circumstances in the future” should not be permitted to “dictate” that City of Merced residents be forced to pay for utilities infrastructure for the UCP, as staff suggests could happen in a “series of Implementation Programs ... and sub-area specific plans.” Impacts, costs and planning are being deferred once again.
- “Future market conditions” must not be allowed to replace the north-south phasing of UCP development so that financial gains of the special interests trump the general interests of UC Merced students, staff and faculty. First, this new policy wasn’t analyzed; it was dictated. If UCP is being planned to address the needs of 100 percent of the UC Merced community, that development plan should pay for itself. Scattered-development impacts have not been analyzed.
- K-12 schools are not the only human resources that will be impacted by UC Merced and its induced growth. All human and natural resources are being impacted. The broader impact analysis has not been done.

- (Staff argues Steve’s argument about improper circulation is wrong. We need statutes here.)
- It is improper for the county to decide on this project until the state formally certified the county General Plan Housing Element.
- Using UC-student housing to satisfy General Plan Goal 1 to provide new housing for “very low, low and moderate-income households,” is despicable sophistry in a county with double-digit unemployment and skyrocketing rents. This does nothing for the existing, growing housing crisis for low-income Merced County residents.
- The bureaucratic structure of two general plans, two housing elements and two planning departments is unwieldy enough to invite charges of wholesale violation of statutory and equitable responsibility in office. This is the unfortunate aftermath of steamrolling, fast-tracked planning under the Davis administration, whose red and green teams were designed to circumvent normal regulatory processes. In this bureaucratic chaos, Merced County cannot conduct the people’s business in a responsible manner.
- This manipulation over a number of years by the governor’s office, state and federal legislators, large local landowners, developers and UC at a time of growth unparalleled in the history of Merced County has caused a perversion of the policies of the local land-use authority, nearly unavoidable misfeasance, malfeasance and nonfeasance by state and federal regulatory agencies and county officials, and has rendered the Merced public nearly helpless to defend itself against a massive change in its environment, circumstances, living conditions and quality of life.
- Some of the discussion of the Housing Element is so badly written it is unintelligible. Examples: “updated endangered species;” “avoidance of preventative conversion;” “The configuration and placement of the University Community was after careful consideration of natural habitat agricultural resources, safety, developability and effects to existing housing.”
- Της συμμαρψ στατες: □ της ΥΧΠI σετς φορτη α χομπρεηενσιπε σετ οφ γοαλς ανδ πολιχιεσ το προμοτε ηουσινγ αφφορδαβιλιτψ, διπερσιτψ ανδ συσταιναβιλιτψ. Τ ηε υνιπερσιτψ χομμυνιτψ ις φυλφιλλιτψ α υνιθυε ρολε βψ σερπιτψ το μεετ α σιγν ιφιχαντ φυτυρε ηουσινγ νεεδ οφ τηε Χουντψ γενερατεδ βψ τηε δεπελοπμεντ οφ Υ Χ Μερχεδ. □ Νειτηερ τηε πυβλιχ, ρεσουργεσ αγενχιεσ, νορ λοχαλ γοπερνμεντ οφ φιχιαλς χαν ρατιοναλιζε τηις πλαν ωιτη εξιστινγ χορρυπτεδ χουντψ πλαννινγ π ολιχιεσ.
- This project should be denied until Merced County creates one comprehensive, comprehensible general plan.

The UCP is in the Merced County Agricultural Preserve and is adjacent to Williamson Act Contract land. There is no analysis in the UCP environmental documents on the project’s impacts to Williamson Act land; nor any discussion of the removal of UCP land from the agricultural preserve.

### Errata



The Errata should have been publicly circulated in a timely matter on Nov. 17, 2004, the date on which it was allegedly published. The public received the Errata on Dec. 1, 2004, at the Merced County Planning Commission hearing on the project.

We were unable to access review documents at the UC Merced repository in Atwater mid-afternoon on December 7, 2004.

We understand that this review of the so-called UCP is only being done in preparation for moving the UC Merced Campus onto the property, in the event the UC fails to acquire the needed federal permits for expansion onto its currently designated Campus site, in which case its footprint is likely to move onto UCP land. We wish to make clear that when this happens, the environmental review for the UCP property will have to be re-done. Undoubtedly the County hopes that the "project description" for the UCP is broad enough to provide for uses for a campus, but we strongly disagree.

We also disagree with the conclusions in the staff report and attachments, including the resolutions and findings.



Lydia Miller



Steve Burke

Cc: Interested parties

Attachments are submitted via facsimile and email with separate cover letter.

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*Via Facsimile and U.S. Mail*

October 4, 2001

Mr. Rick Notini  
Environmental and Permitting Manager  
University of California, Merced  
1170 West Olive Avenue, Suite I  
Merced, CA 95348

Robert E. Smith  
Planning Director  
UC Development Office  
3351 "M" Street  
Merced, CA 95338

**Re:   Comments on Environmental Impact Reports  
      Long Range Development Plan and University Community Plan**

Dear Mr. Notini and Mr. Smith:

These comments are being submitted for the San Joaquin Raptor/ Wildlife Rescue Center ("Center") and Protect Our Water ("POW"), both of which have prepared portions of this letter. The Center and POW have a long history of being active in shaping significant Central Valley developments. They have been involved with numerous development projects and witnessed numerous threats of environmental damage, especially in recent years as the Valley's population has continued to explode. Few proposals ever surprise the Center and POW in the amount of environmental damage proponents want the public to accept. This project, however, takes the cake.

## **I. INTRODUCTION**

It is obvious an enormous amount of money and staff time have been pumped into the preparation of the Draft Environmental Impact Reports ("DEIRs") for the Long Range Development Plan ("LRDP") and University Community Plan ("UCP"). Unfortunately, no amount of money, fancy document editing, and glossy architectural renderings can hide the extreme, adverse environmental and public health impacts of the combined, sprawling UC-County project.

The Center and POW hereby register their strongest protests over the handling of the environmental review. The project would essentially urbanize all of Eastern Merced County. Virtually every aspect of the environment would be significantly adversely affected. The magnitude of impacts, on a regional scale, is profound. In an apparent attempt to break ground in time to achieve the Governor's promise to admit students before the next gubernatorial election (2004), one of the largest projects in California in decades is being shoved down the taxpayer's throats as fast

as possible.<sup>1</sup> There has been no comprehensive economic and cost analysis, taxpayers being stuck scratching their heads and the UC's constitutional mandate to act in the public trust and interest compromised in the process. Public participation has been unreasonably restricted. And, now, sloppy environmental review. The UC has been biased towards the Smith Trust lands/ Lake Yosemite area from the start. The EIRs in question are political documents reflecting political choices, and processed in accordance with political timelines. As Fresno Bee Columnist Eli Setencich said just yesterday about this project, "the planning plunges forward relentlessly."<sup>2</sup>

The EIRs are faulty in several, fundamental respects. For starters, the LRDP EIR does not adequately describe its stage of review. Next, although there is no express legal requirement that the UC and County prepare a single document, the UC and County must still treat the campus and community as one project. Even though the campus and community are intended to work together, the UC and County have each narrowly focused their review on their own, respective parts of the development. In a nutshell, the development has been broken into two "projects". This is a mischaracterization of the development project under review. As an apparent consequence, the EIRs are also inconsistent in significance criteria, conclusions, and even methodology. It hasn't helped that the EIRs have been prepared by completely different consultant teams.

Furthermore, no attempt is made to comprehensively assess cumulative buildout scenario of the project in its regional setting, present or future. Equally disturbing is the demonstrated lack of effort to seriously consider project location alternatives; the project boundaries have changed - hence, the *site has changed*. The LRDP DEIR does not adequately address enough alternative, feasible locations. We must demand the UC reopen the site selection process for public input, and recirculate the EIRs. More detailed Fresno locations must be considered, including an alternative location at Kearney Park, which the UC owns. Furthermore, we note a laundry list of problems with the documents' review of a number of impact subjects, including air, water, raptors and other wildlife, and urban sprawl. Finally, we note that throughout these comments we raise various other issues tied to a proper CEQA assessment of a UC project, including public participation, UC and County violations of public trust, and general plan consistency.

That the environmental review documents are inadequate in such fundamental ways, for a project with such vast ramifications for California's future simply shocks the conscience.

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<sup>1</sup> As will be detailed prior to LRDP approval, the record is replete with proof of demonstrated intent by several powerful politicians to circumvent regulatory process. For example, see letter of September 12, 2000 from legislators Condit, Monteith and Cardoza. Basically, project planners are being told to "get it done now, no excuses".

<sup>2</sup> See *UC Merced still mired in questions*, the Fresno Bee, October, 3, 2001.

## II. IDENTIFICATION OF THE CENTER AND POW

The Center is a non-profit organization established in 1972 and dedicated to the preservation of wildlife and its environment in the San Joaquin Valley and lands of California. The Center is involved in efforts to protect the natural resources of the Valley, including air and water, and to the preservation of agriculture land. The Center also is committed to public education regarding these various issues and insuring governmental compliance and the integrity of the process.<sup>3</sup> Additionally, Center volunteers rescue, rehabilitate and release birds of prey and other wildlife back into a safe environment.

Protect Our Water (POW) is an organization formed in August 1998, for the purpose of increasing the awareness, appreciation, and preservation of the environmental resources within Merced and Stanislaus Counties, as well as within other areas of the State of California.

## III. IMPORTANT DISCLAIMERS

Some important disclaimers: First, due to the amount of information we have had to absorb in the allotted comment time period, we must ask the UC and County to allow us to supplement these comments at the EIR public hearing.

Second, the Raptor Center and POW have repeatedly registered their concerns about procedural irregularities in the UC's and County's planning process. The Center and POW have detailed these concerns in letters which are a part of the combined UC-County administrative record. These comments are necessarily limited by at least the following restrictions the UC and County have placed on the public process:

### A. Nonresponsiveness to Public Records Act Requests

1. These comments are necessarily limited by the UC's failure to respond to several Public Records Act requests dated in May, July and August of this year. The Center and POW have submitted other requests as well, dating back to November 1999 submitted several requests which have been ignored. As we have explained in the letters, we must have the documents to complete meaningful review. As just one (1) example, on August 27, 2001, The Center and POW asked to see information pertaining to properties owned or leased by the UC in the Central Valley, or which

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<sup>3</sup> See, e.g., *San Joaquin Raptor/ Wildlife Rescue Center v. County of Stanislaus*, 27 Cal. App. 4<sup>th</sup> 713 (1994) and *San Joaquin Raptor/ Wildlife Rescue Center v. County of Stanislaus*, 42 Cal. App. 4<sup>th</sup> 608 (1996).

have been offered to the UC as alternative sites.<sup>4</sup> Without access to these public records, we honestly cannot assess whether the UC and the County have made a good faith effort to fully or reasonably assess a reasonable range of available feasible, alternative sites. Something tells us the UC does, in fact, have, somewhere within its large bureaucracy, a list of properties owned, leased or controlled by the UC, as well as obtainable information on what properties are available (at least for negotiation). It is now well over a month later the UC has not released the documents. Hands are tied.

2. Another illustration of our need to await an adequate response to The Center's and POW's Public Records Act requests before completing comments on the LRDP and UCP EIRs is found in the UC's nonresponsiveness to a request dated August 22, 2001. There, The Center and POW asked for access to documents adopted in connection with the 1995 EIR certification. Those documents, of course, would have included the UC's 1995 statements of overriding consideration, which are mentioned (and, apparently relied upon) in the LRDP EIR<sup>5</sup>. The documents would have been placed in an easy-to-locate file. Is this really asking for too much?
3. In sum, full public participation in the project review process demands full disclosure of public agency project options, analysis, and actions. Absent this critical information, the public is deprived of a meaningful opportunity to understand what its government is doing. The Center and POW reserve full rights to comment until the UC complies with the Public Records Act requests.

**B. CPAC Bias**

1. The Center also complains it has been a consistent attendee of the Community Plan Advisory Committee ("CPAC") meetings, but has found the public has been restricted in participation by the facilitators and the County that structured these meetings. The document known as the Technical Background Report ("TBR") produced by CPAC was well outside its authority and not of its own creation.
2. The TBR consists of policy papers orchestrated and created by the County and the UC. There was no public review, no group consensus and very little public comment because CPAC was only an advisory committee. Referring to the Merced County

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<sup>4</sup> The letter asked for, among other things, "Documents reflecting or discussing all properties owned or leased in Fresno County, including documents which set forth data on the UC's legal or equitable interest" and "Documents reflecting or discussing offers by property owners or others of alternatives to the project site currently proposed for Eastern Merced County."

<sup>5</sup> The Center and POW asked for "complete copies of the findings and other documents that set forth or support the 1995 certification. This includes, but is not limited to, staff reports, resolutions, ordinances, and complete copies of the findings."

Board of Supervisors meeting of 7-27-99 that established CPAC as an advisory committee, formulating its bylaws and approving its membership. The Board of Supervisors appointed members that represented a limited cross section of the broader community. Many of these appointed members never attended. The Supervisors did not expand the membership with further appointments that is incorrectly stated in the TBR. There was no means or process for involvement by the general public. The County and facilitator assured this by limiting public participation and providing minimal distribution of generated documents.

3. CPAC members did not have the authority, nor were they instrumental in producing the policy documents that bear their name. CPAC was provided very limited exposure, dialogue and review of these documents. The County and limited special interests groups generated these policy papers. This demonstrates that CPAC by design was an illusionary consensus group that was used to validate documents to serve the self-interest project proponents.

#### **IV. DOCUMENTS SUFFER MAJOR PROBLEMS**

The documents, taken together, suffer the following major problems: identification of the phase or stage of review; project descriptions separated between EIRs; piecemealing by improper deferral of NEPA review and review which will soon be undertaken in connection with important federal and state permit processes; failure to recognize inconsistencies between the LRDP and UCP with the County General Plan; and, last but by no means least, inadequate choice of and discussion of feasible alternative project locations.

##### **A. First-Tier, Subsequent, or Supplemental?**

1. The EIRs are ambiguous about what stage or tier of environmental review is being assessed. This is a critical oversight. The stage of review determines document scope.
2. The UC and County evidently intend to use Volume I of the LRDP DEIR and both volumes of the UCP DEIR as the first tier of environmental assessment for the entire, combined project. However, it appears the UC also intends to limit the LRDP DEIR's scope and analysis to something less than the analysis completed in the 1995 EIR. The LRDP DEIR confusingly states it "serves as a Supplement" to the 1995 EIR. (p. 1-1.) The term "supplement" suggests the UC intends to use the document as a Supplemental EIR, a document with independent legal significance. CEQA Guidelines, § 15163.) It is universal practice among environmental planning professionals to clearly label an EIR a "Supplemental EIR".



3. The 1995 EIR expressly limited the scope of its review based on lack of “specific long-range physical or academic plan”. The 1994 DEIR’s authors stated:

“Where insufficient information exists, the EIR defers assessment of specific impacts and mitigation measures until further stages of development of a UC campus including long range planning or project construction. Further environmental analysis would be required by the California Environmental Quality Act before adoption of a long range development plan or construction of any portion of campus facilities.”<sup>6</sup>

4. Under CEQA, it makes a substantial difference whether the document is truly the first tier of a program EIR, is a subsequent EIR, or a supplemental EIR. References in the 1995 SSEIR make it clear the purpose of that EIR was to select a site. But that document was also denominated, and treated as, a “Program EIR”. (SSEIR, p. 1-1.)
5. A Supplement to an EIR is appropriate where “Only *minor additions or changes* would be necessary to make the previous EIR adequately apply to the project in the changed situation.” (CEQA Guidelines, § 15163.) In no way can the current project description be characterized as a “minor addition or change”. Please explain.
6. Review Should Be First-Tier: Same Parties, but Different Site: The documents should be a first-tier and focused on a regional level review. As explained below regarding alternative sites, this is a different site and project from that which was reviewed in 1995. The project area boundaries have changed substantially. In essence, the entire proposed campus and community development has shifted south and southwest.<sup>7</sup> Hence, this is a different site, although it is obvious the UC is trying

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<sup>6</sup> 1994 EIR, pp. 2-1 - 2-2.

<sup>7</sup> UC and Merced County officials just last winter scrambled to modify designs on the formerly targeted project area boundaries. (This was after missing several years of opportunity to do so.) See “Other UC sites on the table”, Fresno Bee, October 2, 2000. The Sacramento Bee reported as follows:

“In interviews Wednesday, UC officials said they are looking to build three of the first buildings on a 200-acre public golf course, Merced Hills Golf Course. If all goes well, they say, construction could start by 2002 and a large chunk of the university could be contained within 200 acres.”

“Still unclear is whether UC would need to expand onto some of the Smith trust lands, particularly with plans to build a community housing 30,000 residents. According to a 1995 study, UC expects to get about \$42 million a year from this development arrangement, and the Smith trusts – set up by a ranching family to fund college scholarships – would receive \$425 million annually.”

to leave open the option of relying on the 1995 EIR. The 1994 DEIR, however, specifically stated it was limited to "site selection". The site has changed, although the parties - the UC and the Smith Trust -- are essentially the same.

**B. Project Description a Seriously Missed Target**

1. There appears to be no express legal requirement that the UC and County prepare a single EIR for the development project. However, the UC and County must still treat the campus and community as *one development project*. Even though the campus and community are intended to work together, the UC and County have each narrowly focused their review on their own, respective parts of the development. Essentially, the development has been broken into two "projects".
2. This is a serious mischaracterization of the project being proposed. The DEIRs fail in a fundamental way by failing to treat the development envisioned in the LRDP and UCP as the same project. Not only are separate EIRs being done, the EIRs apply different criteria for determining significance, different draw different conclusions about the same impacts, and even propose different mitigation measures. The consequences are not surprising: there is no cohesive, intelligible assessment of combined and cumulative effects of LRDP-UCP build-out.
3. In a letter from to the UC and the County dated January 30, 2001, the Center and POW urged the UC and County to treat the campus, the campus community, and "Campus Parkway" *as one project*.<sup>8</sup> (In the spring, we incorporated the January 30 letter into our comments on the NOP's issued for the LRDP and UCP EIR.)
4. It is illogical not to treat the UC and the surrounding campus as *one project*. "CEQA requires that the *whole of the action* be encompassed within a project definition."<sup>9</sup>

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See "UC Merced site may shift", Sacramento Bee, Dec. 21, 2000, copy archived at [http://www.capitolalert.com/news/old/capalert04\\_20001221.html](http://www.capitolalert.com/news/old/capalert04_20001221.html) (as of 12/31/2000).

<sup>8</sup> See letter dated January 30, 2001, pp. 1; 2 ff.. Each and every document to which we cite or reference is hereby incorporated herein its entirety.

<sup>9</sup> CEQA Guidelines § 15378. See also p. 3 of The Center and POW letter of January 30, 2001. As one court has put it:

'CEQA mandates "... that environmental considerations do not become submerged by chopping a large project into many little ones--each with a minimal potential impact on the environment--which cumulatively may have disastrous consequences." . . . The term 'project' does not mean each separate governmental approval.' *Citizens Assn. For Sensible Development of Bishop Area V. County of Inyo*, 172 Cal. App. 3d 151, 165 (1985)



5. The various actions of the UC and County are inseparable parts of the same project.
6. The correct project description should read something as follows:
  - a. Development of an approximately 910-acre UC campus an additional 1090 acres, along with two "campus reserves" on what is today a regionally significant golf course and adjacent open spaces at the base of the rural Sierra Nevada foothills;
  - b. to the contiguous south of the campus lands, the development of an entirely new college city of 30,000 ++ on what is today approximately 2,133 acres of adjacent open spaces and farmland; and,
  - c. as a part of the project, associated urbanization, with significant, unavoidable growth-inducing impacts directly and adversely affecting potentially tens of thousands of acres of agricultural land and grazing lands with substantial benefits to important biological resources.
7. Subsequent to the January 30 letter, the UC and County have decided to prepare two EIRs - - one for each of the plans, and a third one for the "Campus Parkway". We acknowledge the DEIRs limited incorporation of the County's "Campus Parkway" project in much of the analysis is a substantial improvement from what the County was proposing to review upon issuance of the NOPs. Nonetheless, it is a waste of monies, and deprives the public of adequate review, not to have coordinated at least a Campus Parkway EIR with the LRDP and UCP DEIRs.
8. It is also important to note that the UC is ultimately responsible for assessing the entire development associated with its Campus. The UCP exists only because of the LRDP.

**C. Piecemealing**

1. This is another obvious discrepancy in the DEIRs' scope. The UC and County are planning on adopting EIRs for their campus/ community development project, without first completing required NEPA review or without first having following critical permitting requirements under the Clean Water Act, and the Federal and California Endangered Species Acts.
2. Whatever regulatory review and legal tests to which the LRDP and UCP buildout must be subject must be a part of the EIRs in order to make a comprehensive document. The EIRs are inappropriately geared solely to CEQA review, and conspicuously avoid the burning issue of required environmental impact document preparation and public circulation under federal laws. We refer specifically here to

the CWA and ESA. Both the LRDP EIR and the UCP EIR recognize permits will have to be obtained from the Corps of Engineers and USFWS, as those Federal agencies have jurisdiction over waters of the United States, vernal pools and species within the project boundaries. State agencies will also have to approve permits.

3. Comprehensive environmental review must also begin *as early as possible in the environmental review process*. By analogy to a UC project not involving loss of species habitat and urban sprawl requiring federal permits, the California Supreme Court has reasoned, in the context of the UC's own CEQA procedures, as follows:

*"the later the environmental review process begins, the more bureaucratic and financial momentum there is behind a proposed project,* thus providing a strong incentive to ignore environmental concerns that could be dealt with more easily at an early stage of the project. . . . "EIRs should be prepared as early in the planning process as possible to enable environmental considerations to influence project, program or design . . . The University's own "Procedures for implementation of the California Environmental Quality Act" state, "... in planning for each University project, environmental concerns are taken into account as early as possible ... to influence project program and design."<sup>10</sup>

4. Even assuming conclusions of significance could be logically made without first having gone through the required permitting process (we eagerly wait to see what the biologists say), an adequate EIR analysis demands that the criteria and project impact evaluation The only based on Even so, the documents are not in a condition to be used by the Corps when approving any CWA Section 404 permits or, for that matter, any other federal action. Why not just do an EIR and EIS concurrently?
5. Clearly, implementation of the LRDP and UCP as envisioned in the documents will require agency action that triggers both ESA and NEPA. The Ninth Circuit Court of Appeal stated the essential rule about ESA and NEPA-triggering action in one case as follows:

An action is an "agency action" [under the ESA] if there is "discretionary Federal involvement or control." *Sierra Club v. Babbitt, Seneca*, 65 F.3d 1502, 1509 (9th Cir.1995) (citing 50 C.F.R. SS 402.03 & 402.16).. . . NEPA requires federal agencies taking "major federal action significantly affecting the quality of the human environment" to assess the nature and extent of the action's

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<sup>10</sup> *Laurel Heights Improvement Assn. v. Regents of University of California*, 47 Cal. 3d 376, 395 (1988).

environmental effects by preparing an Environmental Assessment and/or an Environmental Impact Statement. 42 U.S.C. S 4332(C); 40 C.F.R. SS 1501.3, 1501.4, and 1502.4. "Major federal action" under NEPA includes activities "entirely or partly financed, assisted, conducted, regulated, or approved by federal agencies." 40 C.F.R. S 1508.18(a).<sup>11</sup>

6. A proper assessment of LRDP-UCP buildout will also incorporate the Least Damaging Practicable Alternatives Analysis ("LEDPA") required under the Clean Water Act, EPA's regulations under Section 404 of that Act, and applicable provisions of the Porter-Cologne Act.
7. CEQA requires incorporation of LEDPA into document: The analysis of practicable project alternatives in connection with determining whether a Section 404 permit should issue is required under CEQA. As has been detailed substantially by the UC as well as critics, substantial proportions of the land which would make up the campus community in the foothills are sensitive wetlands. These are "aquatic sites" within the meaning of Section 404. Much of the wetlands has been characterized as highly unique - - sporting a substantial number of unique vernal pools with populations of endangered fairy shrimp. Towards this end, the UC and County will be seeking fill permits under Section 404.
8. Section 404 is implemented by the Corps of Engineers, under regulations adopted by the EPA. These agencies have established an interpretation of the Act as well as official, adopted set of Regulations (labeled "Guidelines") which set forth established practices and procedures to implement the Section 404 regulations.<sup>12</sup> The essential EPA-Corps legal test for authorizing issuance of a Section 404 permit is set forth at 40 C.F.R. § 230.10.
9. EPA and the Corps have established an official interpretation of the Section 404 as follows:

"Section 230.10(a) allows permit issuance for only the least environmentally damaging practicable alternative . . . The thrust of this section on alternatives is avoidance of impacts. . . . ." (1990 EPA-Corps MOU.)

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<sup>11</sup> *Marbled Murrelet v Babbitt*, \_\_ F.3d (9<sup>th</sup> Cir. 1996).

<sup>12</sup> See, e.g., *Memorandum of Agreement Between the Department of the Army and the Environmental Protection Agency Concerning The Determination of Mitigation under the Clean Water Act Section 404(b)(1) Guidelines*. (Adopted 1990.) Legislative history shows that this MOU was adopted under substantial direction and control by the administration of former President George Bush, Sr.

10. “Practicable” is defined as follows:

The Regulations define the term practicable means available and capable of being done after taking into consideration cost, existing technology, and logistics in light of overall project purposes.<sup>13</sup>

11. The EIRs must thoroughly assess whether the project will violate 40 C.F.R. § 230.10(c), which prohibits significant degradation of wetlands:

“[N]o discharge of dredged or fill material shall be permitted which will cause or contribute to significant degradation of the waters of the United States.”<sup>14</sup>

12. The EPA-Corps MOU emphasizes:

“It is important to recognize that there are circumstances where the impacts of the project are so significant that even if alternatives are not available, the discharge may not be permitted regardless of the compensatory mitigation proposed.”<sup>15</sup>

13. In considering project alternatives, the UC and County should also keep in mind that “an alternative site does not have to accommodate components of a project that are merely incidental to the [Section 404] applicant's basic purpose.”<sup>16</sup>

14. Also, under the EPA’s and Corps’ policy of “sunken costs”, actions or inactions by the applicant do not foreclose otherwise practicable alternatives, even though the process is underway or should be underway.<sup>17</sup>

15. Define how it is that the Parkway, campus and community are water-dependent. Practicable alternatives are presumed to exist for non-water dependent projects, and alternatives requiring less fill are presumed to be less damaging, “*unless clearly demonstrated otherwise*.” 40 C.F.R. § 230.10(a)(3).

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<sup>13</sup> 40 C.F.R. § 230.3.

<sup>14</sup> 40 C.F.R. § 230.10(c).

<sup>15</sup> 40 C.F.R. 230.10(c).” (EPA-Corps MOU, fn. 5.)

<sup>16</sup> *Sylvester v. Corps of Engineers*, 882 F.2d 407 (9<sup>th</sup> Cir. 1989).

<sup>17</sup> *Bersani v. Robichaud* (2d Cir.) (See *Bersani v. United States Environmental Protection Agency*, 850 F.2d 36, 40 (2d Cir. 1988).

**D. Compliance with Laws and Plans**

CEQA requires an EIR to discuss the project compliance with governing laws and plans. The DEIRs fail to satisfy this requirement.

**1. Compliance With Laws**

Based on the substantial evidence of adverse impacts to protected species, water, and air provided in comments from scientists and other organizations, the EIRs must fully consider the extent to which the UC-County development project will violate provisions of the ESA, CESA, CWA and Porter-Cologne Act. Only a cursory reference is provided.

**2. Compliance With Plans**

- a. CEQA expressly requires an adequate discussion of consistency with plans. The requirement makes perfect sense in this case, given that the contents of the LRDP and UCP, and project-plan consistency, will directly affect and determine environmental quality on a vast and regional scale.
- b. The County is long, long overdue for a comprehensive general plan update. In late March, 2001, or thereabouts, a representative of the Governor's Office of Planning and Research testified before the Board on the need to do a comprehensive update. The County acknowledged this lack of compliance with mandatory state General Planning requirements in its letter to OPR written around the same time.
- c. The California Supreme Court has solidified the principle that the County must keep its General Plan updated:

“The law also requires that planning efforts remain current. Local agencies must periodically review and revise their general plans as circumstances warrant; housing elements must be revised no less than every five years. (Gov. Code, §§ 65103, subd. (a), 65588, subd. (b).)”<sup>18</sup>
- d. Here, as OPR has opined, circumstances clearly warrant a general plan update.
- e. Some History: In the late 1980's, the San Joaquin Raptor Rescue Center joined another party in suing the County for, among other things, failure to have a comprehensive general plan meeting the minimum requirements of

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<sup>18</sup> *Goleta Valley*, 52 Cal. 3d at 572.

State law.<sup>19</sup> The court issued an order effectively barring further development for nearly five years. Our point is that, at least historically, it is only when the County has been forced to have an adequate general plan that the County has had one.

- f. Over a decade later, we urge resolution of the fact that the UC-Merced and associated Community development are causing, and will cause, substantial internal inconsistencies in the Plan unless the Plan is substantially updated.
- g. Seriously Disorganized Plan Maintenance and Filing: We are unable at this time to fully describe even the majority of the most significant plan compliance and consistency problems which the various County and UC actions present, due to the unfortunate fact that the County has failed to organize for the public's benefit a cohesive, organized, and tracked system of amending its plans to reflect plan amendments. As just one example, the County has posted on its website a link to an online source for the County's General Plan. Yet that plan does not even have Goal 11 in it! Goal 11 and the SUDP were adopted in 1996 - - that's five years ago. Why the delay? We are assuming (but not conceding) that Goal 11 was (and that numerous other, subsequent County Plan amendment in furtherance of that goal and the UC project, have been) properly adopted and incorporated into the General Plan.<sup>20</sup> But these amendments are meaningless if the County does not make them available to the public in a format which is cohesive and intelligible.
- h. The EIR is not consistent with Merced General Plan provision that states: The purpose of using the Urban Centered Concept to plan land use is to ensure that (1)Growth occurs in an orderly and logical manner, (2) land is used efficiently, (3)agricultural operations are not eliminated prematurely.
- i. Fundamental Internal Inconsistencies: The DEIRs must address the serious problem that the Merced Hills, Campus Parkway, and UCP projects are fundamentally inconsistent with the County's current General Plan.<sup>21</sup> The 1996 GP Amendments purportedly adopting the SUDP for the Smith Trust

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<sup>19</sup> *El Nido Community Association and San Joaquin Raptor Rescue Center vs. County of Merced*, Merced Sup. Court Case No. 88446, Statement of Decision dated Aug 11, 1987, no. 83729.

<sup>20</sup> The County, incidentally, never responded to a Public Records Act request the Center and POW submitted last winter for the resolutions, findings, and tapes adopting the SUDP and Goal 11.

<sup>21</sup> Section 65300.5 of the Government Code provides, in pertinent part: "the Legislature intends that the general plan and elements and parts thereof comprise an integrated, internally consistent and compatible statement of policies for the adopting agency." The County Code recognizes the consistency rule: "All development within the unincorporated area of Merced County must be consistent, or in agreement with, the County General Plan." (Co. Code § 18.00.06.)



lands failed to resolve the fundamental inconsistencies.

- j. Adding development on the Smith Trust lands and associated County sprawl causes substantial redistribution of urbanized land, population, building intensity, and non-agricultural development. Corresponding and balanced changes must be made to the Land Use Policy Diagram and Circulation Diagram and among the Land Use, Open Space, and Circulation Elements.
- k. The County must also consider the consistency of the Campus Parkway with the adopted plan. (Gov't Code §§ 65401; 65402.) Capital facilities must be consistent with the general plan.<sup>22</sup> As one court has stated:

“a city's public works projects . . . must be consistent with its general plan . . . [the consistency requirement] encompasses all decisions involving the future growth of the state, which necessarily includes decisions by a city to proceed with public works projects. All such decisions are to be guided by an effective planning process that includes the local general plan.”<sup>23</sup>

- l. Unfortunately, none of the campus, community, or Campus Parkway components are justified by the County's General Plan. The specified patterns of growth, development and intensity do not match that which the General Plan sets forth.
- m. Capital facilities are not at all provided for in the General Plan. The LRDP and UCP certainly propose some.

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<sup>22</sup> *Friends of B Street v. City of Hayward* 106 Cal. App. 3d 988 (1980). The Office of Planning and Research's General Plan Guidelines explains this rule as follows:

“The network of publicly-owned facilities, such as streets, water and sewer facilities, public buildings, and parks form the framework of a community. Although capital facilities are built to accommodate present and anticipated needs, some (most notably water and sewer facilities and roads) play a major role in determining the location, intensity, and timing of development. For instance, the availability of sewer and water connections can have a profound impact upon the feasibility of preserving agricultural or open-space land.”

<sup>23</sup> *Friends of "B" Street V. City of Hayward* , 106 Cal. App. 3d 988, 998 (1980).

- n. Post campus and community, what will the noise element look like? Noise contours of both the new freeway and all associated development must be thoroughly studied for the Plan, as well as for the DEIRs.
- o. The environmental relationships among the substantial loss of open space, habitat, and agricultural lands must be studied, discussed, and mapped in connection with the update, as well as for the DEIRs.
- p. Approval of the Parkway alignment will, in the very least, require an amendment to the Circulation Element. Any amendment to the Circulation Element will require amendments to numerous other provisions of the plan.
- q. The Parkway and UCP are also completely inconsistent with the “Urban Centered Concept” set forth under the current plan’s Land Use Element.
- r. The County’s Housing Element is out-of-date and, to the best we are able to ascertain at this time, does not substantially comply in several significant respects with the Housing Element statutes. The County has not seriously begun to consider *specific sites* for the *specific populations* of the UC and Community.<sup>24</sup> Despite the opportunity of several years’ time to do so, the County has not attempted even a rudimentary incorporation of the campus community into the housing element. How much or where such housing will be developed, substantially relates to and worsens the internal inconsistency between the housing element and other plan elements.
- s. The Plan is already replete with internal inconsistencies even without the UC and associated sprawl. Any further projects or actions, including the Parkway, Merced Hills, and proposed Text Amendments, will only worsen these inconsistencies.
- t. To the extent that project alternatives are not evaluated and chosen in connection with an EIR, they must be considered in connection with General Plan Review.<sup>25</sup>
- u. The current land use element is deficient because it fails to set forth distribution of uses in an intelligible manner. (§ 65302.) The “Land Use Policy Diagram” found at p. I-38 of the version the county has posted on-line

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<sup>24</sup> *Hoffmaster v. City of San Diego* , 55 Cal. App. 4th 1098 (1997).

<sup>25</sup> *See Citizens of Goleta Valley v. Board of Supervisors of Santa Barbara*, 52 Cal. 3d 553, 572 (1990).



is a poor substitute for the comprehensive map that is necessary to adequately inform the public and guide decision makers.

- v. In sum, the County's action relate substantially to the internal inconsistency between the existing plan's open space, Circulation, Housing and Land Use elements and the presence of a large UC campus and associated community located by the Sierra Nevada foothills, not adequately accommodated under the current plan.

**E. Thresholds, Standards and Criteria to Evaluate Significance**

1. The EIRs are inconsistent in significance criteria, conclusions, and even methodology in their significance conclusions. Several examples are being provided here and in other comments. It hasn't helped that the EIRs have been prepared by completely different consultant teams.
2. The CEQA statute, Public Resources Code Section 21082, mandates as follows:

“All public agencies shall adopt by ordinance, resolution, rule or regulation, objectives, *criteria*, and procedures for the evaluation of projects and the preparation of environmental impact reports . . . “
3. Under a plain interpretation of this section, agencies are, at a minimum, to establish criteria by which they review projects. The term “criteria” necessarily refers to a point of calibration for all projects impacting the environment.
4. Nobody seems to disagree about the importance of defining a criteria for significance determinations. As explained by Maureen Goshen, General Counsel for the Resources Agency during the the Wilson Administration,

“Arguably, the two most important discretionary determinations that a lead agency must make in the CEQA process are whether the environmental consequences of the project are “potentially significant” and whether the environmental consequences of the project are , in fact, “significant”.<sup>26</sup>
5. Neither the UC nor the County have adopted such criteria with comprehensive, up-to-date policies and procedures for implementing CEQA. Under direction from the Wilson Administration, the 1998 amendments to the CEQA Guidelines removed

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<sup>26</sup> M. Goshen, *Important Guidance for Controversial Issues* (October, 1998)

former Appendix G, which set forth thresholds of significance.<sup>27</sup> The UC now no longer has any thresholds, because its CEQA procedures, last amended in the late 1980's, merely incorporated the CEQA Guidelines without change. Merced County has never had any to begin with -- as the Center has repeatedly made clear in review of other projects, Merced County has repeated a pattern and practice of CEQA violations because, in part, development practices and environmental assessment standards vary from project-to-project, without any consistency.

6. True, the 1994 OPR report defined thresholds of significance as a "quantitative or qualitative standard, or set of criteria, pursuant to which the significance of a given environmental effect may be determined."<sup>28</sup> In implementing the CEQA statute, the 1998 Guidelines "encourage" agencies to adopt thresholds.<sup>29</sup> As a matter of law, the Guideline's use of the word "encourage" does not imply or authorize a statutory interpretation that no *criteria* are required. We maintain that the Resources Agency has inappropriately failed to promulgate a requirement for thresholds consistent with the requirement under CEQA statute Section 20182 that agencies shall adopt criteria. Agencies must have some pre-established means of objectively and consistently reviewing project impacts independent of a specific project.
7. In the absence of preestablished criteria, the very least the EIRs could do is to state significance criteria for each potentially significant effect, explain why that standard is acceptable, and then discuss the impacts. The UCP EIR does a much better job at this than the LRDP EIR. Even so, in several critical areas, neither EIR consistently states what it is that makes particular project impacts significant. Several examples could be given. Reliance solely on regulatory standards is not sufficient, as there may be no regulatory standard established for a given impact.
8. Together, the documents fail to do so in an integrated fashion, and the reader is left guessing about the UC's and County's chain of reasoning.
9. Both the LRDP EIR and UCP EIR fail to explain what standards apply to UCP mitigation measures. This is crucial for understanding the reasoning applied for the numerous, bold conclusions that the massive, combined campus and community will have are not significant with mitigation. Guidelines Section 15064(h) plainly requires *measurable standards* to draw a conclusion of mitigation effectiveness.

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<sup>27</sup> The amendments stirred substantial controversy in the process. Other amendments are now in litigation, some provisions have been invalidated by the Sacramento Superior Court in a lawsuit brought by Communities for a Better Environment; that case is now on appeal.

<sup>28</sup> OPR, *Thresholds of Significance: Criteria for Defining Environmental Significance*, p. 4.

<sup>29</sup> Guidelines, § 15064.7.

**F. Cumulatively Considerable Impacts on Regional Scale**

1. This topic deserves its own special section. Curing this deficiency alone will require substantial document revisions which, even in the absence of the other problems with the document, dictate complete recirculation.
2. Most significantly is the regional scale of the project. It is only fairly criticized as “urban sprawl”. The fact that it is backed by plans (inconsistent with the general plans) does not make it not urban sprawl. The concept of developing a brand new City in the middle of a completely rural area with no impacts is a concept *passe*.<sup>30</sup>
3. The growth inducing impacts are inadequately considered. Over the past few years, substantial speculation has preceded approval of the LRDP and UCP. Following are just a few of the phenomenon on a regional scale which will interact with the build-out of the UC-County project: new Highway 65; City of Merced airport expansion; real estate speculation throughout the community.
4. Perfection and crystal ball inquiry may not be required, but the documents must at least demonstrate a good faith effort to comprehensively calculate and describe regional impacts including tonnages of pollutants, levels of service from traffic congestions, and acres of lost of species habitat.

**G. Insufficient Analysis of Alternative Site Locations**

1. The alternatives analysis is inadequate because the UC has failed to select and sufficiently discuss consider a reasonable range of feasible sites, given project objectives, economic costs, and other required considerations. Pursuant to express CEQA provisions and numerous appellate court decisions, the UC must, in identifying and selecting alternative locations, fully consider the project objectives and balanced them with economic and environmental factors.
2. The root of the problem appears to be UC’s insistence on locating on the most rural environment it can find and in proceeding with its contractual relations with the Smith Trust. The UC’s attitude towards CEQA alternatives analysis compliance was adequately summarized by Chancellor Tomlinson-Keasey, who last winter wrote an op-Editorial to the Fresno Bee as follows:

“We are on track to opening UC Merced in fall 2004, *and we have not in any*

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<sup>30</sup> See Legislative History and Citizens Committee report preceding AB 2838 of 2000; see also, Marza, Patrick, *Financial Giants Take Stand Against Sprawl, Endorse Sustainable Communities* (Oct. 17, 1995).

*way reopened the site selection process. . . . The alternative sites referred to in The [Fresno] Bee article are part of a legally required assessment.”*<sup>31</sup>

3. The LRDP DEIR does not adequately address enough alternative, feasible locations. We must demand the UC reopen the site selection process for public input, and recirculate the EIRs with analysis of better and more detailed Fresno locations, including Kearney Park .
4. CEQA Mandates Reasonable Range of Alternatives Analysis . CEQA requires that a reasonable range of feasible sites be evaluated.<sup>32</sup> A reasonable range of specific, feasible alternatives to a project must be considered where there is evidence that a project will result in a significant, unavoidable impact.<sup>33</sup> The Guidelines provide

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<sup>31</sup> See “*UC staying put*”, headline for letter from Chancellor Carol Tomlinson-Keasey (published in Fresno Bee October 11, 2000). Archived at <http://www.fresnobee.com/letters/story/0,1900,202511,00.html> (as of 12/31/2000).

<sup>32</sup> In *Laurel Heights Improvement Assn. v. Regents of University of California*, 47 Cal.3d at 40 (1988), the California Supreme Court emphasized the necessity for the UC to evaluate project alternatives in planning its campuses. In interpreting provisions of CEQA, the court said:

Section 21002.1, subdivision (a) provides, “The purpose of an environmental impact report is to identify the significant effects of a project on the environment, to identify alternatives to the project, and to indicate the manner in which those significant effects can be mitigated or avoided.” (Italics added.) Section 21061 states that “The purpose of an environmental impact report is ... to list ways in which the significant effects of such a project might be minimized; and to indicate alternatives to such a project.” (Italics added.) Section 21100 provides that an EIR on a project proposed by a state agency shall include a detailed statement of mitigation measures and “[a]lternatives to the proposed project.” (§ 21100, subs. (c) and (d), italics added.) Perhaps most important, the Legislature has expressly declared that “... it is the policy of this state to: ... [r]equire governmental agencies at all levels ... to consider alternatives to proposed actions affecting the environment.” (§ 21001, subd. (g), italics added.) The Guidelines require that an EIR “[d]escribe a reasonable range of alternatives to the project, or to the location of the project, which could feasibly attain the basic objectives of the project and devalue the comparative merits of the alternatives.” (Guidelines, § 15126, subd. (d).) These alternatives must be discussed, “even if these alternatives would impede to some degree the attainment of the project objectives, or would be more costly.” (Guidelines, § 15126, subd. (d)(3).)

The foregoing CEQA provisions and Guidelines make clear that “One of its [an EIR’s] major functions ... is to ensure that all reasonable alternatives to proposed projects are thoroughly assessed by the responsible official.” (*Wildlife Alive v. Chickering* (1976) 18 Cal.3d 190, 197 [132 Cal. Rptr. 377, 553 P.2d 537], italics added.) *Laurel Heights Improvement Assn. v. Regents of University of California*, 47 Cal.3d at 400.

<sup>33</sup> Many of the principles relevant to this discussion are set forth at Section 15002 of the CEQA Guidelines:

that the range must be selected to *foster informed decision-making and public participation*.<sup>34</sup>

5. The choice of alternatives is not governed by an ironclad rule, but must be guided by the rule of reason.<sup>35</sup> The selection of the range necessarily depends on the nature of the project.<sup>36</sup> Each case must be reviewed on the facts, and the facts must be reviewed in light of the statutory purposes, which for an EIR are to “inform the public and its responsible officials of the environmental consequences of their

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(a) Basic Purposes of CEQA. The basic purposes of CEQA are to:

(1) Inform governmental decision-makers and the public about the potential, significant environmental effects of proposed activities.

(2) Identify the ways that environmental damage can be avoided or significantly reduced.

(3) Prevent significant, avoidable damage to the environment by requiring changes in projects through the use of alternatives or mitigation measures when the governmental agency finds the changes to be feasible.

(4) Disclose to the public the reasons why a governmental agency approved the project in the manner the agency chose if significant environmental effects are involved.

.....

(h) Methods for Protecting the Environment. CEQA requires more than merely preparing environmental documents. The EIR by itself does not control the way in which a project can be built or carried out. Rather, when an EIR shows that a project would cause substantial adverse changes in the environment, the governmental agency must respond to the information by one or more of the following methods:

(1) Changing a proposed project

(2) Imposing conditions on the approval of the project;

(3) Adopting plans or ordinances to control a broader class of projects to avoid the adverse changes;

(4) Choosing an alternative way of meeting the same need;

(5) Disapproving the project;

(6) Finding that changing or altering the project is not feasible;

(7) Finding that the unavoidable significant environmental damage is acceptable as provided in Section 15093.

<sup>34</sup> Guidelines, § 15126.6.

<sup>35</sup> *Citizens of Goleta Valley v. Board of Supervisors*, 52 Cal.3d 553 (1990).

<sup>36</sup> *City of Rancho Palo Verdes v. City Council*, 59 Cal.App.3d 869, 892 (1976).

decisions before they are made. Thus, the EIR "protects not only the environment but also informed self-government."<sup>37</sup>

6. The California Supreme Court has stated the following basic rule of interpretation about CEQA's alternative analysis requirement:

"[A]n EIR for any project subject to CEQA review must consider a reasonable range of alternatives to the project, or to the location of the project, which: (1) *offer substantial environmental advantages over the project proposal* (Pub. Resources Code, § 21002); and (2) may be "feasibly accomplished in a successful manner" *considering the economic, environmental, social and technological factors* involved. (Pub. Resources Code, § 21061.1; Guidelines, § 15364; Goleta I, *supra*, 197 Cal.App.3d 1167.)<sup>38</sup>

7. The term "feasible" is defined in the CEQA statute as follows:

"Feasible" means capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, social, and technological factors.<sup>39</sup>

8. Under these applicable authorities, "feasible" alternatives for the UC-County development project must be alternatives which: (a) reduce environmental effects; and (b) can be accomplished given economic and other factors. The agency is authorized to maintain project objectives, but the only requirement under the current Guidelines are that the alternatives "feasibly attain most of the basic objectives of the project."<sup>40</sup>
9. The requirement that the UC make economic considerations a part of its analysis is key, because the UC is defined under the California Constitution as a public trust. This means the UC has fiduciary responsibilities towards the public and must not squander public resources, whether environmental or financial.
10. The trust status and CEQA must be read together. In so doing, the most reasonable interpretation is that both of the following must be considered in selecting a campus

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<sup>37</sup> *Laurel Heights v. UC Board of Regents, supra*, 47 Cal.3d at p. 392., quoted in *Citizens of Goleta Valley, supra*, 52 Cal. 3d at 564.

<sup>38</sup> *Citizens of Goleta Valley, supra*, 52 Cal. 3d at 566, *emphasis added*.

<sup>39</sup> Public Resources Code § 21061.1.

<sup>40</sup> Guidelines, § 15126.5(a).



location:

- a. Minimization of environmental harm.
  - b. Maximum and prudent application of public monies, including not only that expended by the UC, but also as may otherwise be imposed upon the taxpayer through the necessary infrastructure and urban services build-out of the County and other public agencies.
11. The alternatives analysis fails under this test. At the outset, only either infill areas, or locations adjacent to populated centers, should be analyzed.
  12. We are extremely disappointed the documents do not consider more Fresno locations in-depth. On their face, they recognize that Table Mountain and Academy sites could result in substantial adverse environmental impacts (not to mention more sprawl). *At the outset, only environmentally superior locations must be identified, and only then analyzed.*<sup>41</sup>
  13. The UC has failed to identify enough rural and semi-rural sites in the Fresno area.
  14. We challenge the notion that the UC must have such a large site to satisfy its objectives. UCLA, Harvard University, Columbia University, and many other universities do just fine in their setting.
  15. The UC must consider what other sites it owns or can obtain control of.
  16. Kearney Park Alternative: For example, the UC owns Kearney Park in Fresno, which is perfect for a campus because it meets most project objectives while limiting environmental impacts. Several studies confirm this point. For example, in 1988, the City of Fresno prepared a study which concluded that Kearney Park would be the best location of all in the Fresno area.<sup>42</sup> See attached Kearney Park alternatives Analysis chart.
  17. CAA Inadequate Alternative Sites Analysis: In order to address the requirements under the Clean Water Act Section 404 regulations, the UC and County initiated study which was later labeled "Comprehensive Alternatives Analysis". The public's

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<sup>41</sup> *Goleta, supra*; Guidelines § 15126.6(f)(2)(A).

<sup>42</sup> *University of California, Locational Study/ Fresno* (March 1988), City of Fresno Development Department, Planning Division. See also, *The Impact of Major Public facilities on The Southwest Fresno Area* (1968), Development Research Associates, Inc.; "University of California, San Joaquin Valley Campus" (1964), Committee of One Hundred Organizations; M. Theo Kearney, *Prince of Fresno* (1997) Schyler Rehart and William K. Patterson.

comments on this document went ignored.

- a. Quoting a UC official, a Fresno Bee article described the study as follows:

‘ “It’s a humongous piece of work,” said Clifford Graves, vice chancellor of planning for UC Merced. “It’s the first full-blown analysis.” . . . The alternatives include Bellevue Ranch, an area closer to more developed parts of Merced; the former Castle Air Force Base in Atwater; a “south Merced urban infill site”; farms; rangeland; and several sites on the Smith family trust, the region where the campus was originally envisioned.”<sup>43</sup>

- b. Yet, in a letter published in the Fresno Bee just days later, Chancellor Tomlinson-Keasey dashed all hopes that the UC-Merced Administration would adhere to its duty under Federal and state law to *seriously consider* the alternative sites on which the UC has been investing substantial taxpayer resources studying. One day the Administration says the study is a “humongous piece of work”; the next, it makes it clear personnel are just “going through the motions”.

- c. The Chancellor said:

“We are on track to opening UC Merced in fall 2004, *and we have not in any way reopened the site selection process.* . . . The alternative sites referred to in The [Fresno] Bee article are part of a legally required assessment.”<sup>44</sup>

- d. CEQA bars *precisely* this type of foregone and hopeless public agency commitment.<sup>45</sup> The Chancellor, as official representative of the UC, has up

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<sup>43</sup> See “*Other UC sites on the table*”, Fresno Bee, October 2, 2000.

<sup>44</sup> See “*UC staying put*”, headline for letter from Chancellor Carol Tomlinson-Keasey (published in Fresno Bee October 11, 2000). Archived at <http://www.fresnobee.com/letters/story/0,1900,202511,00.html> (as of 12/31/2000).

<sup>45</sup> Guidelines Section 15004 provides as follows regarding public agency projects:

b) Choosing the precise time for CEQA compliance involves a balancing of competing factors. EIRs and negative declarations should be prepared as early as feasible in the planning process to enable environmental considerations to influence project program and design and yet late enough to provide meaningful information for environmental assessment.

(1) With public projects, at the earliest feasible time, project sponsors shall incorporate environmental considerations into project conceptualization, design, and planning. CEQA compliance should be completed prior to acquisition of a site for a public project.



front stated an intent not to seriously consider the alternative sites under CEQA and LEDPA.

13. Disbursed Valley Campus Alternative: The DEIRs must address the overwhelming proof that a remote site such as the Smith Trust area is neither desirable or necessary to accomplish the UC's academic programs.
  - a. The UC's own practice and experience indicate that breaking up the campus into a main campus and numerous satellite facilities is not only feasible, but may actually be preferred from an academic standpoint and especially in light of the current digital and other technology and the geographic scope of the San Joaquin Valley.
  - b. Congress just recently appropriated \$400,000 to allow the UC to renovate an existing building on Castle Air Force Base to house the Sierra Nevada Research Institute.<sup>46</sup>

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(2) To implement the above principles, public agencies shall not undertake actions concerning the proposed public project that would have a significant adverse effect ***or limit the choice of alternatives or mitigation measures, before completion of CEQA compliance.*** For example, agencies shall not:

(A) Formally make a decision to proceed with the use of a site for facilities which would require CEQA review, regardless of whether the agency has made any final purchase of the site for these facilities, except that agencies may designate a preferred site for CEQA review and may enter into land acquisition agreements when the agency has conditioned the agency's future use of the site on CEQA compliance.

(B) Otherwise take any action which gives impetus to a planned or foreseeable project in a manner that ***forecloses alternatives or mitigation measures*** that would ordinarily be part of CEQA review of that public project. (Emphasis added.)

<sup>46</sup> See "UC Merced given \$400,000 for Sierra Nevada Research Institute ", Fresno Bee, October 20, 2000.

- c. The UC-Merced's web page espouses the role of satellite facilities. In the Fall, 2000 University of Merced e-News, the administration claimed as follows:

"From its main campus, *and from distributed learning centers* in Modesto, Fresno, and Bakersfield, UC Merced will leverage specialized new technology to bring courses to students throughout the San Joaquin Valley, says Academic Programs Director Joseph Castro."<sup>47</sup> (Emphasis added.)

- d. The UC's intentions to keep at least its "learning centers" operating are not surprising. Even without the intended Smith Trust land development, the UC has a long-standing and widespread presence at its numerous facilities throughout the Valley. The UC boasts a long, current list of a wide range of programs and facilities throughout the Valley:

"From a rustic Sierra Nevada research site located in the world's largest distinct grove of Sequoia trees to a doctoral program for San Joaquin Valley educational leaders, UC offers a wide variety of services in the region."<sup>48</sup>

- e. The UC at San Francisco Medical School has stated it has plans to expand existing programs at the Downtown Fresno Regional Medical Center, even as it operates the University Medical Center at Clinton and Cedar Avenues in Fresno.<sup>49</sup> The UC has touted its Fresno medical school programs as follows: "UCSF-Fresno represents a unique medical education and physician training program that is a model for community and university partnership."<sup>50</sup>
- f. The Chancellor represented to Regents at a meeting an interim blueprint which would emphasize use of the "learning centers" as follows: 1) accelerate development of initial academic programs at distributed learning centers in

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<sup>47</sup> Source link as of 12/31/2000:

[http://www.ucmerced.edu/e-news/uc\\_merced\\_enews\\_fall\\_2000.htm](http://www.ucmerced.edu/e-news/uc_merced_enews_fall_2000.htm)

<sup>48</sup> See list of programs and sites at the UC in the Central Valley webpage: <http://www.ucinthevalley.org/badger.htm> (as of 12/31/2000). Links at main page.

<sup>49</sup> See the UCSF Fresno webpage at: <http://www.ucsfresno.edu/about/living.htm>.

<sup>50</sup> UCSF-Fresno website at <http://www.ucsfresno.edu/about/index.htm> (as of 12/31/2000).

Modesto, Merced, Fresno, and Bakersfield; 2) Explore the possibility of acquiring space in downtown Merced and at the Castle Air Force Base to accommodate the initial staging of faculty and staff and, along with distributed learning centers, serve students in fall 2004 should on-site facilities not yet be completed.<sup>51</sup>

14. Digital classroom facilities and videoconferencing: By the UC's own academic program standards, digital classroom facilities and videoconferencing are feasible, practicable project alternatives with respect to a very significant segment of the UC's programs.

- a. Indeed, such classrooms are treated as a sophisticated ushering-in of education for the new millennium. The Chancellor recently reported the following to the Regents: "The UC Center in Fresno and the Merced Tri-College Center continue to be the home to many exciting academic program initiatives serving a wide variety of needs. With the help of a \$200,000 grant from the San Joaquin Valley Air Pollution Control District, UC Merced is equipping the Fresno Center and Merced Tri-College Center with video conference technology."<sup>52</sup>
- b. The Chancellor's exciting reports about digital classroom and videoconferencing have also included the following explanation:

"The long-term vision of UC Merced involves using technology to extend our reach to the entire San Joaquin Valley. Appropriate technological innovations will be incorporated into courses, business practices, and outreach efforts. . . . UC Merced's network strategy is to use CalREN-2 as the communications link among its multiple Distributed Learning Centers, and UC Merced's early academic and administrative buildings. The initial Sierra Nevada Research Institute faculty can conduct their early research collaboratively with other campuses and the San Diego Supercomputer Center, via CalREN-2 connectivity."<sup>53</sup>

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<sup>51</sup> Meeting Minutes, The Regents of the University of California, Special Committee on UC Merced, January 20, 2000.

<sup>52</sup> Meeting Minutes, The Regents of the University of California, Special Committee on UC Merced, January 20, 2000.

<sup>53</sup> Memo, Office of the President, to Members of the Special Committee on UC Merced: Item for Discussion January 20, 2000, 1/12/2000, copy at <http://www.ucmerced.edu/regents/regents0100.pdf>, (as of 01/29/01).

- c. Now the question: why cannot such “learning centers” be emphasized and in preference to an environmentally harmful and resource depleting massive single physical location which would require tremendous expenditure of tax dollars for mitigation and infrastructure?
15. Special Woods Report: on May 20, 2000, Robert and Robin Wood, professional engineers and planner, submitted to the Governor a report entitled “New UC-Merced locations”. We hereby incorporate by reference that study in its entirety as examples of, at least preliminarily, what a comprehensive, feasible, practicable sites analysis should consider.

**F. Substantive Environmental Areas**

1. POW’s comments on Water Quality and Water Supply:
- a. What are impacts from hazardous waste generated by UC on Ground Water, and what are mitigation? From biotech research and development?
  - b. There must be a cumulative impact analysis of all wells re: current projects in process, approved projects and future projects. These must be considered: Gallo Yosemite Lake Estates, Fahrens Creek Development Plan, South Thorton Development Plan, South Merced-East Development Plan, South Merced-West Development Plan, The Dominion Project, Two shopping centers, Mercy Hospital, A proposed annexation of 300 acres t the northwest of Yosemite and R streets, Crane Subdivision, Bear Creek Subdivision, Bellevue Ranch.
  - c. What are the drainage effects of all these projects?
  - d. There is no watershed plan. No safe yield set forth for groundwater.
  - e. The 1992 groundwater baseline levels are not appropriate to use. These levels reflect the results of pumping during previous years of drought. MID has been monitoring levels since at least the 40’s. Where is that data to establish a more accurate historical level?
  - f. What are impacts on Ag when water is taken for power.
  - g. How will wildlife mandates effect Ag?
  - h. How will riparian water rights be impacted by Private and Recreation use?

- i. The EIR does not take into account amount of groundwater pumping from private land owners.
- j. Encroachment and speculation is pushing Ag onto Grazing Land. What are the impacts? Low flow irrigation reduces recharge; not taken into account. Erosion increases, with impacts, including to rivers. Chemical fertilizer use increases, with accompanying impacts to ecosystems. These must be addressed.
- k. Groundwater quality numbers are 1987. This is inadequate; new numbers must be used.
- l. Water from City of Merced? The two documents are not consistent with each other (the two EIRs).
- m. Ground Water Recharge—What studies have been done on percolation? This is an unproven process. What is the quality of recharge water? . What effects does urban runoff have on recharged water quality? What effect does this have on Ag water quality.
- n. There is no quantification of evapotranspiration
- o. Updated water plan needs to be included in the EIR. Off site watersheds being considered are Haystack and Montgomery.
- p. EIR is not consistent with Merced General Plan that states: The purpose of using the Urban Centered Concept to plan land use is to ensure that (1)Growth occurs in an orderly and logical manner, (2) land is used efficiently, (3)agricultural operations are not eliminated prematurely.
- q. None of the EIR addresses Productive Ag land. It is all Prime Ag land. Merced General Plan states that both Prime and productive are significant.
- r. Lake Yosemite is now a seasonal watershed. Will it continue to be seasonal after the University builds out and where will this water come from?
- s. Updated Merced water plan needs to be included in the EIR; or, EIR needs to wait until the Plan is completed and released.
- t. The Department of Fish and Game's minimum instream flow requests for the Merced River are projected to increase an average of more than 200 percent (Water Supply Plan and other sources say 3 to 4 times). This instream flow

is designed to support fisheries and Chinook salmon spawning runs in the Merced river. Where is the water coming from? What will the effect be on water supply for the projects?

- u. As taken from the Merced water supply plan, currently the cities of Atwater, Livingston and Merced rely on groundwater for their water supply. Merced Irrigation District users are shifting from surface water to groundwater. If these water use patterns continue in the region, groundwater levels will continue to decline, resulting in: Substantial groundwater overdraft; higher pumping costs; deepening of existing well; poorer water quality; land subsidence; potential loss of water allocation; loss of local control; and decline in MID sales.
- v. As taken from the Merced water supply plan, there has been a decline in water quality. Since 1983, Merced County has been collecting water samples from new domestic wells. Data indicates increasing groundwater deterioration. It is predicted a decline in water quality will continue if current practices continue. Impacts of a UC campus is estimated that a UC Campus located within the study area would need over 20,000 acre feet of water per year by 2030, which the plan must accommodate. Some water mitigation is based on the the MID Groundwater Plan, which has only been provisionally adopted.
- w. The water plan is dependent on the approval of pumping restrictions and extraction fees for success, else there will be overdraft. There is every likelihood that the majority of MID landowners will NOT approve these conditions (as is legally required). What is the alternative means of achieving a successful water supply?
- x. What are the effects of groundwater recharge using canal water that has been de-oxygenated (with Magnacide-H)? On agriculture?
- y. The wetlands delineation does not take into account the recent 9<sup>th</sup> Circuit decision in *Headwaters, Inc. v. Talent Irrigation District* Talent decision and must be re-done.
- z. The re-use of water from urban sources (double-piping greywater system) is a critical component in reducing water use amounts of the campus and University Community. This re-used water will contain toxic, biohazardous, and other harmful components and will be discharged onto public areas, and then to groundwater recharge basins. What will the health effects be? What will the effects on groundwater quality be? What are mitigations for these impacts?

- aa. Recharge plan involves Fahrens Park, site of hazardous materials dumped from Castle, which will compromise recharge. This must be addressed.
- bb. Project is inconsistent with the Stillwater Sciences document entitled: "Draft Merced River Corridor Restoration Plan".

2. Center's Comments on Wildlife, Generally:

- a. The Center complains as follows. As a general rule, they are extremely disappointed in the EIRs' treatment of impacts on wildlife. The Center finds the wildlife inventories in the EIRs to be inconclusive and therefore analysis and mitigation measures of wildlife issues and impacts are inadequate. The Center is disappointed that inventories were not done on ecosystems; but rather focused on species that were under protection. These species are interdependent with a multitude of complex natural systems and cannot be disassociated; analysis and mitigation must address the preservation of entire healthy biological systems.
- b. The Center is disturbed that the EIRs completely underestimate the value of agricultural lands as habitat for wildlife, including raptors.<sup>54</sup> Wildlife and agriculture can be beneficial partners, with agricultural lands often providing nesting and foraging habitat. With the proposed project area and the extensive cumulative build out from urban growth, there is no mention of the adverse affects to wildlife due to the loss of productive agriculture lands
- c. The documents are deficient in comprehensive bird inventories. Analysis and mitigation regarding bird populations as set forth are inadequate. Other species that the documents overlooked or disregarded will be significantly impacted through piece meal as well as growth inducing projects and impacts. The documents did not take into account other projects that are associated with and/or beneficial to this development. The Center objects to the fact that the projects continually categorize the impacts to wildlife and their habitats as less than significant without comprehensive true scientific analysis.
- d. The mitigation is not applicable and the losses to resources cannot mitigate. The projects refer to proposed mitigation plans and the proposed NCCP and HCP that have yet to be defined or implemented. This is another example of manipulating an illusion of compensation. The documents are deficient in

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<sup>54</sup> See "Farmers and Ranchers Commitment to Conservation", by the California Farm Bureau Federation .



addressing wildlife protection values. These include non-compatibility with urban, industrial, recreation, utility activities and uses that will adversely affect wildlife population, migration, resident species nesting activities and foraging activities. The assumption that wildlife corridors can be compatible with urbanization/development is incorrect.

- e. A case in point, whose documentation is hereby incorporated by reference, is the situation involving Merced City versus Turkey Vultures, along M Street. Another example of urban encroachment, non-tolerance and incompatibility is the Merced City depredation of beaver populations. It is absurd to postulate that roadway medians would be used for wildlife habitat. There has not been a study conducted in this area as to the percentage of wildlife kills caused by vehicles. The documents fail to address the high road kill take of species such as raptors and mammals, in association with roadways.
- f. Proposed buffers are not adequate protection for wildlife and their movement. Habitat corridors do not provide adequate availability of movement, predator prey needs and expanding hardy gene pool balance. Greenbelts fit in the same category. There is no mention of assurances that would limit or restrict urban and domestic encroachment to areas of sensitivity that have been set aside. Another lacking assurance is that these areas set aside will never be developed has yet to be defined and insured.
- g. The erection of massive developments in an area that is isolated, and flooding it with urban lighting, asphalt, concrete, domestic animals and elite residential sprawling developments will degrade and eliminate a unique scenic vista. There is no clarification as to how building design will protect this amenity. As certain species will take advantage of artificial landscapes, there is bound to be conflict.
- h. Fragmenting and trying to disassociate the dependency on the needs of natural resources of development within our area have been disregarded. An example is the recent approval of the Woolstenhulme Mining Project on the Merced River. The resources that are going to be required for these projects need to be further identified as this an example of piece meal.
- i. Migratory and resident species in this area are reliant on the Merced River Watershed and Bear Creek Watershed and this was not analyzed as to the impacts to these areas and dependent wildlife species from growth inducing impacts.
- j. Wastewater retention basins could be detrimental to wildlife safety. The



urban chemical runoff to these basins can build up and become toxic to wildlife species that are attracted to them. The same concern could be addressed to public and domestic animal safety. There are no assurances in place to protect the health and safety of the water.

- k. **Yosemite Lake and Canals Public Trust Access Mitigation** We are further disappointed that there was not a comprehensive analysis of species utilizing Yosemite Lake associated canals and tributaries in the eastern corridor of Eastern Merced County. With the enhancements of aesthetically pleasing water features within the associated project areas, there is no mention of how they will be maintained to insure public health and safety and be compatibly safe for wildlife. Lake Yosemite is a valued local recreational resource. The UC and the County are irresponsible in addressing the protection of our public resources. There are no assurances that the public trust of access to Lake Yosemite will not be handed over to this elite institute. The UC in its zeal to circumvent regulatory process has already acquired our local community golf course. In its arrogance the projects refuse to identify impacts and offer mitigation. The County should require mitigation.

3. Miscellaneous:

- a. The impacts to the City of Merced infrastructure system will be greatly overburdened. The infrastructure system in the established areas has already exhibited dysfunction by backing up and flooding. These projects will further degrade an already overtaxed system.
- b. The documents fail to address chemical discharges from research facilities and the biotech/high-tech industry. There is no clarification as to the hazards that will be associated with the proposed project and associated development. There is not a hazardous waste management plan that would address emergency action for the protection of water, air, land, wildlife, agricultural, and public health safety. There also needs to be a clear understanding of the transporting of hazardous material and waste through the community.
- c. While the project area has been densely populated with species, there have been limited utility services and infrastructure. These will both see a tremendous increase with the proposed urbanization and the effects of these including impacts and mitigation - to wildlife communities has not been adequately addressed. The application of chemicals to control nuisance species has not been addressed. These species are of utmost importance to a healthy food chain yet given the incompatibility with urban development these species will be irradiated. Wildlife, particularly birds will be impacted. Depredation permits and relocation of wildlife are not addressed. In fact, the

documents create an illusion that wildlife and its dependence will be welcomed. We find this to be inconsistent with the true tolerance and behaviors that humanity exhibits when living in close proximity to nature.

- d. The project area features an abundant and healthy food chain. While there are established uses by resident species this corridor is also part of a critical migration path from the north and the Sierra Nevada. Not only are the vernal pools important, but the seasonal sheeting of water in the project area is vital during migration to numerous wildlife species. This issue and impact is not adequately addressed. Further studies are required before proper analysis can take place. In conclusion we find it difficult to address the impacts due to limited and incomplete wildlife studies. Impacts and mitigation set forth are inappropriate and inconclusive. Until these issues are addressed and resolved these DEIRs do not meet the requirements of CEQA.
- e. With the development of roadways and associated infrastructures of growth induced projects, there will be an increased loss of species gene pools and their communities. These projects cannot ignore the growth that is and will be induced, such as the recent approval of 500 homes at Lake Don Pedro that will be attractive housing for the proposed projects. The growth inducing impacts to the roadways and adverse impacts to wildlife by commuters have not been addressed. Not only do these documents not address impacts to wildlife species outside of the project area, there is also no analysis of impact to roadways and needed utilities to Merced County.

All documents referenced herein are hereby incorporated in their entirety by this reference. For the reasons set forth above and as detailed by other comments, we respectfully request the UC re-open the site selection process, reinitiate comprehensive environmental review, and recirculate an EIR.

Respectfully Submitted,

Anthony Cresap

c: Clients  
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ORG-3



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September 12, 2003

The Honorable Chief Justice Ronald M. George  
Honorable Associate Justices  
California Supreme Court  
350 McAllister Street  
San Francisco, California 94102-4783

Re: City of Marina and Fort Ord Reuse Authority v. Board of Trustees of the California State University (Case No. S117816); Amicus Curiae Letter

Dear Chief Justice George and Associate Justices:

I am the General Counsel and a Vice President of the University of California (UC). I write in response to letters submitted by the City of Berkeley on behalf of the League of Cities and the California State Association of Counties dated August 12, and by the Law Offices of Donald Mooney on behalf of the San Joaquin Raptor-Rescue Center and Protect Our Water dated August 17, regarding the pending petition for review in Case No. S117816, *City of Marina and Fort Ord Reuse Authority v. Board of Trustees of the California State University* ("FORA v CSU").

The Court of Appeal in *FORA v. CSU* held that the California State University (CSU) was not obligated to make payments to local jurisdictions to defray the costs of various circulation and fire protection improvements that would in part serve a new CSU campus at Monterey Bay. The Fort Ord Reuse Authority (FORA) had argued that such payments were obligated under the California Environmental Quality Act (CEQA). In response, the Court of Appeal correctly relied upon this Court's decision in *San Marcos Water District v San Marcos Unified School District* (1986) 42 Cal.3d 154 (*San Marcos*) and similar cases, which consistently have ruled such local assessments to violate article XIII, section 3 of the California Constitution. As held in those cases, the fact that the state entity could benefit from the improvements, here in the form of environmental mitigation, did not avoid the constitutional prohibition.

Because the appellate decision in this case accurately applies well-established law, and reflects long-standing UC practice, we had not intended an involvement in the review process. However, a number of misstatements in these two letters regarding the history and status of UC's financial





The Honorable Chief Justice Ronald M. George  
September 12, 2003  
Page 2

relationships with local jurisdictions, which could inaccurately enhance the apparent impact of the decision, compel this brief response.

The two letters make vague references to unspecified financial transactions between UC and local jurisdictions, and from those references imply that UC has been making significant payments to local jurisdictions based on the legal theory urged by FORA in *FORA v. CSU*. This implication is incorrect, and UC has consistently and carefully limited its transactions with local jurisdictions to reflect constitutional limitations.

The recent example of UC's new Merced campus is illustrative. In the CEQA process for the campus long range development plan (LRDP), local jurisdictions identified approximately \$200 million in improvements to local roads, parks and schools that they claimed would be made necessary by the new campus development, and argued that UC was obligated to pay for those improvements under CEQA. UC rejected those demands as reflecting economic and social impacts outside the purview of CEQA, and in light of its exemption from such assessments under the California Constitution.

This, however, does not preclude all financial transactions between the state and local agencies. In the UC Merced situation there have to date been limited financial commitments to local jurisdictions in connection with transportation facilities to support the new campus of approximately \$350,000. This is principally for street and intersection improvements in the immediate vicinity of the campus that are essential for campus construction activities and early operations, which might otherwise not be constructed by the local jurisdiction. Similar payments have been made over the years in other communities, generally in return for local agreements to provide specific facilities such as specialized hazardous materials and fire suppression equipment in Berkeley. It is apparently these payments to which the two letters are referring. However, these payments are of a scale and nature wholly different from the approximately \$20 million "fair share" demand by FORA in the instant litigation for regional infrastructure measures. UC's limited payments in other contexts have not been made because they were required by CEQA, but generally because UC needed the local jurisdiction to make specific investments of particular importance to UC. The attempt by the City of Berkeley and the Mooney law firm to recharacterize UC's contributions in these situations is inaccurate and the resulting implication that the appellate decision will result in a dramatic change in practice is misleading.

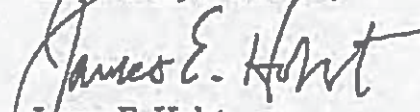
Instead, what FORA and its supporters are seeking is a radical expansion of state agency financial obligations to local jurisdictions. The fundamental flaw in their argument is that state sovereignty principles and the cases applying them have consistently required a clear and express waiver by the Legislature before such an obligation can attach, and CEQA simply does not contain the required waiver. I will not repeat here the well-researched presentation on the question by the CSU attorneys, and will simply point out that, despite the extensive briefing by FORA and its supporters, not one citation has been made to the required clear and express waiver of sovereignty in CEQA, for the simple reason that no such waiver exists. The Court of Appeal therefore correctly decided the case.

The Honorable Chief Justice Ronald M. George  
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It is readily apparent that the local jurisdictions are essentially asking this Court to make a legislative judgment about these key questions of local infrastructure finance, urging that the current system represents an unfair burden on cities and counties. Their argument, however, is belied by the intense competition between local jurisdictions over the location of the UC Merced campus, motivated by the undisputed economic and other benefits of having a university campus come to a community. Numerous economic studies have demonstrated that the economic benefits of UC campuses far exceed the infrastructure and other costs of hosting a campus. Each dollar of state funds spent at a UC campus results in an additional four dollars from other sources, such as the federal government and student tuition. As these funds are spent in the local economy, a further multiplier effect occurs as they are re-spent by the recipients. The local economic stimulus from this spending, and the resulting tax revenues, make hosting a UC campus very attractive. Added to this are the prestige, cultural amenities, and other non-financial benefits resulting from proximity to a campus.

What these communities essentially are trying to do here is make a good deal even better, reaping the benefits of a university presence without bearing at least some of the costs of that undertaking. The constitutional and legislative delineations of the relative financial burden for higher education have been carefully thought through and represent an appropriate balance. In any event, this Court is not the appropriate forum for these essentially political entreaties. The petition for review should be denied.

Respectfully submitted,



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S117816

**IN THE SUPREME COURT  
OF THE STATE OF CALIFORNIA  
SIXTH APPELLATE DISTRICT**

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**CITY OF MARINA and FORT ORD REUSE AUTHORITY,**

*Respondent*

vs.

**BOARD OF TRUSTEES OF THE CALIFORNIA STATE UNIVERSITY,**

*Appellant*

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FROM THE COURT OF APPEAL OF THE STATE OF CALIFORNIA  
SIXTH APPELLATE DISTRICT # H023158

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**SAN JOAQUIN RAPTOR RESCUE CENTER, PROTECT OUR WATER,  
AND CENTRAL VALLEY SAFE ENVIRONMENTAL NETWORK'S  
AMICI CURIAE BRIEF IN SUPPORT OF RESPONDENT FORT ORD  
REUSE AUTHORITY**

---

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**INTEREST OF *AMICUS CURIAE***

The San Joaquin Raptor Rescue Center ("Raptor Center"), Protect Our Water ("POW") and Central Valley Safe Environmental Network ("CVSEN") are non-profit environmental and public interest organizations. The Raptor Center, POW and CVSEN are substantially and directly interested in this case, because they are active participants in environmental review proceedings under the California Environmental Quality Act ("CEQA," Pub. Resources Code § 21000, *et seq.*) involving facilities being developed by the University of California ("UC") at Merced, as well as numerous other development projects in the Central Valley.

Crucial conclusions made by decision-makers during the UC Merced environmental review process are now called into question by the decision on appeal herein. It is now unclear where and if the UC may avoid its responsibilities for mitigating wetland impacts, traffic impacts and others, merely because those impacts are not expressly provided for in Chapter 13.7 of the California Government Code. The September 12, 2003, letter from the UC's Office of General Counsel to the Court certainly indicates their opinion that they are not responsible for, at minimum, some "...\$200 million in improvements to local roads, parks and schools". Further, it is now unclear whether UC will be able to avoid these obligations even where it has previously committed to mitigating certain impacts. The statewide

harm that will result from the decision on appeal is in its beginning stages, but will surely blossom into something that will create significant hardship for local residents who will now be unfairly required to fund the costs arising from governmental landowners' use of their lands.

### SUMMARY OF ARGUMENT

In this litigation, the California State University has sought to establish that it is immune from responsibility under CEQA for mitigating significant off-site environmental impacts of a new university campus. The university's Board of Trustees ("Board," "University," or "CSU") contends as follows: (1) that it need not mitigate off-site impacts of the new campus; (2) that the mitigation responsibility belongs to public agencies other than the University; and (3) that University expenditures for off-site mitigation to be implemented by a multi-agency infrastructure program would amount to a "special assessment" of University property, barred by article XIII, section 3, of the California Constitution.

A majority in the Court of Appeal, Sixth District, has agreed with the Board on all three points, overturning the decision of the Monterey County Superior Court that the Board had not approved the Campus Master Plan ("Campus Plan") in accordance with CEQA.<sup>1</sup> The opinion relies upon

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<sup>1</sup> *City of Marina, et al. v. Bd. of Trustees of California State U. ("Marina v. CSU")* (2003) 109 Cal.App.4th 1179; mod. on den. reh'g., 110 Cal.App.4th 1114a; review granted, Oct. 1, 2003, S117816.

*San Marcos Water District v. San Marcos Unified School District* (“*San Marcos*”) (1986) 42 Cal.3d 154 and the predecessor cases, *The Regents of the University of California v. City of Los Angeles* (“*Regents I*”) (1978) 100 Cal.App.3d 547, and *The Regents of the University of California v. City of Los Angeles* (“*Regents II*”) (1983) 148 Cal.App.3d 451. The Court found the University was constitutionally prohibited from providing funds to mitigate off-campus impacts on traffic, circulation, and fire protection. The Court reasoned that since such assessments are not mentioned in the legislative response to *San Marcos* (Gov. Code, Ch. 13.7), the University may not spend money to mitigate its impacts under CEQA. (*Marina v. CSU, supra*, 109 Cal.App.4th at 1193-96.) Despite the fact that the record contains no evidence of a special assessment or fee having been levied on University property, the appellate majority determined that a potential transfer of funds from the University to another agency to carry out environmental mitigation on behalf of the University would constitute a special assessment.

The majority opinion of the Sixth District has the effect of mandating that local governments and their taxpayers subsidize all public projects except as specifically limited by Chapter 13.7 of the Government Code (section 54999 *et seq.*) This newly articulated rule overrides the

obligation imposed upon every public agency by CEQA to mitigate a project's environmental impacts when feasible. (See California Supreme Court Opening Brief of Respondent Fort Ord Reuse Authority ["FORA Opening Brief"], pp. 16-18.) The result of this misguided rule change is that a proportionately greater share of the cost of supporting a statewide system of public education will fall to local agencies, which do not have the resources to respond to this new mandate.

The majority appellate opinion appears to accept the University's arguments rooted in sovereign immunity, independence from control of other agencies, and the overriding importance of its educational mission. (AR 1013-14, 2166-71, 2430-38; AOB 2, 3, 23-25, 28; ARB 2, 3, 4; RMPA 23; and *Marina v. CSU* 109 Cal.App.4th at 1193-94, 1196, 1198.) The majority opinion, however, reflects nothing of the appropriate balance between these factors and the controlling authority of CEQA, which remains intact in spite of the legal principles touted by the University in an effort to foist environmental impact mitigation costs onto local governments and taxpayers.

Although the University may have convinced a majority of the Sixth District that this case is about the legal relationship between CSU and other agencies, such a conclusion is erroneous. The requirements of CEQA are at issue, period. Through CEQA, the Legislature set forth the responsibilities

of public agencies, and CSU is no exception. The Board is responsible for mitigating environmental harm caused by implementation of the Campus Plan and its attempts to hide behind arguments of Constitutional ban, gifts of public funds, and the notion that the University is simply above concerns relating to regional environmental impacts should be rejected.

Local governments and taxpayers will suffer the burden of the Sixth District's determination that a public agency may avoid mitigation requirements under CEQA for off-site impacts, or impacts to regional resources or infrastructure, simply by virtue of its being a public agency. Such a deviation from existing authority, if allowed to stand, will result in a complete evisceration of CEQA in the context of any project proposed by a public agency, and possibly even by projects associated with public agencies.

### ARGUMENT

#### **A. The Majority Opinion of the Sixth District Shifts Burden of Public Agency Projects to Local Governments and Taxpayers**

In his September 12, 2003, letter to the Court, James E. Holst, General Counsel for UC, raised an argument that local jurisdictions vie for the pleasure of having a university campus come to their community, and that those local jurisdictions should bear "at least some of the costs" of "hosting" a new campus. The logical conclusion to this argument is that the University should be allowed to avoid the mitigation obligations

imposed upon all public agencies under CEQA because local economies may benefit in the long run. Mr. Holst concluded “this Court is not the appropriate forum for these essentially political entreaties.” A political entreaty was made, intent upon avoiding the existing mandates of CEQA, and it was made by the University to the Sixth District Court of Appeal.

#### **B. The New Rule Nullifies CEQA Requirements**

CEQA contains no provision excusing mitigation of impacts based upon a paternal notion that the “prestige, cultural amenities, and other non-financial benefits resulting from proximity to a campus” will somehow make up for environmental impacts. In fact, this notion directly contradicts the policy reflected in a mandate to each public agency to “mitigate or avoid the significant effects on the environment of projects it approves or carries out whenever it is feasible to do so.” (Pub. Resources Code, §21002.1, subd. (b).) This Court has explained: “The chief goal of CEQA is mitigation or avoidance of environmental harm.” (*Laurel Heights Improvements Assn. v. Regents of University of California* (“*Laurel Heights I*”) (1989) 47 Cal.3d 376, 403.) Where a public agency proposes to carry out its own project, CEQA requires the agency, itself, to adopt feasible measures to mitigate the project’s significant impacts. (*Mountain Lion Foundation v. Fish and Game Com.* (“*Mountain Lion*”) (1999) 16 Cal.4th 105, 119; *Citizens for Quality Growth v. City of Mount Shasta* (1988) 198



Cal.App.3d 433, 443, fn. 8.) In 1984, the Legislature underscored this rule by adding section 21001.1, which provides as follows:

The Legislature further finds and declares that it is the policy of the state that projects to be carried out by public agencies be subject to the same level of review and consideration under this division as that of private projects required to be approved by public agencies.<sup>2</sup>

Unfortunately, however, the Sixth District opinion ignores the clear provisions of CEQA and instead mandates that local governments and their taxpayers subsidize all public projects except as specifically limited by Chapter 13.7 of the Government Code (section 54999 *et seq.*)

The obvious flaws of the decision are (1) that the narrowly applicable provisions of Chapter 13.7 were intended to deal with “capital facilities fees” and does not even pretend to modify the mitigation requirements of CEQA; and (2) despite the University’s opinion on the subject, the Sixth District decision did not turn on whether or not a local community might receive benefits that would outweigh the unmitigated environmental impacts.

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<sup>2</sup> See also CEQA Guidelines sections 15002, subdivision (b) (CEQA applies to activities directly undertaken by a governmental agency); 15020 (each public agency is responsible for complying with CEQA and these Guidelines); 15021 (CEQA establishes a duty for public agencies to avoid or minimize environmental damage where feasible); and 15043, 15091, and 15092 (describing the findings process which implements the mitigation requirements). The CEQA Guidelines (the “Guidelines”) are found at California Code of Regulations, title 14, section 15000 *et seq.*

In fact, Mr. Holst's argument that the benefits of proximity to a university campus support a deviation from CEQA's mitigation requirements does not transfer neatly to other public agencies, agencies that would also benefit from the Sixth District decision. Thus, even if the benefits-of-proximity argument made sense (which it does not), the new rule would still apply to a project constructed by any public agency, whether or not that project provided prestige, cultural or other benefits to the local community.

The University's counsel speaks to "appropriate balance," and such a reference is apt. There is no evidence that the strange reading of the *San Marcos* case and responsive Government Code provisions dealing specifically with fees for capital facilities results in a proper balance. In fact, the burden specifically placed upon all public agencies to mitigate impacts of their projects under CEQA is turned on its head; the balance is lost to an inequitable shift onto the backs of local governments and taxpayers.

The appropriate balance is actually struck by the dissenting justice in the *City of Marina* opinion, who rejected the idea that the University's mitigation of impacts under CEQA would be constitutionally prohibited as a special assessment. The dissent found that the CEQA issues in this case actually distinguish it from *San Marcos*, and went on to find that CEQA

imposes an independent duty upon any proponent to mitigate the impacts of its project, and that FORA's obligations to implement and oversee the proposed infrastructure improvement program do not absolve CSU of its duty under CEQA to mitigate impacts. (*City of Marina v. Bd. of Trustees, supra*, 109 Cal.App.4th. at p. 1200-1201.) The dissent agreed with the lower court that, read together, CEQA and the FORA Act reflect a legislative intent for CSU to participate in funding of any capital facilities the need for which is caused by CSUMB. (*Id.* at p. 1203.)

Nothing in the Sixth District opinion provides guidance with respect to a situation in the future where off-site impacts to endangered species habitat might be mitigated through payment into an existing habitat conservation program. In such an instance, under the new rule, the habitat impacts would go unmitigated, or the local government would be shouldered by with the costs of mitigation. *San Marcos* did not intend such a result, nor did the legislature in responding with statutory provisions governing the imposition of capital utilities fees

### **C. The New Rule Will Result in Immeasurable Statewide Consequences**

The result of this misguided rule change is that a proportionately greater share of the cost of supporting a statewide system of public education will fall to local agencies, which do not have the resources to respond to this new mandate.

For example, despite commitments to the community of Merced to pay for off-site impacts, Mr. Holst's letter to this Court contains a statement as follows:

The recent example of UC's new Merced Campus is illustrative. In the CEQA process for the campus long range development plan (LRDP), local jurisdictions identified approximately \$200 million in improvements to local roads, parks and schools that they claimed would be made necessary by the new campus development, and argued that UC was obligated to pay for those improvements under CEQA. UC rejected those demands as reflecting economic and social impacts outside the purview of CEQA, and in light of its exemption from such assessments under the California Constitution.

Because of this reversal of position, and the potentially devastating impacts to communities, the League of California Cities and the California State Association of Counties submitted a letter to the Court on August 14, 2003. That letter states as follows:

The majority opinion in this case significantly aggravates an existing fracture in the state's framework for providing necessary public facilities and services to its citizens. . . .

The statewide mischief caused by the majority ruling of the Court of Appeal is only beginning to be felt, but it will be significant. At a minimum, the willingness of public educational systems such as the California State University (CSU) and the University of California (UC) to devote some part of their resources to mitigating the impacts of their projects will evaporate. Indeed, it has already begun. As a result, a proportionately greater share of the cost of supporting the statewide system of public education will fall to local agencies, which do not have the resources for this new mandate.

Moreover, the new rule may also lead to and/or encourage poor regional planning. The new rule creates the incentive to place new developments and capitol improvements in locations so that the impacts are disproportionately on local agencies, as opposed to the University or UC. For instance, the placement of additional student housing or a new stadium on the edge of campus may have greater impacts on the adjacent local city as compared to locating the capitol improvement within the core of the campus. If located within the campus, the institution would be responsible for infrastructure improvements in order to mitigate the impacts. If, however, the capitol improvement is located on the edge of campus, the financial responsibility for the improvements to the infrastructure will fall disproportionately upon the local agency. A local agency that will have had no decision making authority in approving the capitol improvement. Such a rule change simply cannot be good for smart growth and regional planning.

This Court should not allow this new rule to stand in that it will require local governments and citizens to subsidize projects that serve the state as a whole.

### CONCLUSION

For the reasons set forth above, Raptor Center, POW and CVSEN respectfully request that the Court approve FORA's request and determine

that the Board of Trustees has abused its discretion and failed to proceed as required by provisions of the California Environmental Quality Act in approving the Campus Master Plan for CSUMB, and to provide appropriate relief in accordance with section 21168.9 of the Public Resources Code.

Dated: April 7, 2004

Respectfully submitted,

LAW OFFICES OF DONALD B. MOONEY

By \_\_\_\_\_  
 Donald B. Mooney  
 Attorney For *Amicus Curiae*  
 San Joaquin Raptor Rescue Center,  
 Protect Our Water, and Central  
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LAW OFFICES OF MARSHA A. BURCH  
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**CERTIFICATE OF WORD COUNT  
(Cal. Rules of Court, Rule 14(c)(1))**

The text of this brief consists of 2,581 words as counted by the  
Microsoft Word word-processing program used to generate the brief.

DATED: April 7, 2004

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Donald B. Mooney

**City of Marina, et al. v. Board of Trustees, et al., S117816**

**PROOF OF SERVICE**

I am employed in the County of Yolo; my business address is 129 C Street, Suite 2, Davis, California; I am over the age of 18 years and not a party to the foregoing action. On April 7, 2004, I served a true and correct copy of as follows:

**SAN JOAQUIN RAPTOR RESCUE CENTER, PROTECT OUR WATER,  
AND CENTRAL VALLEY SAFE ENVIRONMENTAL NETWORK'S  
AMICI CURIAE BRIEF IN SUPPORT OF RESPONDENT FORT ORD  
REUSE AUTHORITY**

X (by mail) on all parties in said action listed below, in accordance with Code of Civil Procedure §1013a(3), by placing a true copy thereof enclosed in a sealed envelope in a United States mailbox in Davis, California.

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*Representing Amicus Curiae  
City of Davis*

Hon. Richard M. Silver (Ret.)  
Monterey County Superior Court  
1200 Aguajito Road, Dept. 15  
Monterey, CA 93940-48893

Case No. M41781

Clerk, Court of Appeal  
Sixth Appellate District  
333 West Santa Clara Street, No. 1060  
San Jose, CA 95113

Case No. H 023158

I declare under penalty of perjury that the foregoing is true and correct. Executed on April 7, 2004, at Davis, California.

---

Donald B. Mooney

## MARSHA A. BURCH

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December 19, 2006

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[dist5@co.merced.ca.us](mailto:dist5@co.merced.ca.us)

Re: Proposal -- To amend the Merced County General Plan Circulation Chapter (Chapter II) by establishing an expressway standard and designate an expressway alignment, known as "Campus Parkway", east of the City of Merced from Coffee Street to Yosemite Avenue. Campus Parkway will be approximately a 4.5-mile route; and 2006 Cycle IV General Plan Amendment: General Plan Text Amendment No. GPTA06-001- Campus Parkway.

Dear Supervisors, Mr. Fong and Ms. Lawrence:

This office, in conjunction with the Law Office of Donald B. Mooney, represents the Central Valley Safe Environment Network, San Joaquin Raptor Rescue Center and Protect Our Water with respect to the above-referenced proposal for General Plan Text Amendment. We appreciate the opportunity to provide the following comments, which are submitted this morning as a result of the fact that, despite considerable effort, our clients were unable to obtain the

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staff report for the proposed amendment until approximately 3:30 p.m. yesterday.

The Proposed Text Amendment does not comply with the California Environmental Quality Act ("CEQA") (Public Resources Code § 2100 et seq.) Accordingly, we request that the Board of Supervisors deny the Proposed General Plan Text Amendment, and reject adoption of the Campus Parkway CEQA Findings of Fact, Statement of Overriding Considerations, and Mitigation Monitoring Program.

The Amendment includes two separate projects. The first project is an amendment to General Plan that will apply County-wide. The second discretionary approval would designate an expressway alignment. These two projects require separate environmental review. There has been no environmental review that we are aware of for the County-wide expressway standard, nor any review of the expressway alignments other than the Campus Parkway. The two projects may not legally be lumped together without appropriate review of all of the discretionary acts.

It appears that the entire proposal, including the expressway standard and alignments, will be based upon the EIR for a 4.5-mile route. It appears that two other expressways are planned to join with the Campus Parkway: the Atwater-Merced Expressway and the Bellevue Expressway. These additional expressways are not mentioned in the Campus Parkway Environmental Impact Report ("EIR"). There are also plans for expressways on the west side of Merced County, which have not been the subject of any CEQA review that we are aware of.

Because of the fact that there has been no environmental review of the consequences of this amendment to the General Plan, the proposal must be rejected. Sufficient environmental review must take into account the consequence of its cumulative impacts to traffic, air and water quality, public health and safety, and particularly impacts to biological resources and wildlife corridors. Also, the amendment will necessarily result in the loss of a considerable amount of agricultural land, a consequence completely at odds with the General Plan goal of preserving it. This significant conflict with the existing general plan must also be considered during the CEQA process.

Other potentially significant impacts exist, none of which have been the subject of any CEQA review. For example, the potential impacts to private property, including potential for condemnation in the future, that will arise as a result of expressway alignment designations has not been considered or reviewed. Also, the essence of the expressway designation under the state Streets and Highways Code is fully controlled access. By severing county roads

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used by farmers and ranchers for trucking and agricultural equipment, this amendment cannot fail to disrupt normal agricultural practices with consequent economic damage.

Also, County staff reports that the Campus Parkway will take 83 acres of agricultural land out of farming but this is "below the threshold of significance established by the Federal Highway Administration," and the County has no "significance" standard for agricultural lands.

The County sees no problem because the "land use designation underlying the Campus Parkway will remain Agriculture." Under this reasoning, the County, Merced County Associations of Government, the state Department of Transportation and the FHWA could pave over thousands of acres of farmland in Merced County through this General Plan amendment and still account for them as "Agriculture." This violates planning and zoning laws. If the expressways already mapped by MCAG and CalTrans are built, the County will be carrying thousands of acres on its zoning maps as "Agriculture," which will in fact be paved over expressways with "fully controlled access."

Furthermore, by piecemealing one section of expressway after another, a process that would be enabled by this General Plan amendment, the County would stay beneath the federal threshold for significance, insuring that no state or federal funds could be used for agricultural conservation easements. This results in the untenable situation summed up by County staff as follows: "Thus, the only potential funding source for agricultural conservation easements is Merced County. No budget exists in the Department of Public Works for the acquisition of agricultural conservation easements."

One option for the Atwater-Merced Expressway passes close to the Riverside Motorsports Park ("RMP"). But, said one supervisor at the last meeting on the RMP project, the Atwater-Merced Expressway cannot be discussed in connection with traffic jams around RMP because that expressway "is not a project" (although its alternative routes are mapped and posted on the MCAG website – see attachments).

The proposed General Plan amendment attempts to circumvent the environmental review for the entire projected expressway system in Merced County by relying upon the EIR for 4.5 miles of expressway. Further, the proposal appears to intentionally deprive agriculture of state and federal funds for conservation easements on lost agricultural land. This bold attempt to create fictional Agriculturally zoned areas should be rejected, as it violates environmental, land use, and agricultural preservation laws.

An additional funding issue has also received no review or discussion. It appears that County plans to divert funds remaining in the transportation

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budget to the construction of the Campus Parkway. Further analysis and public disclosure is necessary in this regard.

Because of the issues raised above, we believe that the proposal fails to meet the requirements of the California Environmental Quality Act. For these reasons, we believe the proposal should be withdrawn and appropriate environmental review completed prior to further consideration.

If you have questions regarding the above, please feel free to contact me at 530/272.8411.

Sincerely,

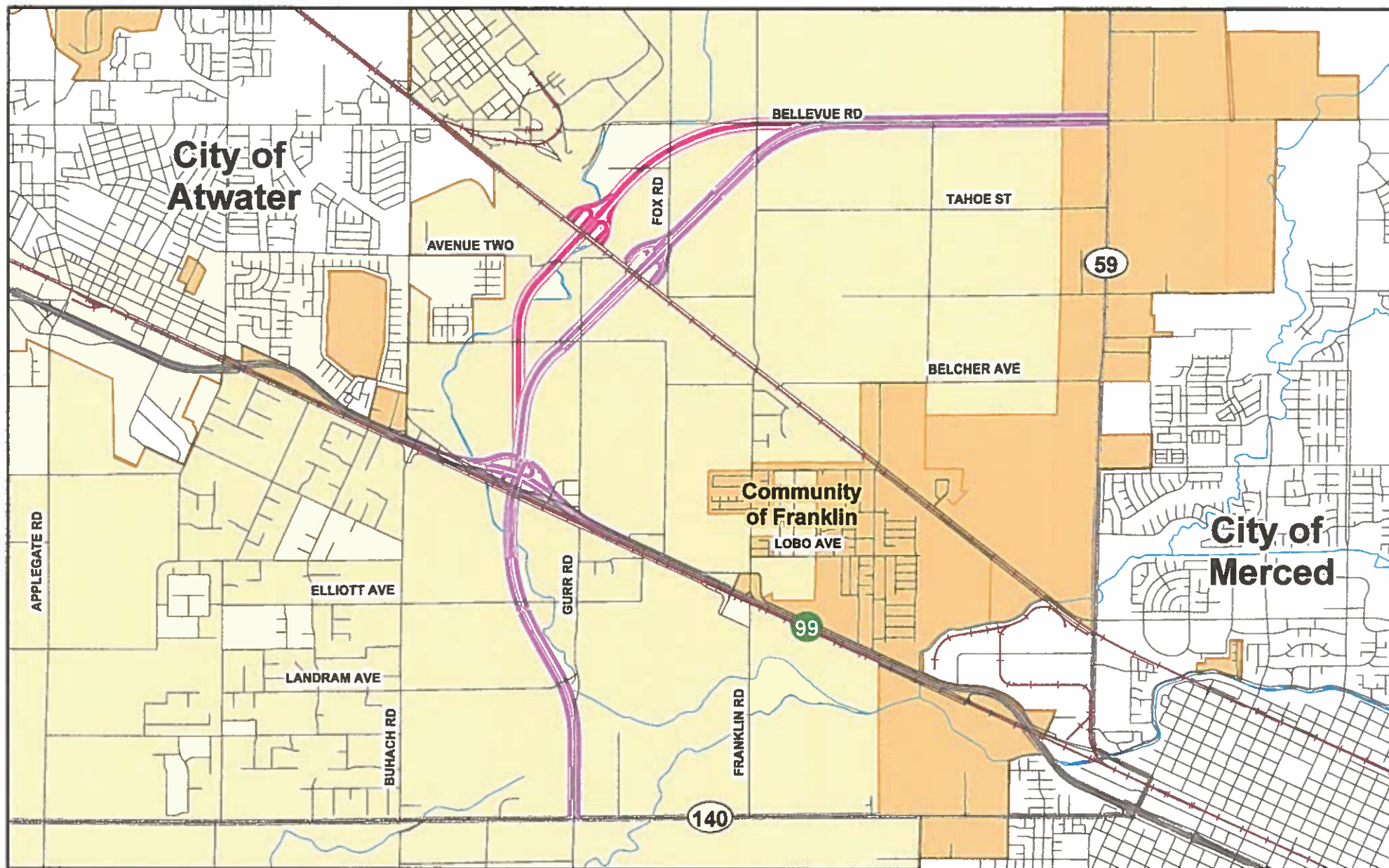
Marsha A. Burch  
Attorney

MAB/tm  
Enclosures

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# Atwater - Merced Expressway: Corridor Options

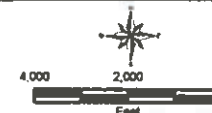


Merced Date  
Special Services, Inc.  
385 W. 18th Street  
Merced, CA 95340  
(209) 723-3153  
FAX (209) 723-0322  
August 28, 2006

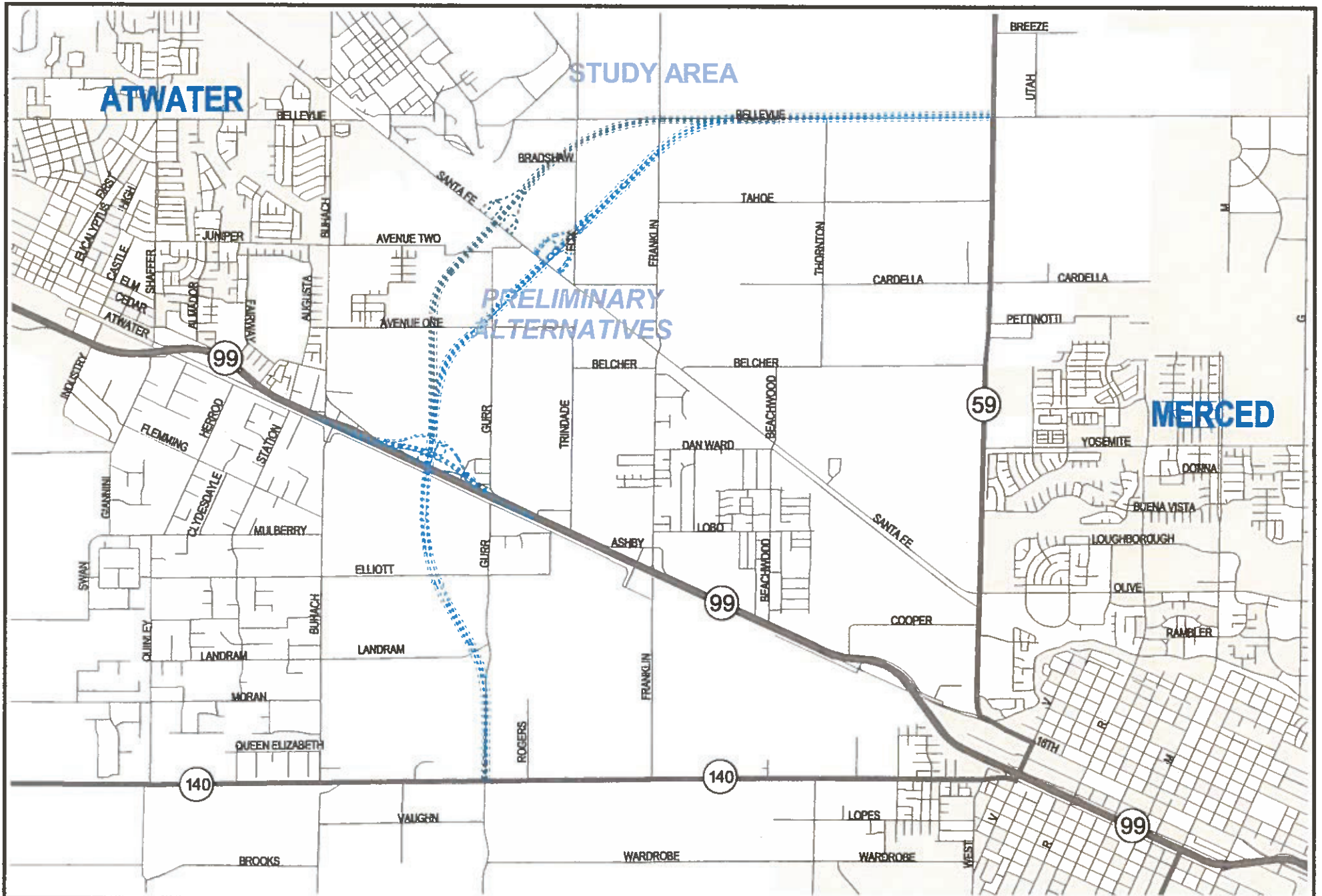
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Atwater - Merced Expressway Alternative B

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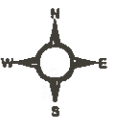
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Railroads  
Creeks  
City Limits  
Specific Urban Development Plan



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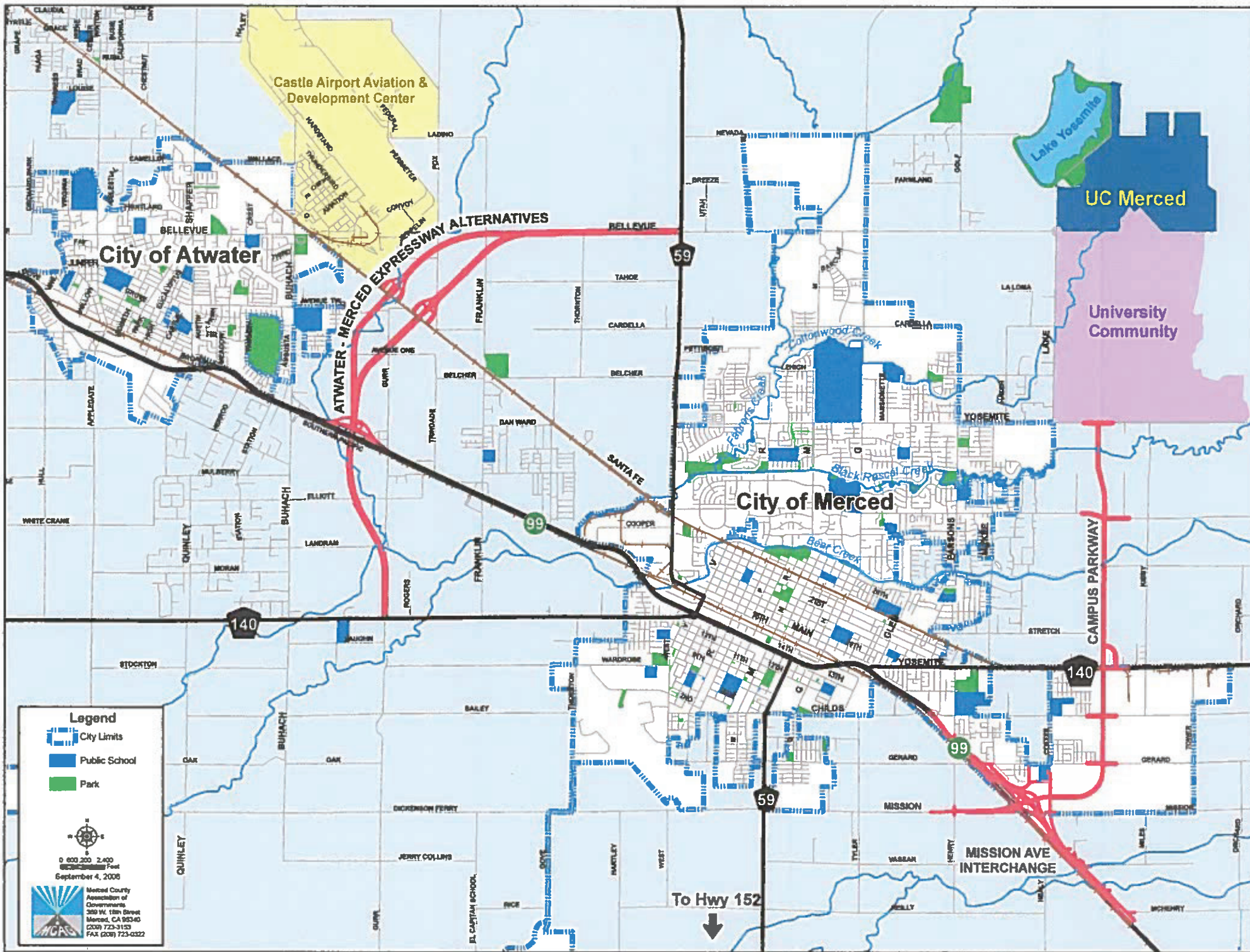


# ATWATER-MERCED EXPRESSWAY



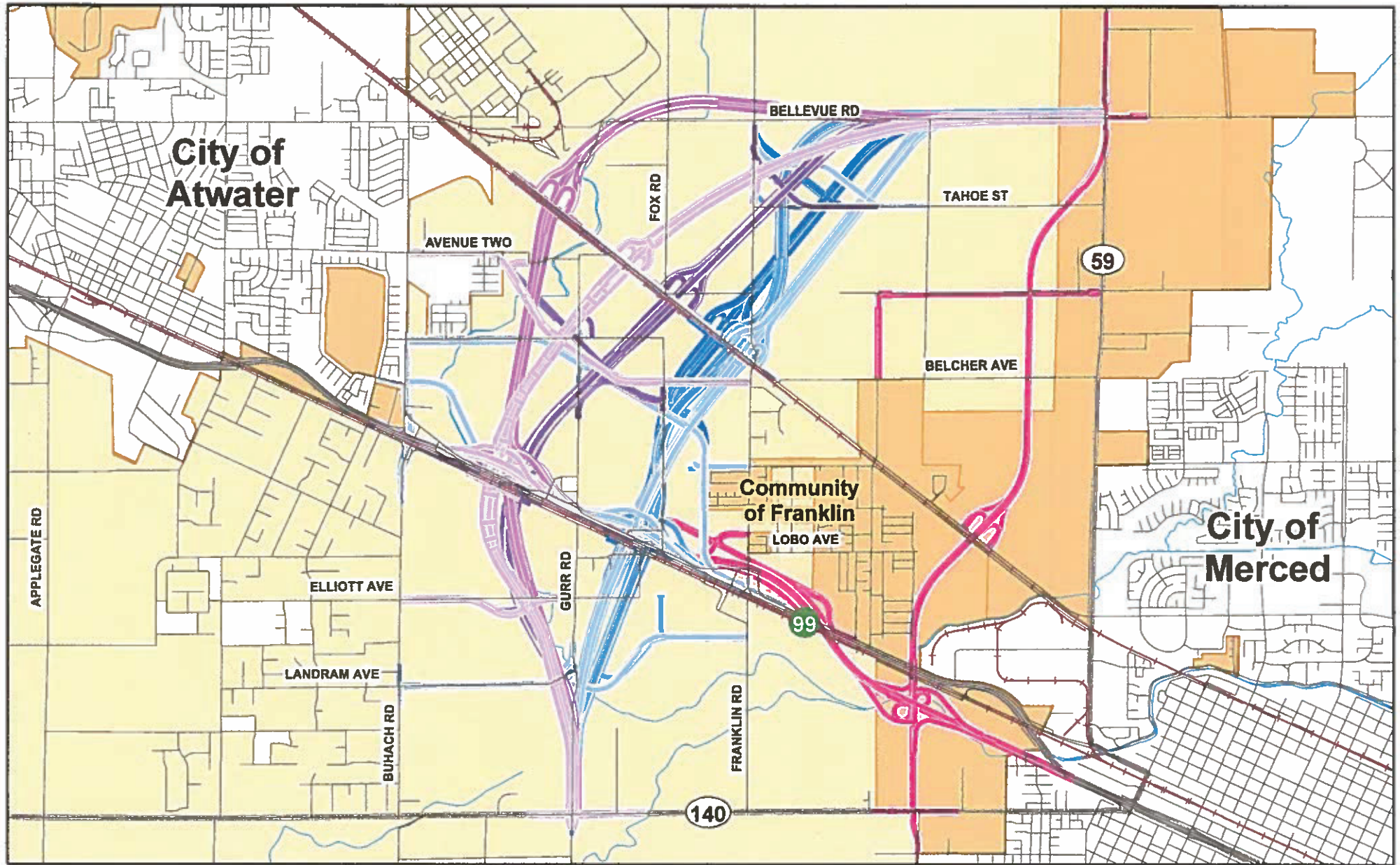
February 2006







# Atwater - Merced Expressway: Corridor Options



## Legend