



**UCM 2020 PROJECT**

Addendum No.9 to the 2009 UC Merced Long Range Development Plan  
Environmental Impact Statement/ Environmental Impact Report

The following Addendum has been prepared in compliance with CEQA.

**Prepared for:**

University of California, Merced  
5200 N. Lake Road,  
Merced, California 95343

**Prepared by:**

Impact Sciences, Inc.  
505 14<sup>th</sup> Street, Suite 1230  
Oakland, California 94612

July 2017

## I. PROJECT INFORMATION

1. Project Title:

UCM 2020 Project

2. Lead agency name and address:

Office of Physical Planning Design & Construction  
25200 N. Lake Road,  
Merced, California 95343

3. Contact person and phone number:

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

4. Project location:

University of California, Merced  
Merced County

5. Project sponsor's name and address (See #2 & #3)

See Lead Agency

6. Custodian of the administrative record for this project (if different than above.):

See Lead Agency

7. Identification of previous EIRs relied upon for tiering purposes (including all applicable LRDP and project EIRs and address where a copy is available for inspection.)

The 2009 UC Merced Long Range Development Plan Final Environmental Impact Statement/ Environmental Impact Report (2009 EIS/EIR) (SCH No. 2008041009). Copies of the document can be found at:

Office of Physical Planning Design & Construction  
University of California

## II. INTRODUCTION

The University of California (“University”), as the lead agency pursuant to the California Environmental Quality Act (“CEQA”), prepared the Final Environmental Impact Statement/Environmental Impact Report (“Final EIS/EIR”) for the 2009 Long Range Development Plan (“LRDP”) for the University of California, Merced (“UC Merced”) and the UC Merced 2020 Project (the “UCM 2020 Project”) (State Clearinghouse No. 2008041009). The Board of Regents of the University of California (“The Regents”) certified that the Final EIS/EIR was completed in compliance with the California Environmental Quality Act (“CEQA”) and adopted Findings and a Statement of Overriding Considerations in connection with its approval of the 2009 LRDP.

The Final EIS/EIR consists of the November 2008 Draft Environmental Impact Statement/Environmental Impact Report (“Draft EIS/EIR”) and the March 2009 Final Environmental Impact Statement/Environmental Impact Report (“Final EIS/EIR”) (collectively the “2009 EIS/EIR”). Volumes 1 and 2 of the Draft EIS/EIR assess the potential environmental effects of implementation of the 2009 LRDP, identify means to eliminate or reduce potential adverse impacts, and evaluate a reasonable range of alternatives to the 2009 LRDP. Volume 3 builds upon the broader programmatic analysis of campus development in Draft EIS/EIR Volumes 1 and 2, and focuses on evaluating and disclosing environmental impacts that could potentially result if the development proposed as part of the UCM 2020 Project is implemented.

The 2009 LRDP is the land use planning document used by UC Merced to guide the development of the campus to eventually support a projected student body of 25,000 full time equivalent students on up to 815 net acres of land in Merced County. It includes both a land use diagram identifying the locations of planned land uses within the 815-acre campus, and policies to guide the development of campus land uses and facilities. UC Merced has completed the construction of the Phase 1 campus that provides adequate facilities for enrollment of up to 5,600 full-time equivalent (FTE) students.<sup>1</sup> The UCM 2020 Project, also referred to as Phase 2, comprises the second phase of campus development, with facilities needed to support an enrollment level of up to 10,000 FTE students. In early 2013, UC Merced commenced planning for the

---

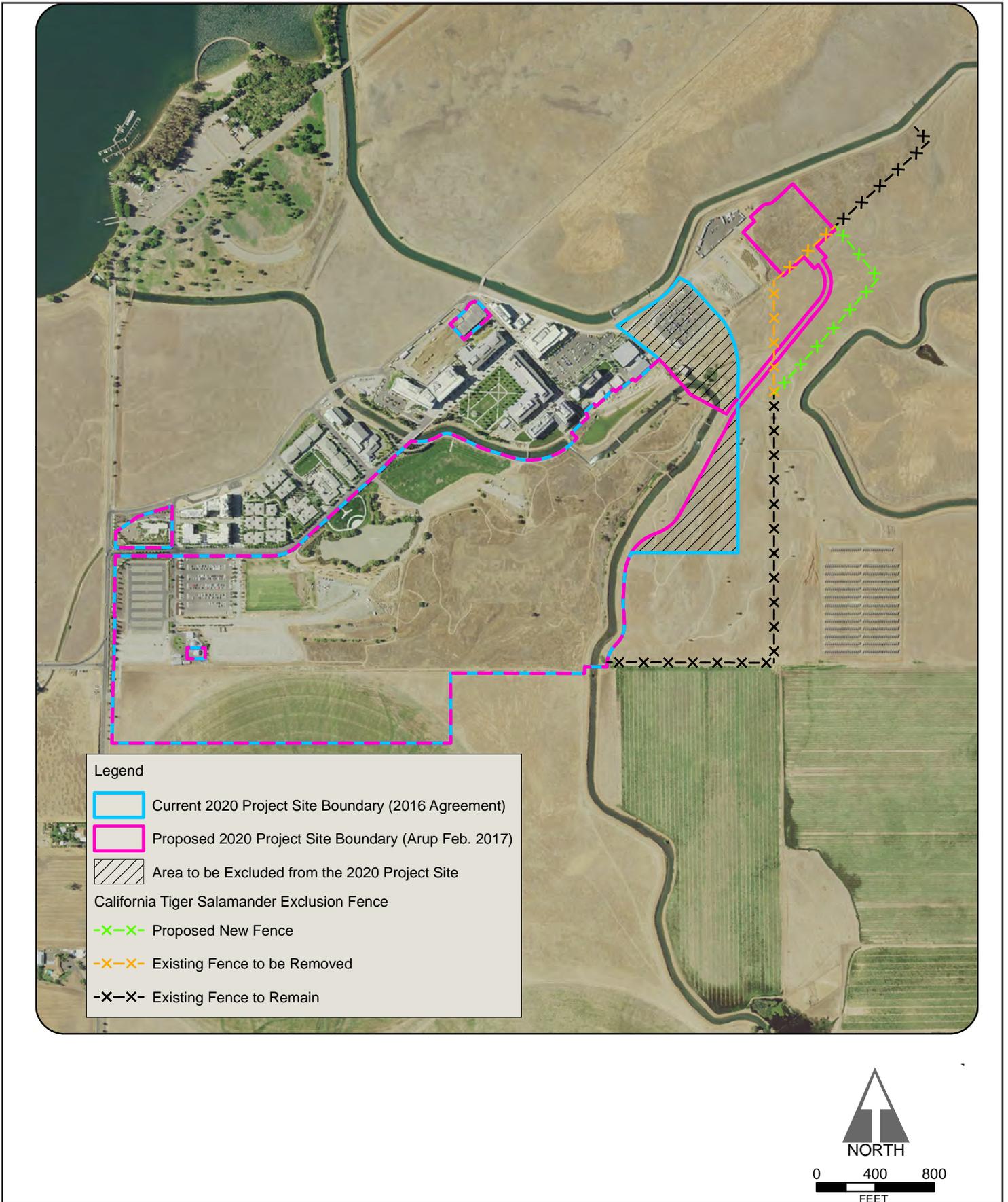
<sup>1</sup> Phase 1 campus was planned and developed to provide facilities for an enrollment level of 5,000 FTE students. UC Merced has absorbed the additional enrollment by moving some of the campus’ administrative functions to downtown locations.

facilities included in the original UCM 2020 Project, and determined that these facilities were best developed as a single integrated planned development, to be delivered in one or more phases in a portion of the area previously identified for the original UCM 2020 Project. In May 2013, the Campus prepared an addendum (Addendum No. 6)<sup>2</sup> to the 2009 LRDP EIR and processed an amendment of the 2009 LRDP (LRDP Amendment No. 1) that reduced the size of the 2020 Project site and changed its land use designation to Campus Mixed Use so that all of the facilities included in the UCM 2020 Project could be developed as a single integrated project. Subsequent to the approval of the amendment to the 2009 LRDP described above, UC Merced continued its planning efforts and issued a request for proposals from developers that could design, build, finance, operate, and maintain the UCM 2020 Project. While the University was still finalizing an agreement with the UCM 2020 Project developer, the University determined that the 2009 LRDP and UCM 2020 Project required further revisions in order to implement the UCM 2020 Project as conceptualized by the University and the developer. In June 2016, the Campus prepared Addendum No. 7 to the LRDP EIR that documented the environmental effects from additional revisions to the 2020 Project site boundaries, modification of the 2020 Project to accommodate a projected enrollment level of 9,793 FTE students and provide up to 4,807 student beds, and other minor changes to the 2020 Project. The 2020 Project developer commenced project construction in August, 2016.

UC Merced proposes additional changes to the 2020 Project site boundaries as defined in the 2016 Project Agreement with the 2020 Project developer (“Project Agreement”). The proposed changes include the incorporation of an 4.84-acre area in the northeastern portion of the campus (P3 area) and a proposed road leading to the P3 area (**Figure 1**) into the 2020 Project site, and the exclusion of two areas shown on **Figure 1** from the site. Due to the proposed

---

<sup>2</sup> Prior to Addendum No. 6, the University prepared other addenda (Addendum No. 1 through Addendum No. 5) in conjunction with the CEQA review of other projects at the campus under the 2009 LRDP.



SOURCE: UC Merced 2017

FIGURE 1

2020 Project Changes

2020 Site boundary change, a portion of the previously installed California tiger salamander (CTS) exclusion fence would need to be relocated to the east to encompass the proposed P3 area and road (**Figure 1**). The P3 area is a graveled parking lot that will be used during the construction of the 2020 Project for parking and staging and as a permanent parking lot upon the completion of project construction. Similarly the road will be used both during construction and upon completion of construction to provide access along the east side of the campus.

Section 15164(a) of the CEQA Guidelines states “The lead agency or responsible agency shall prepare an addendum to a previously certified EIR if some changes or additions are necessary but none of the conditions described in Section 15162 calling for preparation of a subsequent EIR or declaration have occurred.” The proposed 2020 site boundary change, which is a change to the previously approved 2020 Project, is the subject of this Addendum. The changes do not trigger any of the conditions necessitating the preparation of a subsequent EIR or negative declaration; no additional environmental document beyond this Addendum is necessary to evaluate the impacts of the proposed 2020 site boundary change (“Revised 2020 Project”). All impacts associated with the Revised 2020 Project would be mitigated through implementation of the 2009 EIS/EIR Mitigation Monitoring and Reporting Program.

### **III. PROJECT LOCATION AND DESCRIPTION**

#### **1. Description of the 2020 Site Boundary Change Project**

UC Merced proposes to revise the boundary of the 2020 Project site as set forth in the Project Agreement. The purpose of the boundary change is to include an approximately 4.84-acre P3 construction staging and parking area located northeast of the North Bowl parking lot. The P3 area is a previously disturbed dirt area and is graveled. The boundary change would also encompass the proposed road alignment from the 2020 Project site east of the Fairfield Canal to the P3 area. This road would be paved and used to access the P3 area during 2020 Project construction. The road would remain in place and would also be part of the final 2020 Project. The inclusion of the P3 area and road into the 2020 Project site boundaries would allow for the use of the construction staging area, parking area, and road. Also, as shown in **Figure 1**, the 2020 Project site boundary would be changed to exclude a triangular area located between Le Grand Canal and Fairfield Canal and a second triangular area located to the east of Fairfield

Canal. Thus, due to the boundary changes, the 2020 Project site would decrease in size from 153.4 acres to 143.7 acres.

In 2015, a CTS exclusion fence was installed by UC Merced to encompass the 2020 Project site and the North Bowl parking lot site in advance of the start of construction on both the 2020 Project and the North Bowl parking lot expansion in 2016. The CTS exclusion fence currently encompasses the current 2020 Project site and is designed to keep dispersing CTS from entering the construction areas. As an indirect result of the proposed 2020 Project boundary change, a portion of the currently installed CTS fence would need to be relocated further to the east in order to surround the P3 area and road. The 2020 Project proposes to first install the new segment of the CTS fence to the east and then remove the affected segment of the CTS fence.

## **2. Project Objectives**

The objective of the Revised 2020 Project remains unchanged from the objective of the UCM 2020 Project described in 2009 LRDP EIR Volume 3 and Addenda No. 6 and 7, which is to support the instructional and research mission of the University of California by providing essential academic space, infrastructure and facilities to support expanding enrollment up to 9,793 students and optimize the use of existing UC Merced campus infrastructure.

The implementation of the Revised 2020 Project allows for the use of a construction staging and parking area needed to construct needed academic space, infrastructure, and facilities which furthers the overall goal to expanding enrollment up to 9,793 students.

## **3. Surrounding Land Uses and Environmental Setting**

The site of the 2020 Project is bounded to the west by Lake Road, and Ranchers Road and Le Grand Canal to the north, and undeveloped campus lands to the southeast. The northern and western portions of the project site are developed with academic, administrative, and student housing buildings; parking lots; and sports fields. The 2020 Project developer has completed the early stages of project construction in the southern and eastern portions of the project site, such as site grading and preparation.

Land outside the project site is mostly undeveloped grasslands used for cattle grazing and agricultural use. A few rural residential homes are located to the southwest of the project site along Lake Road.

#### **4. Discretionary Approval Authority:**

As a public agency principally responsible for approving or carrying out the Revised 2020 Project, the University of California is the Lead Agency under CEQA and is responsible for reviewing the adequacy of the existing environmental document, determining whether further environmental review is required as a result of the changes to the project, and approving the proposed changes. Approval of the Revised 2020 Project has been delegated to the Chancellor of the UC Merced by the Board of Regents of the University of California (The Regents) and is expected to be considered by the Chancellor in May 2017.

#### **5. Consistency with the 2009 LRDP:**

The following discussion describes the proposed project's relationship to and consistency with the development projections, population projections, land use designations, and objectives contained in the 2009 LRDP and its relationship to the analysis contained in the 2009 EIS/EIR.

##### ***5.1 LRDP Scope of Development***

The existing UC Merced campus space inventory totals approximately 1.4 million square feet. The Revised 2020 Project would not be different from the UCM 2020 Project analyzed in the 2009 EIS/EIR and the project would add the same amount of building space and new facilities to the campus such that at completion of the Revised 2020 Project, the total building space on the campus would be up to 2.5 million square feet. The proposed boundary change would not alter the enrollment level from what was previously projected in Addendum No. 7 to the 2009 EIS/EIR. The level of development included in the Revised 2020 Project is within the development envelope of the 2009 LRDP. The Revised 2020 Project is consistent with the LRDP scope of development.

##### ***5.2 LRDP Land Use Designation***

The 2009 LRDP, as amended in 2013 and 2016, designates most of the 2020 Project site as Campus Mixed Use (CMU) which allows for high density, mixed use development,

including academic buildings, residences, and student services. The underlying land use designation of the northeast portion of the P3 area is residential. Temporary and permanent parking lots and roads are allowed land uses in areas designated CMU and residential in the 2009 LRDP. The proposed changes to the project site would not conflict with the LRDP.

### ***5.3 LRDP Population Projections***

The Revised 2020 Project is also within the scope of the 2009 LRDP in terms of population projections. The 2009 LRDP contemplates development necessary to accommodate 25,000 FTE students with half the students accommodated in on-campus housing. For the horizon year 2020, the 2009 LRDP contemplates an enrollment level of up to 9,793 students with 4,807 students accommodated in on-campus housing. The Revised 2020 Project analyzed in this addendum involves simply a change in location of where the 2020 Project would be implemented and a decrease in the overall area of the 2020 project site; it would not increase the student, faculty, and staff populations.

### ***5.4 LRDP Objectives***

The primary objective of the 2009 LRDP is to plan for the Merced campus' share of the University of California's short- and long-term enrollment demands. The Revised 2020 Project would support this LRDP objective by allowing the use of a construction staging and parking area needed for construction activities to build necessary facilities on the campus for the projected enrollment level of 9,793 students in a timely manner. In addition, the 2009 LRDP aims to model environmental stewardship and to provide a high-quality campus setting.

### ***5.5 Relationship to the 2009 EIS/EIR***

Volume 3 of the 2009 EIS/EIR presents a project-level analysis that assesses the potentially significant environmental effects of the UCM 2020 Project. As analyzed in the EIS/EIR, the UCM 2020 Project would develop 2.5 million square feet of academic space to support an enrollment level of up to 10,000 FTE students and 5,000 student beds to house half the enrolled students in on-campus housing on a 355-acre site. Addendum No. 6 evaluated environmental impacts from the development of the UCM 2020 Project on a more compact 219-acre site that was redesignated Campus Mixed Use, and concluded that the land use designation change and reduced project site would not result in any changes to the findings of the 2009 EIS/EIR and adopted all applicable

mitigation measures. Addendum No. 7 evaluated environmental impacts from a small reduction in the enrollment level that would be accommodated and on-campus housing that would be provided as part of the 2020 Project, further revisions of the project site boundaries, additional minor land use designation changes, a parking area and entrance south of the Bellevue Road extension, use of an ancillary site, several amendments to the LRDP policies, the alteration and filling of two storm water basins, possible placement of housing in mixed use areas, and compared the modifications to the project evaluated in the 2009 EIS/EIR and Addendum No. 6. The analysis in Addendum No. 7 showed that the proposed changes to the UCM 2020 Project would not result in any changes to the findings of the 2009 EIS/EIR and adopted all applicable mitigation measures. This Addendum No. 9 takes into consideration the use of the proposed P3 area and paved road, additional changes to the 2020 site boundary and area, and the relocation of a portion of the existing CTS exclusion fence. The analysis in this addendum shows that these proposed changes to the UCM 2020 Project would not result in new or more severe impacts than previously analyzed.

#### IV. ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED

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

- |  |  |  |
|--|--|--|
| <input type="checkbox"/> Aesthetics                    | <input type="checkbox"/> Agricultural and Forestry Resources | <input type="checkbox"/> Air Quality               |
| <input type="checkbox"/> Biological Resources          | <input type="checkbox"/> Cultural Resources                  | <input type="checkbox"/> Geology/Soils             |
| <input type="checkbox"/> Hazards & Hazardous Materials | <input type="checkbox"/> Hydrology/Water Quality             | <input type="checkbox"/> Land Use/Planning         |
| <input type="checkbox"/> Noise                         | <input type="checkbox"/> Population and Housing              | <input type="checkbox"/> Public Services           |
| <input type="checkbox"/> Recreation                    | <input type="checkbox"/> Transportation/Traffic              | <input type="checkbox"/> Utilities/Service Systems |
| <input type="checkbox"/> Greenhouse Gas Emissions      | <input type="checkbox"/> Minerals                            |  |

V. DETERMINATION

On the basis of the initial evaluation that follows:

I find that the proposed project could have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, and that these effects have not been adequately analyzed by an earlier EIR. A TIERED ENVIRONMENTAL IMPACT REPORT will be prepared.

I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (1) have been addressed adequately in an earlier environmental document pursuant to applicable standards, and (2) either no changes or no substantial changes to the project are proposed, and no new information of substantial importance has been identified. An ADDENDUM and FINDINGS will be prepared.

Phillip Woods  
Signature

\_\_\_\_\_  
Date

PHILLIP WOODS  
Printed Name

UC MERCED  
For

## VI. EVALUATION OF ENVIRONMENTAL IMPACTS

Upon initial review of the proposed changes to the UCM 2020 Project, it has been determined that environmental impacts related to Aesthetics, Agriculture and Forestry Resources, Air Quality, Geology and Soils, Greenhouse Gas Emissions, Hazards and Hazardous Materials, Hydrology and Water Quality, Land Use and Planning, Minerals, Noise, Population and Housing, Public Services and Recreation, Traffic, and Utilities require no further analysis beyond that contained in Volume 3 of the 2009 EIS/EIR, as the boundary changes, use of the P3 area and road, and relocation of a portion of the existing CTS fence would not change the analysis of and conclusions regarding impacts on these resources. This is because the proposed project would not add new buildings or more population to the campus, and would not involve the use of hazardous materials. The following analysis addresses the remaining environmental resource areas to determine whether any further environmental analysis is needed.

### 1. Biological Resources

#### *Natural Communities, Special Status Plants, and Wetlands*

The P3 area is currently undeveloped and graded land that has been compacted and graveled and does not contain natural communities or special status plants. Although wetlands were present within the P3 area, they were filled in 2011 in conjunction with the Phase 6 Infrastructure project pursuant to the UC Merced Department of the Army (DA) permit SPK-1999-00203. Similarly, the alignment of the roadway was previously disturbed in conjunction with the Phase 6 Infrastructure project and with the exception of a small wetland area, no wetlands are present within the roadway alignment. Filling of the small wetland area is authorized by the DA permit and the impact from filling of the wetlands within the campus site has been fully mitigated by the Campus.

#### *California Tiger Salamander*

All of the UC Merced campus is within 1.3 miles of ponds and large vernal pools where CTS is known to breed. Although CTS has not been observed on the campus, the species has the potential to disperse from the breeding locations and during the dry season estivate in burrows on the campus. As stated above, the existing CTS fence was installed in 2015 to keep CTS out of the 2020 Project site and the North Bowl parking lot site prior to commencement of construction in 2016. To insure that no additional CTS come onto the revised project site, the new CTS fence to the east would be installed

prior to the removal of the affected portion of the existing fence. Although Le Grand Canal, located just southeast of both the current CTS fence section and proposed CTS fence section, would act as a barrier, there is still potential for CTS to disperse towards the 2020 Project site, and CTS could be present in burrows near the new CTS fence section. As with the ongoing UCM 2020 Project, the Revised 2020 Project would comply with the requirements of the UCM 2009 Biological Opinion (as amended in 2016) and the 2011 UCM Incidental Take Permit (ITP) (as amended in 2016) issued to the campus by the US Fish and Wildlife Service (USFWS) and the California Department of Fish and Wildlife (CDFW), respectively. The potential impact to CTS would be fully mitigated through compliance with these permits. Therefore, the Revised 2020 Project would not result in any new or more severe impacts to CTS than previously analyzed in the 2009 EIS/EIR.

### *Nesting Birds*

Although mature trees are not present near the P3 area or the roadway alignment, other nesting birds could be present in more distant trees. Ground-nesting birds, including burrowing owls (*Athene cunicularia*) and common bird species such as killdeer, are known to nest in this area of the campus. The P3 area and the roadway alignment have been previously disturbed and due to ongoing construction on the 2020 Project site, the potential for ground-nesting birds to nest in the affected area is low. Nevertheless, burrowing owls could occupy burrows and killdeer could establish nests on or near the P3 area and the roadway alignment. Similarly, the relocation of a portion of the CTS fence would involve ground disturbing activities that would also occur in areas where ground-nesting birds, including burrowing owls and other bird species, could be present. To avoid impacts to all nesting birds known to occur nearby, the Revised 2020 Project would implement **LRDP Mitigation Measures BIO-9a** and **BIO-9b**. Project impacts to all nesting birds would be reduced to less than significant through the implementation of **LRDP Mitigation Measure BIO-9a**, and impacts on nesting burrowing owls would be reduced to a less than significant level with implementation of the revised **LRDP Mitigation Measure BIO-9b**, set forth in Addendum No. 8 to the

2009 EIS/EIR.<sup>3</sup> Therefore, the Revised 2020 Project would not result in any new or more severe impacts to nesting birds than previously analyzed in the 2009 EIS/EIR.

### *San Joaquin Kit Fox*

In the process of relocating a portion of the CTS fence, ground disturbing activities could also impact burrows that could be occupied by San Joaquin kit fox. Per UCM 2009 Biological Opinion (as amended in 2016), 2011 UCM ITP (as amended in 2016) and **LRDP Mitigation Measure BIO-10**, preconstruction surveys shall be conducted within 2 weeks or less of any ground-disturbing activities. Thus, the impact to San Joaquin kit fox would be reduced to a less than significant level. The Revised 2020 Project would not result in any new or more severe impacts to San Joaquin kit fox than previously analyzed in the 2009 EIS/EIR.

### *Other Biological Resources*

The project would have no impacts on riparian habitat or migratory fish or wildlife species as those habitats are not present in the area affected by the Revised 2020 Project. Nor would the project conflict with any local policies or ordinances. No impacts would occur.

In summary, with the implementation of **LRDP Mitigation Measures BIO-9a, BIO-9b, and BIO-10** and compliance with the UCM ITP and Biological Opinion, the Revised 2020 Project would not result in new or more severe impacts than those analyzed in the 2009 EIS/EIR. Thus, the project would not change the nature or magnitude of potential impacts to biological resources or the conclusions in Volume 3 of the 2009 EIS/EIR. No further analysis is required.

## **2. Cultural Resources**

Ground disturbance during relocation of the CTS fence would be minimal and would occur in previously disturbed areas. However, there is still potential to inadvertently unearth and damage unknown archaeological resources during ground disturbing activities. Similarly, ground disturbance to construct the new road would also have the potential to inadvertently affect unknown archaeological resources. However, **LRDP**

---

<sup>3</sup> LRDP Mitigation Measure BIO-9b was revised in Addendum No. 8 to the 2009 EIS/EIR with the purpose of updating the mitigation measure per current California Department of Fish and Wildlife (CDFW) guidance.

**Mitigation Measure CUL-2** shall be implemented to ensure that any unknown archaeological resources encountered during construction activities would be properly handled. Adherence to **LRDP Mitigation Measure CUL-2** would reduce the impact to archaeological resources to a less than significant level.

Similarly, although ground disturbing activities would be minimal, there is still potential to inadvertently unearth and damage buried human remains. Implementation of **LRDP Mitigation Measure CUL-3** shall be required to ensure the impact to human remains is reduced to a less than significant level.

In summary, the Revised 2020 Project's ground disturbing activities would not result in new or more severe impacts on cultural resources than already analyzed in the 2009 EIS/EIR. The project would not change the nature or magnitude of potential impacts to cultural resources or the conclusions in Volume 3 of the 2009 EIS/EIR. No further analysis is required.

## **VII. SUPPORTING INFORMATION SOURCES**

UC Merced. 2009. *UC Merced and University Community Project Environmental Impact Statement/Environmental Impact Report, SCH # 2008041009*. Prepared by Impact Sciences, Inc., ICF Jones & Stokes, Fehr & Peers. November.

UC Merced. 2009. *Long Range Development Plan*. Prepared by the University of California, Merced.

## **VIII. ADDENDUM PREPARERS**

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

Principal in Charge: Shabnam Barati, Ph.D.

Project Planner: Angela Pan

**CALIFORNIA ENVIRONMENTAL QUALITY ACT FINDINGS IN CONNECTION  
WITH THE CHANGE TO THE SITE BOUNDARY OF UC MERCED 2020 PROJECT  
AT THE UNIVERSITY OF CALIFORNIA, MERCED CAMPUS**

**I. INTRODUCTION**

**A. Description of the Project**

UC Merced proposes to revise the boundary of the 2020 Project site as set forth in the Development Agreement. The purpose of the boundary change is to include an approximately 4.84 acre P3 construction staging and parking area located northeast of the North Bowl parking lot. The P3 area is a previously graded dirt area and is graveled. The boundary change would also encompass 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 would be paved and used to access the P3 area during 2020 Project construction. The road would remain in place and would also be part of the final 2020 Project. The inclusion of the P3 area and road into the 2020 Project site boundaries would allow for the use of the construction staging area, parking area, and road. Also, the 2020 Project site boundary would be changed to exclude a triangular area located between Le Grand Canal and Fairfield Canal and a second triangular area located to the east of Fairfield Canal. Thus, due to the boundary changes, the 2020 Project site would decrease in size from 153.4 acres to 143.7 acres.

In 2015, a CTS exclusion fence was installed by UC Merced to encompass the 2020 Project site and the North Bowl parking lot site in advance of the start of construction on both the 2020 Project and the North Bowl parking lot expansion in 2016. The CTS exclusion fence currently encompasses the current 2020 Project site and is designed to keep dispersing CTS from entering the construction areas. As an indirect result of the proposed 2020 Project site boundary change, a portion of the currently installed CTS fence would need to be relocated further to the east in order to surround the P3 area and road. The revised 2020 Project proposes to first install the new segment of the CTS fence to the east and then remove the affected segment of the CTS fence.

**B. 2009 LRDP Final Environmental Impact Statement/Report**

The University of California (“University”), as the lead agency pursuant to the California Environmental Quality Act (“CEQA”), prepared the Final Environmental Impact Statement/Environmental Impact Report (“Final EIS/EIR”) for the 2009 Long Range Development Plan (“LRDP”) for the University of California, Merced (“UC Merced”) (State Clearinghouse No. 2008041009). The Board of Regents of the University of California (“The Regents”) certified that the Final EIS/EIR was completed in compliance with the California Environmental Quality Act (“CEQA”) and adopted Findings and a Statement of Overriding Considerations in connection with its approval of the 2009 LRDP.

The Final EIS/EIR consists of the November 2008 Draft Environmental Impact Statement/Environmental Impact Report (“Draft EIS/EIR”) and the March 2009 Final Environmental Impact Statement/Environmental Impact Report (collectively the “2009 EIS/EIR”). Volumes 1 and 2 of the Draft EIS/EIR assess the potential environmental effects of

implementation of the 2009 LRDP, identify means to eliminate or reduce potential adverse impacts, and evaluate a reasonable range of alternatives to the 2009 LRDP. Volume 3 builds upon the broader programmatic analysis of campus development in Draft EIS/EIR Volumes 1 and 2, and focuses on evaluating and disclosing environmental impacts that could potentially result if the development proposed as part of the UCM 2020 Project is implemented.

In 2013, the campus proposed and received approval of an amendment to the 2009 LRDP, which the University analyzed through an addendum (“Addendum No. 6”) to the EIS/EIR. That amendment involved changes to the 2009 LRDP text and land use diagrams and accomplished the following: (1) redefinition of campus districts and neighborhoods to create a better planning framework and to identify a new Central Campus District; (2) addition of a new land use designation known as “Campus Mixed Use” (“CMU”), which was applied to a portion of the Central Campus District; (3) clarification of which areas within the Central Campus District would remain in residential use, student services, passive open space, and recreational use; (4) addition of a transportation buffer in the Central Campus District along the eastern side of Lake Road to ensure that future development does not preclude transportation improvements; and (5) minor revisions to the planned on-campus circulation system to provide additional access to the Central Campus District. After consideration of Addendum No. 6, the Regents approved the proposed LRDP amendment on May 15, 2013. The findings adopted in support of that approval are fully incorporated herein by reference.

Subsequent to the approval of Addendum No. 6, UC Merced continued its planning efforts and issued a request for proposals from developers that could design, build, finance, operate, and maintain the UCM 2020 Project. At the time, the University was still finalizing an agreement with the UCM 2020 Project developer, but, through the process, the University determined that the 2009 LRDP and UCM 2020 Project required further revisions in order to implement the UCM 2020 Project that was conceptualized. The University prepared another addendum to the EIS/EIR (“Addendum No. 7”) in 2016 to analyze whether certain changes to the 2020 Project would necessitate additional CEQA review prior to approval of the 2020 Project’s design. Addendum No. 7 evaluated environmental impacts from a small reduction in the enrollment level that would be accommodated and on-campus housing that would be provided as part of the 2020 Project, further revisions of the project site boundaries, additional minor land use designation changes, a parking area and entrance south of the Bellevue Road extension, use of an ancillary site, several amendments to the LRDP policies, the alteration and filling of two storm water basins, possible placement of housing in mixed use areas, and compared the modifications to the project evaluated in the 2009 EIS/EIR and Addendum No. 6. After consideration of Addendum No. 7, the University approved the revised 2020 Project on July 21, 2016. The findings adopted in support of that approval are fully incorporated herein by reference.

In April 2017, an addendum (“Addendum No. 8”) was prepared for the North Bowl Parking, Corporation Yard, and Housing 4 Photovoltaics project (“Solar Array Project”). The addendum analyzed potential environmental effects of the Photovoltaics Project and also examined the proposed changes to the wording of LRDP Mitigation Measure BIO-9b. The University determined that the changes would not result in any new environmental impacts that are not fully evaluated in the 2009 EIS/EIR. The University approved the Photovoltaics Project and the

change to the LRDP mitigation measure on May 7, 2017. The findings adopted in support of that approval are fully incorporated herein by reference.

Construction of the 2020 Project has already begun. The University has prepared another addendum (“Addendum No. 9”) to the 2009 EIS/EIR to evaluate the effects from additional changes to the UCM 2020 Project site boundary and area to include the proposed P3 area and a new roadway, and the relocation of a portion of the existing CTS exclusion fence. The analysis in Addendum No. 9 shows that proposed changes to the UCM 2020 Project would not result in new or more severe impacts than previously analyzed.

The action before the University is the approval of the change to UCM 2020 Project site boundary, (“revised UCM 2020 Project”) based on the 2009 EIS/EIR and Addendum No. 9 prepared for the project.

## **II. FINDINGS**

The University has examined the revised UCM 2020 Project and has determined that all of the potential environmental effects of the revised UCM 2020 Project are fully evaluated in the 2009 EIS/EIR. The University has not identified any significant new information or a change in circumstances that would result in new significant impacts or a substantial increase in the severity of environmental impacts identified in the 2009 EIS/EIR. Further, the University has determined that no new significant impacts or a substantial increase in the severity of significant impacts identified in the 2009 EIS/EIR would occur as a result of the revised project. Therefore, the University has determined that no further environmental documentation beyond Addendum No. 9, in association with the 2009 EIS/EIR, is required to analyze and disclose the environmental effects of the revised UCM 2020 Project.

The University has reviewed and considered the information contained in the 2009 EIS/EIR and Addendum No. 9 prior to considering approval of the revised project as set forth below in Section II, and finds that the 2009 EIS/EIR and Addendum No. 9 reflect its independent judgment and analysis. The conclusions presented in these Findings are based upon the 2009 EIS/EIR and other evidence in the administrative record.

These Findings are based on full appraisal of all viewpoints concerning the environmental impacts identified and analyzed in the 2009 EIS/EIR and are supported by substantial evidence.

Having received, reviewed and considered the 2009 EIS/EIR and all other information in the administrative record, the University hereby adopts the following Findings in compliance with CEQA, the CEQA Guidelines, and the University’s procedures for implementing CEQA.

### **A. Environmental Impacts of the Project**

The following section summarizes the impacts of the revised UCM 2020 Project and presents Findings as to those impacts as required by CEQA and the CEQA Guidelines. The revised UCM 2020 Project will be implemented pursuant to the 2009 LRDP and its impacts will be fully mitigated by mitigation measures adopted by the University in conjunction with its approval of

the 2009 LRDP. A full explanation of and support for these Findings and conclusions are set forth in the 2009 EIS/EIR and Addendum No.9.

The Findings below specifically address the impacts of the revised UCM 2020 Project and are based on the evaluation and analysis contained in the 2009 EIS/EIR.

### **Less Than Significant Impacts based on 2009 EIS/EIR Analysis**

The 2009 EIS/EIR found that the following impacts of campus development under the 2009 LRDP, including the 2020 Project, would have no impact or would have a less than significant without mitigation:

Impacts to air quality (see Volume 3, Draft EIS/EIR Page 4.3-3, Impact AQ-3; Page 4.3-3, Impact AQ-6; Page 4.3-4, UCM 2020 Impact AQ-1), biological resources (see Volume 3, Draft EIS/EIR Page 4.4-3, Impact BIO-1; Page 4.4-4, Impact BIO-3; Page 4.4-5, Impact BIO-4; Page 4.4-5, Impact BIO-5; Page 4.4-5, Impact BIO-6; Page 4.4-5, Impact BIO-7; Page 4.4-6, Impact BIO-8; Page 4.4-6, Impact BIO-10; Volume 1, Draft EIS/EIR Page 4.4-134, Impact Alt-1 BIO-11).

Based on an evaluation of the revised UCM 2020 Project in light of the information contained in the 2009 EIS/EIR and Addendum No.9, the University concludes that in addition to the less than significant impacts listed above, the following impacts would also be less than significant without mitigation.

#### **1. Biological Resources**

- a. Special-Status Plant Species Impact: The revised UCM 2020 Project would have a less than significant impact on special-status plant species, as the project site is previously graded and disturbed and is devoid of any suitable habitat for special-status plant species. No mitigation measures are required.*

**FINDING: The University finds that implementation of the revised UCM 2020 Project would result in a less than significant impact on special-status plant species.**

### **Less Than Significant Impacts With Implementation of Previously Adopted and Revised LRDP Mitigation Measures**

Based on an evaluation of the revised UCM 2020 Project in light of the information contained in the 2009 EIS/EIR and Addendum No. 9, the University concludes that the following impacts would be potentially significant. These potentially significant impacts would be mitigated to less than significant with the implementation of previously adopted and revised 2009 EIS/EIR mitigation measures.

#### **1. Biological Resources**

- a. *Nesting Bird Impacts: Implementation of the revised UCM 2020 Project may affect nesting birds. The following mitigation measures would reduce this impact to a level that is less than significant.*

**LRDP Mitigation Measure BIO-9a:** To avoid and minimize impacts on special-status and non special-status migratory birds, and raptors, construction shall be limited to the non-breeding season or, if breeding season work is required, pre-construction (tree, shrub, and ground) nest surveys shall be conducted to identify and avoid active nests or as an option, remove potential breeding habitat during the non-breeding season as noted in Volume I, Draft EIS/EIR Page 4.4-129.

**LRDP Mitigation Measure BIO-9b:** To minimize impacts to burrowing owl and compensate for habitat loss, the CDFW (2012) recommends that take avoidance (preconstruction) surveys be conducted to locate active burrowing owl burrows in the construction work area and within approximately 500-foot buffer zone around the construction area. The project proponent or its contractor shall retain a qualified biologist to conduct take avoidance surveys for active burrows according to the CDFW's 2012 Staff Report on Burrowing Owl Mitigation (2012 Staff Report) as noted in Volume I, Draft EIS/EIR Page 4.4-130, and in Addendum No.8 Pages 9 and 10.

**FINDING: For the reasons stated in the 2009 EIS/EIR (see Volume 3, Draft EIS/EIR Page 4.4-6) and Addendum No. 9 (see Page 14), the University finds that implementation of the revised UCM 2020 Project may affect nesting birds. Implementation of LRDP Mitigation Measures BIO-9a and BIO-9b would reduce this impact to less than significant. No additional mitigation is required.**

## 2. Cultural Resources

- a. *Unidentified or Buried Cultural Resources Impact: Implementation of the revised UCM 2020 Project may unearth previously unknown archaeological resources during ground disturbing activities. The following mitigation measures would reduce this impact to a level that is less than significant.*

**LRDP Mitigation Measure CUL-2:** If buried cultural resources, such as chipped or ground stone, historic debris, building foundations, or non-human bone are inadvertently discovered during ground-disturbing activities on the Campus, work will stop in that area and within 100 feet of the find until a qualified archaeologist can assess the significance of the find and, if necessary, develop appropriate treatment measures, as noted in Volume I, Draft EIS/EIR Page 4.5-25.

**LRDP Mitigation Measure CUL-3:** If human remains of Native American origin are discovered during ground-disturbing activities, the campus 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), as noted in Volume I, Draft EIS/EIR Page 4.5-26.

**FINDING: For the reasons stated in the 2009 EIS/EIR (see Volume I, Draft EIS/EIR Page 4.5-24) and Addendum No. 9 (see Page 15), the University finds that implementation of the revised UCM 2020 Project may unearth previously unknown archaeological resources and human remains. Implementation of LRDP Mitigation Measures CUL-2 and CUL-3 will reduce the impacts to less than significant. No additional mitigation is required.**

### **B. Mitigation Monitoring and Reporting Program**

Public Resources Code §21081.6 and CEQA Guidelines §15091(d) require the lead agency approving a project to adopt a Mitigation Monitoring or Reporting Program for feasible mitigation measures identified that would avoid or substantially lessen significant environmental impacts. The University adopted a Mitigation Monitoring and Reporting Program (“MMRP”) in connection with the certification of the 2009 EIS/EIR. The adopted LRDP MMRPs include mitigation measures applicable to the revised UCM 2020 Project, as described above. The LRDP MMRP designates responsibility and anticipated timing for the implementation of mitigation measures for conditions within the jurisdiction of UC Merced. Implementation of the mitigation measures specified in the 2009 EIS/EIR and contained in the LRDP MMRP will be accomplished through administrative controls over project planning and implementation. Monitoring and enforcement of these measures will be accomplished through inspection and documentation by appropriate UC Merced personnel.

The University finds that the impacts of the revised UCM 2020 Project will be mitigated to the extent feasible by the mitigation measures identified in the 2009 EIS/EIR and in the 2009 LRDP MMRP and as an increment of LRDP development are hereby incorporated into the revised UCM 2020 Project. UC Merced reserves the right to make amendments and/or substitutions to the mitigation measures and MMRP in accordance with the provisions of CEQA if, in the exercise of its discretion, it determines that the amended or substituted mitigation measure will mitigate the identified potential environmental impact to at least the same degree as the original mitigation measure, or would attain an adopted performance standard for mitigation, and where the amendment or substitution would not result in a new significant impact on the environment which cannot be mitigated.

### **C. Record of Proceedings**

The record of proceedings upon which the University bases these findings consists of all the documents and evidence relied upon by UC Merced in preparing the 2009 LRDP and the 2009 EIS/EIR and Addendum No. 9. The custodian of the record of proceedings is UC Merced, Physical & Environmental Planning, P. O. Box 2039, Merced CA 95344.

### **D. Summary**

Based on the foregoing Findings and all of the information contained in the administrative record, the University has made one or more of the following Findings with respect to the

significant environmental effects of the revised UCM 2020 Project, as described in the 2009 EIS/EIR and Addendum No.9:

- 1) Changes or alterations have been required in, or incorporated into the UCM 2020 Project which avoid or substantially lessen the significant environmental effects on the environment.
- 2) Changes or alterations that are wholly or partially within the responsibility and jurisdiction of another public agency have been, or can and should be, adopted by that other public agency.
- 3) Specific economic, legal, social, technological, or other considerations make infeasible the mitigation measures or alternatives identified in the 2009 EIS/EIR that would otherwise avoid or substantially lessen the identified significant environmental effects of the project.

Based on the foregoing Findings and all of the information contained in the administrative record, it is hereby determined that:

- All significant effects on the environment due to approval of the revised UCM 2020 Project have been eliminated or substantially lessened where feasible.

### **III. APPROVALS**

Based on a review and consideration of the environmental consequences of the proposed project as discussed and analyzed in the 2009 EIS/EIR and Addendum No. 9 thereto, the University hereby takes the following actions:

- A. Adopts these Findings in their entirety as set forth in Section II above;
- B. Approves Addendum No.9 to the 2009 EIS/EIR; and
- C. Approves the revised UCM 2020 Project.