

PUBLIC HEARING TRANSCRIPT

1 IN THE MERCED COLLEGE THEATER
2 BEFORE THE GENERAL PUBLIC
3 IN AND FOR THE COUNTY OF MERCED
4 Public Hearing held on
5 Thursday, September 13, 2001
6 6:30 p.m.
7 In Merced, California

8 -o0o-
9 REPORTER'S TRANSCRIPT

10 -o0o-

11 APPEARANCES: COUNTY OF MERCED UC DEVELOPMENT OFFICE
12 BY: GREGORY B. WELLMAN
13 UC Project Director
14 ROBERT E. SMITH
15 Planning Director

16 EIP ASSOCIATES
17 1200 Second Street, Suite 200
18 Sacramento, California 95814
19 BY: BRIAN D. BOXER, A.I.C.P.
20 Regional Vice President
21 ADRIENNE GRAHAM, A.I.C.P.
22 Director of Urban CEQA Services

23 UNIVERSITY OF CALIFORNIA, MERCED
24 BY: RIC NOTINI
25 Permitting Manager
26 CHRIS ADAMS

27 URS CORPORATION
28 BY: Shabnam Barati

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36 Reported By:
37 HELYN A. JOHNSON,
38 Certified Shorthand Reporter
39 Certificate No. 10770

1 (Whereupon, proceedings took place in the
2 Merced College Theater.)

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4 MR. DURAN: Good evening, ladies and gentlemen. If we could
5 all take our seats, we can all get started for this evening.

6 Good evening, my name is Ben Duran. I'm president here at
7 Merced College. It's my distinct pleasure to invite you to our
8 theater tonight to participate in these hearings. But before we
9 get started, would you join me in a moment of silence for the
10 victims of the tragedy that our country suffered this week.

11 -o0o-

12 (Moment of silence observed at this time.)

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14 MR.DURAN: Thank you. If you will then now join me as
15 Americans in the Pledge of Allegiance to our flag, I would
16 appreciate that.

17 -o0o-

18 (Pledge of Allegiance recited at this time.)

19 -o0o-

20 Thank you. It is now my distinct pleasure to introduce to
21 you Mr. Greg Wellman, who is the Merced County Administrator
22 charged with the UC project. Mr. Wellman will give us our
23 orientation for this evening and we can begin at the -- get the
24 proceedings started.

25 So, Greg, the show is yours. Do I need to entertain that
26 you get up here or -- this is a tough crowd. Smile a lot.

1 Welcome Greg.

2 MR. WELLMAN: Thank you very much, President Duran. And we
3 would welcome all of those who are with us this evening. I hope
4 everybody has found parking to be adequate. I'm told that there
5 would be a moratorium on any tickets this evening. Is that
6 right, Mr. President?

7 We'd like to -- we'd like to welcome you to this evening to
8 what I believe is truly an historic event. For the first time
9 the University of California and the County of Merced are holding
10 a joint Public Hearing. The purpose of this public hearing is to
11 receive testimony on the Environmental Impact Report prepared for
12 the UC Merced Campus Long Range Development Plan and the County
13 University Community Plan. Tonight represents the unprecedented
14 opportunity for the public to offer testimony on both
15 environmental documents. We are honored this evening to have
16 several distinguished representatives. Of course everyone is
17 distinguished. We'll have some people coming in and out
18 throughout the evening, and we would like to join in welcoming
19 them this evening, and any of those that may have joined us here
20 in the last few moments. I'd be certainly remiss if I -- I did
21 not recognize the Board of Supervisors' liaison on this project,
22 one of my five bosses, Supervisor Kathleen Crookham.

23 I'm very thankful to have from Representative Condit's
24 office -- also Senator Monteith and Assemblyman Cardoza -- our
25 legislative representative to this project who has been extremely
26 helpful to everyone, DeeDee D'Adamo.

1 A VOICE: Right here.

2 MR. WELLMAN: We've all been privileged to hear President Ben
3 Duran from our local college here. We'd like to introduce a
4 couple of folks representing the governor, who have been with us
5 and have been of extreme help on this. From the Office of
6 Planning and Research, Terry Roberts and Brian Grattidge. Terry,
7 right there. Good to have you with us tonight.

8 I understand that we have our Chamber of Commerce president,
9 Don Burkeman around. Don, good to have you with us.

10 And I believe I saw Bob Carpenter walk in. Bob.

11 A local quote, unquote father of UC Merced and member of the
12 -- the business council representing -- let's see, I should say
13 the council representing UC, Garith Krause, assistant general
14 manager and chamber president representing Merced Irrigation
15 District. Garith.

16 Nancy Slater, Executive Director of the Farm Bureau. Nancy,
17 good to see you.

18 Um -- I'm not sure whether I have introduced this next
19 person, but I'll go ahead anyways, since she's going to leave us,
20 but she's going to be representing us well in Governor Davis's
21 administration, Elaine Trevino, from County Development
22 Corporation.

23 And finally, certainly not finally, but we'd like to
24 introduce UC Vice Chancellors Cliff Graves, Cliff for planning --
25 um - Lindsay Des Rochers, sitting next to Bob Carpenter,
26 administration and the budget and all of that stuff, and Janet

1 Young. Janet, I was just talking with. She's our chief of staff
2 and vice chancellor.

3 And all those other folks, including everyone that's here to
4 participate today, we very, very much appreciate your attention
5 and your -- the knowledge that you bring to the table.

6 Now, at this time, let me turn the floor over to Bob
7 Smith -- um -- and Ric Notini, Bob representing the County and
8 the planning and environmental permitting, and Ric the same thing
9 with the -- with the University. And we'll have some
10 self-introductions from there.

11 MR. SMITH: Thank you, Greg.

12 Welcome. Thank you very much for taking time out of your
13 evening to join us in this very important opportunity to express
14 your views concerning the Environmental Impact Reports for the
15 University Community and the UC Merced Long Range Development
16 Plan. I'd like to just take a few minutes to go through a few
17 basic ground rules this evening, so we can maximize the
18 opportunity for everybody to express their views fully and
19 completely.

20 The -- the purpose of tonight's Public Hearing is to receive
21 testimony on the Environmental Impact Reports that the University
22 has prepared for the Long Range Development Plan which represents
23 the physical plan for the ultimate build-out of UC Merced.
24 Concurrent with that document, the County of Merced has prepared
25 an Environmental Impact Report for the University Community Plan.
26 Ultimately, the Regents of the University of California will be

1 called upon to certify the Environmental Impact Report for the
2 LRDP, and the Board of Supervisors will be called upon to certify
3 the Environmental Impact Report for the University Community
4 Plan. These documents were prepared under the provisions of --
5 of a law and procedures generally referred to as the California
6 Environmental Quality Act or CEQA. So if you hear from some of
7 the more technical folks up here refer to CEQA, that's what it
8 stands for, the California Environmental Quality Act. And those
9 with computers can pull that document down off of the State
10 website.

11 We have with us this evening some representatives of both
12 the County and the University that were instrumental in the
13 preparation of these environmental documents. I am Bob Smith.
14 I've been working for the County for some time, and I now work
15 full-time for the University of California Planning Project. To
16 my right is Brian Boxer, who is the regional vice-president for
17 EIP Associates. And to his right is Adrienne Graham, who is a
18 principal with EIP Associates. And then we have with the
19 University of California Chris Adams who is a campus planner for
20 UC Merced. And then we have to his right there Ric Notini. Ric
21 is a resident of Merced, and he is the environmental permitting
22 manager for UC Merced, responsible for a variety of environmental
23 issues, including CEQA and our federal permitting process. To his
24 right is Shabnam Barati, who is with URS Corporation, who is the
25 contractor for the University in the preparation of its EIR.

26 As I've stated, the purpose of tonight's Public Hearing is

1 to allow you as the public to express your opinions and comments
2 on the Environmental Impact Reports. We're also accepting
3 written testimony on these Environmental Impact Reports. Your
4 testimony this evening will be reported. We have a court
5 reporter this evening. And they will be responded to and have
6 the full force as if they were written comments. Ultimately, all
7 the comments received by the County and the University will be
8 responded to, and the response will be in the form of what is
9 called a Final Environmental Impact Report, and that final --
10 those Final Environmental Impact Reports will be the documents
11 ultimately certified by the Board of Regents and the Board of
12 Supervisors. Myself and the University staff and the consultants
13 at this table this evening will not be responding to your
14 comments. If there are questions that we can answer that would
15 help you comment on the Environmental Impact Reports, we'll be
16 happy to do so, but we are not going to engage in responses to
17 your comments this evening.

18 Under CEQA, there is a statutory period under which comments
19 can be provided to a Draft Environmental Impact Report. For
20 those Environmental Impact Reports that are published or provided
21 to the State Clearing House, which is operated under the offices
22 of planning and research, there is a minimum 45-day comment
23 period. The Draft EIR for the UC Merced and the University
24 Community Plan were published and released on August the 13th,
25 meaning that the 45-day statutory minimum would expire at the end
26 of the day on September 27th. The University and the County are

1 pleased to announce this evening that we've chosen to extend that
2 comment period seven days, one week until the end of the day, on
3 October 4th, 2001. So we will be receiving written comments
4 until the end of that day.

5 In addition, the County has a series of Public Hearings that
6 have been published on our website and are available at the
7 project office that will be before the County Planning Commission
8 and the Board of Supervisors concerning both the Environmental
9 Impact Report, the University Community Plan, as well as the
10 Community Plan itself.

11 This is your one opportunity this evening, however, to
12 comment on the UC LRDP EIR. We have a complete set of the Draft
13 Environmental Impact Reports at the table that was at the foyer
14 to the theater. If you would like a set of these documents, you
15 can access them through writing or requesting them through either
16 the UC Merced Office or the County UC Project Office, and we have
17 them available on hard copy or CD, or they can be accessed
18 through the respective websites. We also have Notices of
19 Availability at the front table, which also describes the
20 upcoming Public Hearings to consider the Community Plan and the
21 LRDP.

22 We are scheduled to try to end our hearing tonight around
23 10:00 a.m., if at all possible. 10:00 p.m., pardon me. See you
24 are awake. And -- um -- to do so, we will be providing hopefully
25 an equal opportunity for all speakers in terms of time. What we
26 would like to do is try to limit your remarks to five minutes, if

1 at all possible. We're not going to -- you know, we don't have a
2 hook in the back. We're not going to yank you off the stage, but
3 if you do become a little repetitious, I'll be asking you to wrap
4 up your comments.

5 Unlike the normal Public Hearings for those that
6 participated in the County process, we have these green cards,
7 and we ask that you write your name on these green cards and
8 bring them up and I'll grab them from you, and then I'll call on
9 you to come up to the podium and offer your testimony.

10 We would also find it helpful if when you come up and
11 testify, you can specify whether or not you are testifying on the
12 University Community Plan EIR or the Campus Plan EIR. If you're
13 not sure, you don't want to do that, that's fine, but it helps us
14 to understand which document you're particularly interested in
15 commenting on.

16 Does anybody have any questions before we begin the Public
17 Hearing this evening?

18 Okay. If not, I'm going to go pick the first speaker,
19 Stephanie Espinosa, representing PG & E.

20 Stephanie, if you could read your address for us into the
21 record. And all subsequent speakers, that would be helpful for
22 our record this evening.

23 MS. ESPINOSA: Well, good evening. It's a pleasure to be
24 here before the Committee this evening. My name is Stephanie
25 Espinosa, E-s-p-i-n-o-s-a, and I'm a public affairs
26 representative for Pacific Gas & Electric Company in Merced. The

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1 address is 3185 North "M" Street in Merced, Merced, 95348. And
2 I'd also, before I read comments, like to introduce Dan Pope.
3 He's also representing Pacific Gas & Electric Company in our
4 account services department. I am pleased to offer the following
5 comments on behalf of Pacific Gas & Electric Company.

6 First, I would like to commend the County of Merced and the
7 UC Merced Development Office for providing several public
8 documents available at various locations throughout the county,
9 as well as on the internet. The access provided to all segments
10 of this community should make for a comprehensive, facilitative,
11 and successful process. PG & E encourages the County of Merced
12 to continue to follow the process outlined by the California
13 Environmental Quality Act. PG & E has -- has a long and rich
14 history with the University of California. Many of our employees
15 and senior management are proud alumnus of the University of
16 California. PG & E was an early and active supporter of UC
17 Merced. PG & E remains committed to the educational and economic
18 need for a UC campus in the Central Valley. Our support for UC
19 Merced ranges from our participation on the Friends of UC Merced
20 Committee, Merced County Economic Development Corporation, and
21 the Building Industry Association, to be the first corporate
22 donor to the campus development efforts in the amount of
23 \$100,000. In addition, PG & E is an active member on the UC
24 Merced Foundation Board of Trustees. PG & E is proud to support
25 various educational programs throughout its service territory
26 where more than 18,000 PG & E employees not only work but have

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1 also made homes for their families. PG & E is proud of its
2 history of giving to environmental, economic development,
3 education, and emergency preparedness programs. UC Merced will
4 undoubtedly bring an unprecedented number of opportunities to the
5 entire San Joaquin Valley. Our youth, the leaders of tomorrow,
6 will have the opportunity to attend a world-class university.
7 Our educators, leaders of today, will have the opportunity to
8 teach at a world-class university. Our businesses will have the
9 opportunity to hire world-class UC Merced graduates. It seems
10 only prudent that we seize these opportunity and ensure that a UC
11 campus can and will be located right here in Merced. Calendar
12 has experienced economic success because of the educational
13 levels of its work force. UC Merced will be a viable force in
14 the state's ability to maintain and
15 continue economic progress. PG & E has a vested interest in
16 the educational programs that will be offered by UC Merced. In
17 particular, the strong emphasis the university has committed to
18 the study of technical and environmental science areas, as it is
19 our vision that UC Merced graduates will be future PG & E
20 employees.

21 PG & E would like to ask the Merced County Board of
22 Supervisors and the Merced County Planning Commission to adopt
23 the Draft EIR and Community Plan. In addition, PG & E will be
24 submitting written comments before the October 4th deadline on
25 more specific areas of interest. Thank you for your time.

26 MR. SMITH: Thank you, Stephanie.

1 If I could just offer quickly, we all have strong feelings
2 about this project, in favor and not in favor, but it's really
3 important tonight that we understand that tonight's Public
4 Hearing is to comment on the Environmental Impact Report, so I'm
5 going to ask you if you have specific comments on the
6 Environmental Impact Reports to please limit your comments to
7 that, so that we can make sure that everybody has an adequate
8 opportunity to speak this evening.

9 Our next commenter will be Roger Wood.

10 MR. WOOD: I wrote these down, if you want to give them to
11 somebody.

12 Good evening, my name is Roger Wood. My address is 1200
13 Fruitland Avenue in Atwater, 95341. I am active in several ag
14 and community organizations, but tonight I'm speaking as an
15 individual. I'm commenting on both the Long Range Development
16 Plan and the County Development Plan.

17 My family's been farming the Atwater area since 1918. We
18 currently farm 1,800 acres of free fruit and vines. We are also
19 a large frozen food processor. I've been in the business since
20 1990 -- 1966.

21 The first issue that I would like to discuss and the issue
22 of the loss of farmland caused by current Long Range Development
23 Plan for the campus and community. The original campus location
24 would have had little or no effect or any farmland other than the
25 natural range land of the Virginia Smith Trust. It became
26 apparent that the fairy shrimp habitat is more critical than the

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1 current laws and regulations of our country than is farmland. We
2 in agriculture cannot do much about this state of affairs today.
3 I believe that agriculture does have a responsibility to
4 differentiate between the various types or qualities farmland
5 when we begin to discuss conservation and easements.

6 The Myers property that is in the 20-year plan is certainly
7 not very productive farmland by any responsible method of
8 evaluation. The Hunt property to the south is of slightly better
9 productive quality. The ultimate loss of these farmlands in 50
10 years is not going to have any major impact on Merced County's
11 agricultural output. The same cannot be said for --

12 MADAM REPORTER: I'm sorry, please repeat that.

13 MR. WOOD: The same cannot be said for the property under
14 Modesto's Vintage Fair Mall. The east-west development plan
15 favored by some agriculture advocates has more fairy shrimp
16 habitat than the north-south plan. Let's face the facts and go
17 with the north-south plans. At least the Virginia Smith
18 development will benefit from the development on the Myers
19 property.

20 My second issue is a concern that the development of the
21 campus will have a negative impact on our ground surface water
22 supply from agriculture and the area's citizens. I have heard it
23 stated several times that the campus water supply was changed
24 from using surface water to groundwater. A study of the Water
25 Supply Plan will show that the campus and community water supply
26 wasn't always intended to be from groundwater. The total usage

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1 of the campus community is estimated to be a very small
2 percentage of the ground and surface water available to Eastern
3 Merced County. Some Le Grand residents are very concerned that
4 their surface water supply that passes from Lake Yosemite through
5 the campus and community will somehow be interrupted. There are
6 absolutely no facts to support their fear. I hope that the
7 Merced Irrigation District will take the time to meet with these
8 concerned citizens and give them the correct information about
9 their agriculture surface water supplies.

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10 The third issue I would like to discuss is a significant
11 positive impact that the campus and the community will have on
12 the quality of life of our county. We continually hear our
13 citizens complain about the fact their children usually have to
14 leave the area to complete their education in order to find the
15 jobs and the amenities that they desire. It is my hope that UC
16 Merced will create a climate here to make it much more likely
17 that my grandchildren will have a reason to live in our area,
18 even if they do not want to be involved in agriculture. Thank
19 you for giving me the opportunity to present my comments to you.

20 MR. SMITH: Thank you, Roger.

21 Sharon Williams?

22 A VOICE: Sharon stepped out for a moment.

23 MR. SMITH: Okay, we'll hold her card aside.

24 Sylvia Smith?

25 MS. SMITH: My name is Sylvia Smith. I reside at 5983
26 Country Court in the Atwater area of Merced County. I'm speaking

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1 tonight as private citizen representing no agency or group, and I
2 am a candidate for Merced County Superintendent of Schools. I
3 have served in public education for 24 years around the state of
4 California and for 13 in Merced County. I'm currently an
5 assistant superintendent at a large high school district on the
6 east side of the county.

7 I've reviewed the EIR and find it to be complete and
8 understandable and to have adequately addressed the impacts of
9 the UC Campus Plan and the Community Plan on Merced County. Of
10 particular interest to me as a reviewed the EIR for the Community
11 Plan was its impact to local public education. The Community
12 Plan provide for seven schools to be constructed in the campus
13 community. It is true that proposition 1-A and SB 50 limits the
14 amount of mitigation that local school districts can expect from
15 local developers. It is also true that local counties must put
16 up 50 percent of the funds necessary to build public schools
17 against 50 percent provided by State bond, and that Merced County
18 is a poor county with limited resources to put behind such bonds.
19 Our bonding capacity is currently strained by recent local school
20 bonds and will need to be strained more if all of the schools
21 that will be needed are being built.

22 Further, the State has a priority system for distributing
23 bond funds, and currently LA County is on the top of that list.
24 Clearly it will take our collective will as a community, a
25 university, and local school districts to build the schools that
26 we want to put on those seven sites, but I believe the EIR

1 provide for the close-working relationships that will be
2 necessary to get that job done, while acknowledging the
3 constraints of existing law. And it is important to remember
4 that these constraints within the law exist, whether the campus
5 and the community are developed or not. The EIR references and
6 commits to pursuing objectives within the Community Plan and
7 cross-references those objectives to an implementation plan.

8 I would like to cite some of those objectives, because I
9 feel they're compelling and show the commitment of the University
10 and community to working with school districts to provide local
11 schools. Some of those objectives state to work with Merced-area
12 school districts to ensure that the full cost of school
13 facilities and services are funded through developer fees,
14 bonding, grants, and other available sources, and to use creative
15 financing methods to fund the construction of schools and
16 associated community facilities where possible. These objectives
17 are cross-referenced to a list, fairly comprehensive list of
18 creative financing models within the implementation plan.

19 We have come this far in developing the plan to build the
20 straight university, and I believe we have the collective will to
21 find creative strategies to build new schools. But even more
22 important than this, is to move this project forward, because now
23 our students have a significant lack of opportunity and access to
24 education. Currently only three to five percent of the K-12
25 student in Merced County go on to higher education, and I believe
26 that this results from a lack of educational opportunity in the

1 area. Some say that the SAT is more a measure of educational
2 opportunity than it is a preparedness to enter a university.

3 And I want to give you some statistics to help illustrate
4 that problem. We face a significant research problem in trying
5 to get our children into a university because impacts of poverty
6 and language create conditions that make it difficult for them to
7 achieve on measures that are used to grant them access to
8 universities, and here's as example. For example, our students
9 on the east side of Merced County, 565 that took the SAT, of
10 those whose families who make between 80 and a 100 thousand
11 dollars a year, those students scored a combined SAT score of
12 1,054. If their families made between 30 and 40 thousand dollars
13 a year their combined score drops to 914. If they make between
14 10 and 20 thousand dollars a year, their combined score drops to
15 847. And if their parents make less than \$10,000 a year, it
16 drops to 780 combined score. Fifty-seven percent of students who
17 took the SAT last year, their family earned less than \$40,000 a
18 year. Of students who learned English first who took the test,
19 that was 53 percent of them, they scored a combined SAT of 1,014.
20 If they learned another language first, that was 30 percent of
21 them, they made a combined SAT score of 835. There's a poverty
22 gap and a language gap that we need to close with research and
23 educational opportunity in this county.

24 Further, if the parent has a graduate degree, the combined
25 score is 1,056; with an AA it drops to 921; and with no high
26 school diploma, which is 23 percent of the test takers, not all

1 students but the test takers, it drops to 799. Fifty-three
2 percent of the test takers had a high school diploma or less; and
3 of our students who took the test, those in high level math or
4 science courses tended to score above a thousand, and those in
5 vocational classes tended to score below 1,000. We need to raise
6 expectations by putting the beacon of the University before our
7 students. Only 16 percent of all test takers took calculus.

8 We need to move forward with this project. I support the
9 EIR as adequate and thank you for your time.

10 MR. SMITH: Thank you.

11 Nancy Slater?

12 MS. SLATER: Good evening, my name is Nancy Slater. My
13 address is P.O. Box 1232, Merced, 95341. And I'm here tonight
14 representing the Merced County Farm Bureau. The Farm Bureau was
15 established in Merced County in 1917. We have a 28-member Board
16 of Directors that represents approximately 2,000 member families
17 of the county.

18 Since 1995, Merced County Farm Bureau has maintained a
19 position of support for the location of a UC campus in Merced
20 County. The Board has not wavered from that position over the
21 past six years. We made comments on the Notice of Preparation,
22 and in those comments, we recommended an east-to-west
23 configuration to preserve agricultural land for the University
24 community. We feel the location of the UC community in an
25 east-to-west pattern would encourage growth toward the city of
26 Merced and significantly -- significantly reduce development

1 pressure on highly productive agricultural land in Eastern Merced
2 County. The Merced County Farm Bureau Land Use Committee is
3 working in cooperation with our state organization, California
4 Farm Bureau Federation, to prepare comments on the draft
5 documents that will be reviewed and approved by the Board of
6 Directors and submitted prior to the deadline that's now a week
7 later. Um -- our comments currently being prepared may include
8 recommendations to increase the percentage for phasing of the
9 community from 50 to 75 percent. The no-loss-of-prime-farmland
10 alternative has been actively investigated and discussed, which
11 it will help us to preserve some ag land.

12 Our final comments will address impacts to wetlands, the
13 issue of a master developer, and scholarship fund availability.
14 We're also preparing comments to address the impacts of the
15 community on adjacent ag land and agricultural operations,
16 mitigation strategies for the loss of that ag land, impacts to
17 groundwater quantity and quality, and conflicts between the EIR
18 and the General Plan in regard to the conversion of land from
19 rural to urban uses.

20 We hope that you'll consider our comments when they're
21 completed, and you'll also consider the value to our county of
22 agricultural land, consider the wishes of those of us who produce
23 food and fiber on that land. Thank you.

24 MR. SMITH: Thank you, Nancy.

25 What I'm going to do is I'm -- I'm sorry, you weren't
26 finished?

1 MS. SLATER: I'm done.

2 MR. SMITH: Thank you. Um -- we are -- I'm going to call
3 upon the next speaker and then the speaker that will be on deck,
4 so that we can maximize our efficiency here.

5 Our next is speaker is Steve Burke, and on deck is Rick Lee.

6 MR. BURKE: Thank you. For the record, my name is Steve
7 Burke. I live at 3105 Yorkshire --

8 MADAM REPORTER: I'm sorry, you have to speak up and just a
9 little slower. I'm having a hard time hearing you.

10 MR. BURKE: Steve Burke, 3105 Yorkshire Lane, Modesto,
11 California.

12 Um -- my comments are addressed to both the EIRs. This is
13 about general process. Um -- at the heart of this situation --
14 um -- is a process and a project. Um -- I want to make the
15 mention that these processes of course are based in law. I hear
16 a lot of talk during these various hearings and proceedings about
17 environmentalists and what they do or don't do. The point is
18 here that these are based on environmental laws, which -- comment
19 on. These laws were passed by the state and federal legislatures
20 which were made up of Democrats and Republicans, and people of
21 all -- it's a pretty democratic situation, so keep that in focus.

22 In terms of the process -- um -- I note that there are
23 violations of both circulation and notice of the Public Resource
24 Code and CEQA guidelines. We wrote letters. I'm here on behalf
25 of both myself and Protect our Water and the Raptor Center. For
26 some of the -- these comments, we wrote letters to the UC and to

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1 the County about this on September 4th and have received no
2 response at this point. In those letters making a point that
3 CEQA Section 15087, which refers to the Notice of Availability
4 that needs to be issued. When the Notice of Completion is -- is
5 issued to the State Clearing House, one of these three things
6 shall done: Publication in the newspaper of general circulation.
7 The one that was published on the 23rd in Merced County Times is
8 not the appropriate newspaper, and it was on the 23rd and not the
9 13th, and it was also not complete. It didn't have all the
10 components required by law. Posting of the notice by public
11 agency on an off-site notice. Members of the public were out at
12 the site on Sunday, last Sunday, and there was no such notice.
13 And the third one is direct mailing to owners or occupants of
14 this property. There was a mailing that went out postmarked the
15 7th of September, which of course members of the public received,
16 and it was dated August 13th, but it wasn't mailed until the 7th,
17 so that won't suffice either. Um -- the others -- the other
18 circulation problem is having to do with making available all the
19 documents. Public Resource Code 210926 states in part in section
20 (b) (1) needing to make known for copies of the Draft EIR and all
21 documents in the Draft EIR are available for review. Quoting
22 from a book by Reemy (phonetic) Thomas --

23 MADAM REPORTER: I'm sorry, by who?

24 MR. BURKE: Reemy Thomas. -- CEQA guidelines are considered
25 kind of the Bible of CEQA. And it says in light of the case law
26 besides the importance of ensuring the public can obtain the

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1 review documents under which agencies rely for the environmental
2 conclusions, agencies should ensure that they comply with this
3 requirement.

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4 I don't believe this is some -- application of the law.
5 These are huge projects. They have long-reaching impacts -- um
6 -- far-reaching impacts. And there are a lot of documents
7 referenced. In order for the public and the elected officials,
8 or anyone, to make sense of them, you have to be able to look at
9 what they refer to, and it's very difficult to do that when those
10 documents are all in one place for reference, which is the
11 reason, I believe, for the section in the Public Resource Code,
12 and it's that exact violation we address because it has made this
13 County process much more difficult. At least, just to name a few
14 comprehensive alternative analyses, the Merced General Plan, City
15 of Merced, County of Merced General Plan, and one of special
16 note, perhaps, is the Merced Water Supply Plan, which was out in
17 the first version in 1995, and it's noted in several places in
18 the documents that there is an updated process.

5-2

19 I would question my readiness at all if that is one of the
20 most critical issues as water supply here, and that is an
21 important document to refer to, and it's not out there.

22 So based on these process violations, we would request that
23 they be remedied -- um -- that the EIR be recirculated beginning
24 a new 45-day comment period and renotice; that a review period
25 adequately -- I do take note of the fact that the comment period
26 has been extended to October 4th. My question -- and that is

5-3

1 certainly appreciated, but it certainly doesn't address all of
2 these issues I've raised here or the violations in their
3 entirety. So I would like an answer sometime to this of why that
4 week and what it was based on. I notice there were Notices of
5 Availability out in the hall. I don't know if the one on the
6 13th from the County was issued. I think the problems remain.

5-3

7 Another comment in overall process has to do with the entire
8 arena of review. I know folks on CEQA and EIR certainly, but
9 there is a couple of wasted points to make. One is that it's out
10 of sequence. Until there is a 404 process undertaking a 404
11 permit required, there can be no surety that this is the site
12 that we will in fact survive on. So this is out of sequence on
13 that. There's a number of other laws some come into effect with
14 that. Another basic comment -- and this is on the LRDP EIR -- is
15 the fact that it's noted as a subsequent EIR, a supplement EIR to
16 the '95 site selection EIR, but the project location isn't the
17 same, and I question how that can be, how that can be legal.

5-4

18 That's the extent of my comments. Thank you.

19 MR. SMITH: Thank you Mr. Burke.

20 Rick Lee, you are on deck. You just didn't have to move.

21 MR. LEE: That means I'm up; right?

22 MR. SMITH: Right. And then we have the duo of Pamela Lee
23 and Jim Hunt on deck.

24 MR. LEE: My name is Rick Lee of 455 --

25 MADAM REPORTER: I'm sorry, what avenue?

26 MR. LEE: 455 Grogan, G-r-o-g-a-n, Avenue.

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1 I'm here to address the community Draft EIR. As owner of
2 Fine Line Industries, a manufacturing business in Merced which
3 employs approximately a hundred people, I welcome the University
4 of California and benefits and enhancements it will bring to our
5 community. I support the goals and objectives for the Community
6 Plan, but feel the Draft EIR is inadequate as presented, because
7 it has not considered enough alternatives and does not consider
8 reducing the environmental impacts on the biological resources
9 and on all times of prime ag land, including grazing land. I
10 request you closely consider alternatives that you receive.

11 Thank you.

12 MR. SMITH: Thank you, Rick.

13 After Pamela and Jim, we have Brett Baker on deck.

14 MR. HUNT: My name is Jim Hunt, and this is my sister,
15 Pamela Lee. We're representing Hunt Farms. And our address is
16 3758 North Lake Road, Merced, 95340.

17 Pam would like to read a statement, and I'd like to give you
18 this.

19 MS. LEE: My comments pertain to the Community Draft EIR.
20 Hunt Farms, owner of over 1,100 acres of land from -- southern
21 portion of the proposed Community Plan area, tonight provides
22 initial comments in a letter form on the Draft EIR and requests
23 that this letter be included in the record of the Planning
24 Commission proceedings on the Draft EIR and proposed UCP. Hunt
25 farms expects to provide additional comments before the close of
26 the public comment period on the Draft EIR and UCP.

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1 We -- we at Hunt farms endorse the UCP's primary goal of
2 supporting the successful development of the UC Merced campus by
3 planning for an adjacent community with sufficient housing,
4 commercial, and other appropriate land uses, guided by principles
5 of balanced and sustainable development. Essential to the
6 achievement of the goal is the County's preparation and
7 certification of an accurate, complete, and legally adequate EIR.
8 Hunt Farms offers comments on the Draft EIR in that spirit.

9 The primary focus of the comments in this letter refer to
10 the range of alternatives to the proposed UCP discussed in the
11 Draft EIR. Hunt Farms believes the range of alternatives
12 considered is inadequate due to (1) the Draft EIR's failure to
13 recognize the importance of agricultural resources located on the
14 Flying M Ranch portion of the UCP area; (2) it's erroneous
15 restriction of important farmland to the cropland located on the
16 Hunt Farms portion of the UCP; (3) its failure to consider any
17 alternatives that will mitigate the biological impacts of the
18 proposed UCP, and (4) it's failure to consider the economic
19 feasibility of the alternatives, particularly as related to the
20 ability of Hunt Farms to maintain economically productive
21 agriculture on its land.

22 Our attorney's letter, which we submitted to the record this
23 evening, provides the proper context for our discussion of the
24 alternatives considered in the Draft EIR.

25 In conclusion, Hunt Farms and its consultants will be
26 pleased to work with the County and its environmental and

1 land-use planning consultants in the further exploration and
2 integration of the conceptual land-use plan and other
3 environmentally suitable alternatives for balanced development of
4 the UCP area. Thank you.

5 MR. HUNT: Thank you.

6 MR. SMITH: Thank you, Pamela, thank you, Jim.

7 After Brett, we have Michelle Simes.

8 MR. BAKER: Hello, my name is Brett Baker. I'm here on
9 behalf of myself, a builder and also president of the BIA,
10 Building Industry Association of Merced. Um -- I live at 1654
11 East Farmland, Merced. Um -- as -- as for myself and for the
12 BIA, we generally approve of both the EIRs, why some things in
13 there we may disapprove and we may comment on, but generally we
14 do approve of them, I guess, as you get closer. And one other
15 comment is that when you're going through this process, is that
16 you use or at least that -- feel the need when we're doing these
17 environmental reports is that the human need at least take as
18 much precedence or importance as some of the critters and things
19 that we're dealing with. It seems in the last while that certain
20 critters seem to be more important than human need and farmland
21 and things like that. So I would just make that one comment.
22 Thank you.

23 MR. SMITH: Thank you, Brett.

24 After Michelle, we have DeeDee D'Adamo.

25 MS. SIMES: Good evening, my name is Michelle Simes. I
26 reside at 1050 -- Court in Merced, California.

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1 MADAM REPORTER: Orlo?

2 MS. SIMES: O-r-i-o-l-e, in Merced.

3 I appreciate the opportunity to speak tonight. First, I
4 would like to applaud the objectives of the proposed EIR and UCP.
5 I believe the current EIR which is released meets the 12 project
6 objectives.

7 I am here speaking as an educator. I'm currently
8 vice-principal at a local middle school, and I feel that what we
9 are doing here tonight, and currently, is extremely important.
10 Having lived in this community all of my life, I can see the
11 importance of this university. Coming from an agricultural as
12 well as a family business in Merced, I can see the importance of
13 this university. And I've also been a recipient of the Virginia
14 Smith scholarship in my graduate and undergraduate work.

15 This school you're proposing to build is desperately needed.
16 So many local students, like me, have no desire to travel great
17 distances in order to obtain a higher education. Many of our
18 graduating seniors in Merced County are UC eligible, but choose
19 not to attend a UC because they don't want to leave family and
20 friends, a choice I also made.

21 In addition to wanting to leave, many students cannot afford
22 the high cost of living away from home. Perhaps the desire to
23 leave is there, but the financial opportunity is not. I see
24 firsthand everyday how important education is to the community,
25 and I also see the lack of knowledge the students have when it
26 comes to higher education. Last year I took approximately 100

1 students from Atwater to UC Davis and to UC Santa Cruz. While
2 visiting UC Davis, the college students were holding a
3 demonstration protesting school election results. My students
4 were amazed that college students were freely and actively
5 expressing their opinions on campus. These trips with my
6 students made me aware how far from reality college is for some.
7 However, we can do something about that, and we face that
8 opportunity now.

9 I urge you, as an educator and a citizen of this community,
10 to support the EIR and to ask the Board of Supervisors to do the
11 same. Thank you.

12 MR. SMITH: Thank you, Michelle.

13 After DeeDee, on deck we have Greg Rodriguez.

14 MS. D'ADAMO: Good evening, my name is DeeDee D'Adamo. I'm
15 here representing Representative Gary Condit. Our office is at
16 920 16th Street in Modesto, 95354. I'm also representing
17 Assemblyman Cardoza and Senator Monteith. I also see Cathy
18 Paskin here from Assemblyman Cardoza's office. I'm sure she'll
19 be speaking at some point representing the Assemblyman.

20 I'd like to echo many of the comments that the previous
21 speakers made regarding the need for this project in this
22 community, and would like to limit my comments, my more extensive
23 comments to the environmental review of this very lengthy
24 project.

25 The documents submitted by the University and by the County
26 on both plans, the University Plan, Community Plan, are very

1 thorough and complete, and I would like to compliment the
2 drafters of this document in that regard. Um -- the -- the
3 document highlights in particular a variety of environmental
4 resources that are extremely crucial to the community and to this
5 region: Vernal pool resources which are habitat for endangered
6 species, agricultural land resources, water resources, and, of
7 course, our air quality resources.

8 My reading of the document is that all of these areas are
9 thoroughly analyzed and reviewed, and where there is significant
10 impacts, the document does go further to commit to measures that
11 would be taken to mitigate these impacts. Um -- it's important
12 to know the particulars regarding the vernal pool resources that
13 the University has committed to the -- a natural preserve of
14 these resources, of certain portions of resources. And
15 additionally, the State of California has set aside a portion of
16 funding for easements for these resources.

17 Um -- I would also like to take this opportunity to
18 compliment the University and the County for the process that it
19 has undertaken here. Not just this hearing, but the numerous
20 other hearings that have taken place and will continue to take
21 place within this community, as well as which is -- is a very
22 formal process, but also the informal processes and the access
23 that continues, not just those sitting here today but many
24 others, that they have provided access to the community and
25 interested parties to these documents by way of the website,
26 public locations, the UC Project Office, and the University's

1 office both in the cities -- city of Merced. Um -- I think it's
2 important to note that this document has also -- and this process
3 has also shown the County's and University's responsiveness to
4 the concerns that have been raised by those in the community, and
5 that is clearly evidenced by the shifting of the site. And that
6 does, I think, highlight the current project that is before us.
7 It is very balanced -- um -- in terms of the way it deals with
8 these important resource issues.

9 I would like to commit my boss and his staff, and I'm sure
10 Ms. Paskin will also make the same commitment on behalf of
11 Senator Monteith, to continue to work with the University, to
12 continue to work with the County on any further refinements that
13 will be made to the document prior to its final submission.

14 Thank you very much.

15 THE COURT: Thank you, DeeDee.

16 MR. SMITH: After Ray, we have Melissa Kelly on deck.

17 MR. RODRIGUEZ: Good evening, I'm Ray Rodriguez. I am
18 representing the Merced County Association of Realtors and
19 myself. I'm in support of both EIRs and support the University
20 and the County for the work that they have done.

21 One of the things the environmental impact on the -- on the
22 land, I think a lot of -- we have to be concerned about the farm
23 land and so forth, but I think the reports have shown that we
24 have shown a lot of concern about farmland, a lot more concern
25 about farmland than probably some developments that we have in
26 the Buhach area off of 140, and so forth, where we have one-acre

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1 parcels for one family. And I think the EIR here, where we have
2 a lot of housing opportunities, commercial office spaces -- um --
3 retail places, more job opportunities, and so forth, for the
4 community as a whole. I think that's better usage of the
5 property than what is presently being used at right now.

6 And this will be a following report in writing to -- to
7 coincide with this. And I want to thank you for the opportunity
8 to speak.

9 MR. SMITH: Thank you, Ray.

10 After Melissa, we have Garith Krause.

11 MS. KELLY: Good evening, my name is Melissa Kelly, and I
12 reside at 587 College Drive, No. 7, in Merced. I would like to
13 begin, I'm here with the Green Party of Merced County and also
14 Transportation Involves Everyone.

15 I would like to begin by reading the first paragraph from
16 the second page of a letter sent to Mr. Bob Smith from
17 Transportation Involves Everyone. It says the design of the
18 campus and University Community along with the planning
19 relationships between Merced the Central Valley and the planned
20 campus is of immense regional and statewide interest, even
21 national attention. Many people from outside the local area have
22 interests in participation, and any planning sessions deserve the
23 fullest opportunity for participation by the public and
24 organizations dedicated to seeing that UC Merced reaches its full
25 design potential and is complimentary to the unique Merced
26 setting and environment. Indeed, UC Merced deserves more than

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1 being considered at a time when people's minds are fixed on an
2 unprecedented national calamity. As Mr. Smith said, this is an
3 important meeting, a very important meeting, a meeting where all
4 people effected and interested should be allowed to come with
5 clear and focused ideas regarding UC Merced. I'm standing here
6 in front of you tonight because I was informed of the
7 continuation of this UC Planning Meeting despite the maiming of
8 our nation in the last couple of days. I'm surprised and a bit
9 disappointed that this meeting is taking place when most events
10 and meetings such as these have been postponed or cancelled
11 around the world. It gives me an idea of where UC Merced stands
12 in areas that I find important, such as how people's livelihoods
13 are affected, especially those that will not profit from the
14 building of UC Merced, the importance of smart growth instead of
15 growth at any cost and as quickly as possible, and the importance
16 of prime agricultural land in Merced County. I concur with
17 Mr. Steve Burke, and I urge you to extend the comment period
18 another 45 days. Thank you very much.

12-1

19 MR. SMITH: Thank you, Melissa.

20 MR. SMITH: After Garith, we have Bob Carpenter.

21 MR. KRAUSE: Good evening, my name is Garith Krause 1523
22 Mesa Court in the county. This evening I stand here as president
23 of the Greater Merced Chamber of Commerce, which represents over
24 800 businesses and commercial interests in the Merced and
25 surrounding areas. I

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26 stand here tonight speaking on behalf of the Chamber in

1 support of the development of the University of California campus
2 in Merced. It appears that the Draft EIRs for the UC and the
3 University Community areas present a fair and balanced approach
4 to protection of the environmental resources in the UC and UCP
5 areas. In fact, with the proposed mitigation measures, the Draft
6 EIRs are extremely sensitive to the environmental needs and
7 resources of this area.

8 The Greater Merced Chamber of Commerce supports adoption of
9 these draft EIRs. They each support long-term growth in the
10 build-out areas certification of the EIRs will assist the UC and
11 Merced County to develop a unique educational and commercial
12 system that will benefit Merced County, the University of
13 California, the greater San Joaquin Valley, and all the citizens
14 in California for many generations to come. This project is a
15 wonderful opportunity with a low cost to the environment for this
16 Valley to improve its educational and economic environment.

17 We are faced with a great challenge with this project. I
18 spoke at another meeting earlier this week referring to all of
19 those involved in this project being pioneers. It takes a lot of
20 spirit to engage in a pioneering effort. And we would encourage
21 all of those involved in this project to absorb the spirit of the
22 pioneer and continue to do great things for this area and the
23 educational system of the State of California. In the words of
24 Thomas Jefferson, who said "I like the dreams of the future
25 rather than the history of the past" embodies the spirit of the
26 pioneer. The Greater Merced Chamber of Commerce recommends that

1 the UC, University of California, and the County of Merced
2 certify their reflective EIRs. Thank you.

3 MR. SMITH: Thank you, Garith.

4 After Bob Carpenter, we have Erina Short on deck.

5 MR. CARPENTER: My name is Bob Carpenter. My address is
6 2882 Greenfield Drive, Merced, 95340. I'm here tonight
7 representing the University Committee of Merced, which is a
8 volunteer group that's been in existence since late 1988, whose
9 purpose has been to promote, first of all, that the campus be
10 located in our community, and since 1995, have been in existence
11 to promote the building of the University.

12 While my comments address both the LRDP and the University
13 Community Plan and their related EIRs, our committee will be
14 submitting written comments prior to the conclusion of the
15 comment period. But I thought it might be appropriate just to
16 comment on a few of the items from the EIR, based on our review
17 to date.

18 First of all, we think both the LRDP and the UCP and the
19 related EIRs are thorough and candid and discuss potential impact
20 very fairly. We also think that they represent clearly that the
21 impacts can be dealt with by the proposed mitigations covered in
22 the EIRs. We think that they are balanced in competing interests
23 on both the region and the state and strike an appropriate
24 balance between natural resource conservation and agricultural --
25 agricultural land conservation. We think that the alternative
26 locations that have been reviewed clearly point to the preferred

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1 project site as the best site for the campus. I think we all
2 recognize that there's going to be some unavoidable loss of some
3 farmland and mitigation that we see represented seems to be as
4 comprehensive and complete as possible. I think probably more
5 important than the individual issues that have been discussed
6 this evening to this point, and I'm sure will be discussed later
7 tonight, the differences of opinion over ag land loss over
8 mitigation of environmental issues of whether to build a
9 community east or west or north or south, whether to build a golf
10 course, to build it on a golf course, and the loss of that golf
11 course, are really issues that I would hope those of us who state
12 at least that we support the University being built in our
13 community will somehow overcome so that this campus can proceed
14 on time as its projected.

15 I find it interesting the challenges to a process that
16 really began in October of 1988, and as of the next month will
17 start its fourteenth year of a process that's been ongoing and
18 very thorough since then. Um -- to me the real issues aren't
19 those issues that I mentioned. I think the real issues are the
20 real important issues are that we get a university constructed in
21 our community that will allow virtually tens of thousands of
22 children over the next couple of hundred years, which is hard to
23 even fathom, obtain an education that they otherwise might not
24 get, to be able to earn a living, a way of life, a quality of
25 life, that only having UC Merced in our community will provide.
26 I think we also need to recognize that this university will

1 provide an incredible amount of opportunity for graduate work
2 that includes not only young students but all of us now and for
3 years to come that will find ourselves back taking graduate
4 classes. And maybe last and most importantly, in addition to
5 those first two is the research element that this campus will
6 bring, not only to our community but to the state and nation and
7 world. I think some of the areas that are causing people
8 problems to the point where I almost hear wishes that this campus
9 not proceed on any basis, I think we'll find that their concerns
10 are really addressed by the University in a positive way and that
11 some of the issues will only be resolved if this campus becomes a
12 real. Thank you.

13 MR. SMITH: Thank you, Bob.

14 After Erina, we are going to take a quick break, brief
15 break. I'll tell you when we'll resume.

16 Okay, Erina.

17 MS. SHORT: Um -- I'm Erina Short, E-r-i-n-a. My address is
18 197 Judy Drive.

19 MADAM REPORTER: I'm sorry, address again?

20 MS. SHORT: 197 Judy Drive.

21 I would like to talk about my high school, Buhach Colony.

22 MADAM REPORTER: I'm sorry, you have to speak up and slow
23 down, please. Thank you.

24 MS. SHORT: I am a sophomore at Buhach Colony High School.
25 Right now I'm really nervous, but I wanted to give -- right now I
26 know a lot of students that want to go to college, but they can't

1 afford the money. Some students don't want to go to college
2 because they can't really, like, leave home -- homesick. I know
3 that because my sister, Erica, she gets homesick all the time, so
4 she calls my parents and, "I want to come home. I want to go do
5 this." Um -- having a UC in Merced would be a really big change
6 for us. It will be -- greatly increase the number of students
7 from Merced County that attend college. In order to raise --
8 um -- oh, in order to raise our educational standards, we need
9 something to -- for students to work for and to look forward to.
10 If the UC is not built, it will be a step to ruin the American
11 dream for students from our local area.

12 I believe -- I believe I speak for all students in Merced
13 county that when I say I support the EIR, I'm adamant. Thank
14 you.

15 MR. SMITH: Thank you. Why don't we take a ten-minute
16 break, and that will bring us back together about five minutes
17 till 8:00.

18 -o0o-

19 (Recess taken, at this time.)

20 -o0o-

21 MR. SMITH: Our next speaker is Janelle Young, and she will
22 be followed by Theresa Weaver.

23 And thank you very much, Janelle, but if I could just remind
24 the speakers to speak as slowly and clearly as possible for our
25 court reporter. Thank you very much.

26 MS. YOUNG: Hi, my name is Janelle Young, and I reside at

1 1363 Russell Lane in Atwater.

2 I don't exactly have a formal speech ready today, but since
3 I feel so strongly about this EIR issue, in that this document is
4 adequate from what I've heard and read. I felt that I needed to
5 address my feelings. I represent all the future students of UC
6 Merced coming from Buhach Colony High School. As a sophomore, I
7 believe that we should work hard and think of all the possible
8 ideas so that we can have a UC closer to home. I myself would
9 like to major in philosophy or get a doctor's degree, and I was
10 planning to either going to UC Davis or UC Berkeley. Since my
11 school is brand new, I am going to be the first to graduate.

12 In my honors English class, we are -- we are reading a short
13 story called Generation A+. It quotes, "If the carpenter doesn't
14 bother to study the finer points of joinery, the -- falls down.
15 If the surgeon is too unmotivated to master the scalpel, the
16 patient expires. If a teacher does not teach and students do not
17 learn, then the state intolerance of academics becomes little
18 more than strip malls for shoppers."

19 I think that we as a community as well as the students need
20 to work hard and strive for UC Merced to get our education. In
21 our new school, we are going to get our education. That's what
22 is important. Us -- us children or young adults, we are the
23 future. That's the future right there, with all the posters.
24 Don't you think that we deserve a university for us? Thank you.

25 MR. SMITH: After Theresa, we'll hear from Ben Duran.

26 MS. WEAVER: Good evening, my name is Theresa Weaver, and I

1 live at 1921 Chacham, C-h-a-c-h-a-m, Place.

2 I am here to support the ERA draft and my personal reasons.

3 I'm here supporting Buhach Colony, who strongly wants the UC

4 here. We get support from our teachers, Mrs. Marmalejo,

5 Mr. Davey, Mr. Wine, as well as our fellow students. We are here

6 given an opportunity for a UC, and granted that, we would like to

7 take hold of it. I, for my or not own personal reasons, have two

8 sisters who did not go off to college, and I would like to

9 graduate myself from a college with a physical education degree.

10 As well as others in the school have -- everybody has

11 responsibilities.

12 I, as myself, I work. I take care of the kids. I cook

13 dinner. I go to school. My mom counts on me, for UC to be

14 close. So we come here today asking for a UC to be close, so

15 that I can -- so my mom has me to confide in when she needs help.

16 Me, myself, I don't keep my paychecks. They go to my mom for the

17 support of the family, and she needs -- as well as he everybody

18 else, we get home sick. We need a family close.

19 There's a quote from Martin Luther King that "all men are

20 created equal." We are still working on that. Today he also has

21 -- he also had a dream, and that dream we also have. Our dream

22 is for our UC to be here in Merced, close to our families, our

23 friends, our community. We don't want to leave what our home is.

24 We are the future, all of us, us youth. If you just listen

25 to your youth just for a minute, you will notice that they want

26 this here. And I thank you for your time.

1 MR. SMITH: After Ben Duran, we have Tue Xiong.

2 MR. DURAN: Mr. Smith, I want to thank you for having me
3 speak after those two young women.

4 Um -- my name is Ben Duran. I live at 2524 East Yosemite
5 Avenue. I come today wearing a number of hats. Besides being
6 the president of Merced College and life-time educator, I also am
7 the president of Merced Hispanic Network, a member of the Merced
8 County Hispanic Chamber, and I am also a member of the University
9 Trustees. And I come today to speak on behalf of the EIR, in
10 support of the EIR as it exists, for the following reasons: I
11 believe that the notion of process has been worked and worked and
12 reworked, to the point that it is time for us to move this --
13 this project along. We know that the -- that the County and the
14 University of California have made the documents public and
15 available, because I personally -- and I am a layperson. I am
16 naive to the process -- have had an opportunity to not only
17 access the documents when I needed to, but I have been able to
18 attend public hearings and presentations of the EIR and have had
19 my questions then answered.

20 I also would like to say that with respect to the EIR as it
21 relates to the University, I personally would have preferred it
22 stayed on the original site. The fact that it has moved to the
23 current site is -- is something that I am willing to live with
24 and accept. I'm not particularly interested in it moving
25 anywhere else other than where it exists now.

26 Given that, I will say to you that it is my opinion that the

1 mitigation of environmental issues and what has been done far
2 outweighs, far outweighs the impact on the environment in that
3 particular area. For instance, the dollars that the governor has
4 put in his budget in the neighborhood of \$30 million for the
5 approximately 60,000 acres and environmental easements, in
6 addition to the 5,700 plus acres that the Packard Foundation will
7 put in reserve in perpetuity have mitigated, in my opinion, the
8 impact on the biological resources that are being impacted by the
9 University.

10 Certainly, I would join others who have spoken tonight to
11 ask the -- the policymakers and the elected officials to have the
12 courage to bring this project to fruition with minimal impact on
13 prime agricultural land. I truly believe that this project is in
14 fact a referendum on development of the Central Valley for the
15 next hundred years, and how Merced County acts with respect to
16 this project is going to set a precedent up and down the Valley.
17 There has to be a balance that is struck between the environment,
18 the environment, and the -- and the need for development, and
19 there is an absolute essential need to protect the agricultural
20 farmland that is the treasure of the Central Valley.

21 Let me say these things to you with respect to the human
22 impact. As one of the speakers earlier talked about, the human
23 impact seldom is talked about with respect to these EIRs to the
24 extent that we would like. But these students have talked about
25 the -- the need for access to a university close to home. This
26 university promises to provide access to Central Valley

1 youngsters from Kern County all the way up to San Joaquin County.
2 Let me talk to you a little bit about the numbers that we are
3 talking about. In 1998, about 1,300 students from the Central
4 Valley enrolled in the University of California. And people say,
5 well, see, that tells you that there aren't that many kids that
6 will go to the UC. Well, first of all, let me state to you that
7 in that year 2,700 youngsters who graduated were eligible for the
8 University of California. Twenty-four hundred of them were -- I
9 mean, 2,700 applied, 2,400 were accepted, and somewhere along the
10 line about 1,100 of those young people chose to go somewhere
11 else. They did not go to a university. What we know is when we
12 look at the UCLAs, the Berkeleys, the UC San Diegos of the world,
13 and we look at the demographics of their attendance, you will
14 note that the young people who attend there come from the local
15 area. So the notion of access is -- is very important.

16 The other notion -- the other thing that is important to me
17 with respect to the project as it's being proposed, is the fact
18 that the University is going to exist on the trust land, and that
19 the Virginia Smith Trust will have joint development
20 opportunities for the property, for the first phase of the
21 Community Plan. Now this is an essential part for me in terms of
22 -- of the people that I've talked about that I am representing,
23 because access to the University with respect to scholarships is
24 a very, very important thing. And as a life-long educator, I am
25 interested in the Virginia Smith Trust being able to continue to
26 provide scholarships to Merced high school students, Merced High

1 School District students to attend any university of their
2 choice. And then I'm also interested in the University of
3 California being able to develop property to the point that they
4 can create an endowment of scholarship for access to the
5 University of California, so that the notion of scholarships is
6 paramount, and for us to protect that opportunity is a very
7 important thing with respect to the way I see this thing, and I
8 think the access to Valley students is absolutely important.

9 The economic impact, the human impact on the Central Valley
10 is -- far outweighs the -- the mitigation, the lack of mitigation
11 for some of the items. The EIR is not perfect, and I would -- I
12 will suggest that -- that the policymakers make sure that some of
13 those items are taken care of, but it should not be -- it should
14 not be derailed because it is not a perfect document, because I
15 think the last perfect document that was ever written was the
16 Bible. Thank you.

17 MR. SMITH: After -- after -- after Tue, we have Serena
18 Serenas (sic).

19 MR. XIONG: Good evening, my name is Tue Xiong, and I am a
20 senior at Merced High School, and I reside at 2737 Beechwood
21 Drive. Being with Environmental Science Academy --

22 MADAM REPORTER: I'm sorry, can you slow down?

23 MR. XIONG: Okay. Being with the Environmental Science
24 Academy, granted UC systems has inspired me to take school
25 seriously. After visiting the six Universities of California, I
26 believe that I can achieve that great of an education. This put

1 my education after high school to four-year UC institute.

2 To prepare myself for the university level, I am currently
3 taking all academic courses; they are chemistry, statistics,
4 physics, pre-calculus, English IV, and economics. I'll be the
5 first of six children to go to University of California. The
6 reason why my older sisters and brothers do not attend a UC,
7 because finance and location. UC Merced would definitely
8 eliminate that challenge. I myself can relate to the vernal
9 pools at stake. Bob Smith has spoken to us earlier about UC
10 Merced Plan, how the extinct species will be affected. But after
11 the University is built, the land that has been set aside will
12 cultivate and be protected. I believe that if UC Merced comes
13 into Merced, it will create people with higher education, which
14 would then find the San Joaquin Valley with their professions.
15 This will definitely improve the state's economy. For every one
16 dollar that the State invests, the UC would generate three
17 dollars, which would create investments. With investments, the
18 UC will conduct environmental research such as making -- national
19 park their own research lab. Also, the investment will create
20 partnerships for local schools, hospitals, community outreach
21 programs, career advancement, and cultural performances. Since
22 the San Joaquin Valley is so rich with ethnicities, ethnic
23 diversity will provide social, cultural dynamic, which will
24 impact the San Joaquin Valley.

25 For these reasons, I support the EIR as adequate and support
26 the University Campus Plan and Community Plan. We, the students,

1 are the foundation of the future, so give us the opportunity of a
2 professional education. Thank you for your time.

3 MR. SMITH: After Serena, we have Lee R. Boese, Sr.

4 MS. SANCHEZ: Good evening, my name is Serena Sanchez. I
5 reside at 2671 Valley Drive. I'm a high school junior at Atwater
6 high school, and I have come before the Board this evening to
7 voice my opinion about UC Merced.

8 There have been many controversies about the campus being
9 built. This may be because of vernal pools and the environmental
10 safety concerns of the land campus will be built on. Over the
11 past two summers, in Environmental Science Academy, ESA, I have
12 become very aware of the environment and how the effects of the
13 campus will greatly contribute to our community. However, the
14 negative effects on the surrounding area through Merced may
15 include more population congestion, a lack of resources, et
16 cetera. And the program ESA, which I mentioned before, it
17 teaches us to respect, preserve, and cherish the environment in
18 which we live. It has done a great job of educating young people
19 about the environment in a UC system.

20 Now, I ask you this question how do you measure the
21 importance of the environment compared to human life? Both are
22 of extreme importance and mutually need each other in order to
23 live. Through the school ESA program, I have had to ask myself
24 many times, which one is more important, the land that we are
25 about to give up or the UC that will ensure my classmates a
26 prominent future filled with a meaningful education, along with a

20

1 profession?

2 A teacher of mine once said, "preservation through
3 education," in reference to the vernal pools at stake. In order
4 for these pools to be preserved for the generations to come and
5 make sure they're protected, the UC may be a better option,
6 because the pools may be in even more danger if the land is sold
7 to companies or private citizens, which they can do anything to
8 the land because they own or possess it. If the University is
9 not built, then we may be denying ourselves the pleasure of
10 teaching an undergraduate future president of the United States
11 or even the future doctor will need to come out with a cure for
12 AIDS or other cures for other serious diseases. And who is to
13 say that your future children, grandchildren, and your
14 great-grandchildren will not attend this university. These are
15 all possibilities, but they need to become realities. I hope
16 that the University will indeed become a reality in order -- in
17 order to preserve the rest of the vernal pools and ensure an
18 education with my classmates, as well as the future children of
19 our community.

20 I support the EIR and think it's adequate. I hope that we
21 can continue to move forward in the process in favor of the UC.
22 You, as well as other citizens belonging to the Board, have the
23 control to decide many people's outcomes, particularly the fate
24 of those young citizens who -- whose future will be greatly
25 affected by the outcome of the UC. I ask you to make the right
26 decision and make sure that the generations to come have a bright

1 and promising future.

2 In conclusion, I would like to stay for the rest of this hearing,
3 but as you know, I am a high school student, and I do have lots
4 of homework. Thank you.

5 MR. SMITH: After Lee Boese, we have Bill Spriggs on deck.

6 DR. BOESE: Good evening, my name is Lee Boese, Sr.,
7 B-o-e-s-e. I live at 1289 East North Bear Creek. I've been a
8 resident in Merced for 31 years, and my practice is a specialty
9 of orthodontics. I would like to dissent a little bit from one
10 of the young ladies who spoke earlier and kind of chastised the
11 Committee for holding this meeting tonight, especially Bob Smith.
12 Different people have different takes on things, and my
13 perspective, I want to acknowledge you for this meeting tonight.
14 It's a terrible tragedy which happened in New York, but this is
15 democracy in action. And this is a -- the very thing that
16 terrorists want us to stop and think about. And to me, I am
17 proud to be here tonight to -- to acknowledge the process that we
18 have the democratic process, and I would acknowledge everybody
19 that's here tonight and whoever has decided to have the meeting
20 tonight.

21 First of all, I appreciate the comment, the opportunity to
22 comment on the Environmental Impact Report, and I expressed my
23 support for the EIR and the University and the Community Plan. I
24 actually read through part of the plan and as I do, as you do,
25 one of things you realize is that the environmental and
26 agricultural challenges are both complicated. It's not easy. Um

21

1 -- as I learn more and more about the issues of establishing a UC
2 campus in Merced, it became apparent that there are four distinct
3 visions of the future for Merced County. These visions are
4 different visions, and we have different people who are -- who
5 are all of goodwill, who have passion. Look at all the passion
6 tonight that -- that you see in people's voices and you see it in
7 their demeanor.

8 The first vision is that of the environmentalists. And let
9 me just say that this is my impression, this is not anybody
10 else's. As a private citizen, this is my impression of the
11 environmentalists, the vision of the environmentalists. They
12 fashion themselves as curators of the environment, caretakers of
13 the environment, and I -- and God knows they play a role in
14 protecting the environment and keeping it clean. There's no such
15 thing as an Ecological Systems Protection Act. I'm sure they
16 would like to have that, an Ecological Systems Protection Act,
17 but it doesn't exist, so they use the Endangered Species Act to
18 act, to gain political leverage. And this is fair. This is part
19 of the law. They have it written to the law. And what happened
20 in 1990 when the campus was selected -- um -- the endangered
21 species were found on the site, so that's what, as we all know,
22 happened in 1995. And what -- well, our concrete plan we had to
23 change.

24 The vision of the Merced -- vision for Merced County, as far
25 as I'm concerned, the environmentalists' vision is to maintain a
26 status quo for development along the western slope of the Sierra,

1 protecting vernal pools, fairy shrimp, air quality, and water
2 resources. While protecting earth and all its creatures is very
3 important, we will never be able to eliminate all the negative
4 impacts of modern society. It's not going to happen, no matter
5 what we want, things are going to change.

6 The next vision is that of agriculture. I certainly have no
7 knowledge of agriculture, and I visited farmland when I was a
8 young man, but, you know, I can't speak for agriculture. But I
9 look at -- the group appears to be split into two camps. One
10 group wants to preserve a tradition and a way of life. They have
11 strong ties to farming. They feel a moral responsibility to
12 protecting the land. It's much like a mother and a child. This
13 is part of their passion.

14 There's another group within the agriculture community that
15 may wish -- they may not wish to farm anymore, and they may want
16 to consider selling the farmland. These people resent being
17 forced to accept zoning practices which prevent the development
18 of their own private property. Some people feel that the
19 constraints of restricted zoning is tantamount to being placed in
20 an Indian reservation.

21 So I look toward this EIR hearing, and I know it's not a
22 final process set in concrete, but working with these two groups
23 and coming out with a viable solution or acceptable compromise.

24 The third vision is presented by a very, very small group of
25 people in Merced County who don't want change. Some people don't
26 want to lose a golf course. Others don't want the increased

1 traffic or changes in the political landscape that a university
2 will bring. These are in the minority.

3 The forth vision, I feel, is supported by a majority of
4 citizens in Merced County, and that is establishing a UC Merced,
5 a world-class institution, not two or three buildings, not -- in
6 an area with limited infrastructure. People who support this
7 vision see higher education as a way of providing opportunities
8 for all the citizens of Merced County. We all know the
9 multiplier effect of education. It promotes the cultural
10 advantages, lower crime rates, and healthier families.

11 And finally, Merced County's environmental -- as I said
12 before, environmental and agricultural challenges are both
13 complicated and subtle. We should not have to sacrifice people
14 or communities or species to solve it. And this is the point.
15 Real solutions demand compromise. Most people in Merced County
16 want balance. We want a clean and safe environment, a strong
17 economy, and an educated citizenry. The building of UC Merced is
18 a balanced solution, and it is the right compromise. Thank you.

19 MR. SMITH: After Bill Spriggs, we have Cathy Paskin on
20 deck.

21 MR. SPRIGGS: Bill Spriggs, 928 West Main Street. I
22 apologize for not having prepared my remarks. Everybody I see
23 has come up with prepared remarks tonight.

24 I find it interesting that, you know, we have, I think, what
25 was probably the perfect site to site the university. I mean,
26 where do you get a win-win situation where you have a piece of

22

1 property that is owned by an educational trust, where any benefit
2 from the trust goes to scholarship, which in turn goes to the
3 community and back to the University. It is just a remarkable
4 site that we were lucky enough, here in Merced, to be able to
5 offer the University of California.

6 As other speakers have said, this is kind of about change.
7 Change is difficult for most people. It's difficult for me, but
8 I look forward to the University of California locating in
9 Merced. It is -- as I said earlier, I think it's the perfect
10 site.

11 I think the EIR has been sensitive to the environment,
12 already exhibited by moving the proposed site for the University
13 closer into Merced. I was originally not happy with that, but
14 the more I think about it, the more sense it makes. It makes the
15 University continuous with Merced's urban growth boundary, so
16 it's the perfect site. It addresses, it addresses the
17 environmental concerns. In a perfect world we wouldn't have
18 roads, we wouldn't have need for an EIR. An EIR is a road map.
19 It identifies potential problems and describes ways of mitigating
20 those problems, which I think this document has done. Thank you.

21 MR. SMITH: After Cathy Paskin, we have Rochelle Koch.

22 Rochelle is not here?

23 Okay, after Rochelle, we have Mike Boardman.

24 MS. PASKIN: Hi, my name is Cathy Paskin. I'm here tonight
25 representing Assemblyman Dennis Cardoza. Our address is 1810 "K"
26 Street in Merced, 95340, and I'd like to read a statement that

1 the Assemblyman has prepared.

2 Good evening: I'm sorry that I'm unable to be present with
3 you personally this evening, but I did want to take this
4 opportunity to address those responsible for the publication of
5 the Draft Environment Impact Reports and UC Merced, a newly
6 planned community. I've taken the opportunity to review these
7 documents and find them to be particularly thoughtful and
8 forthright in their presentation of the environmental issues
9 surrounding the development of the campus and the community. I
10 commend you for the efforts taken to make these documents readily
11 accessible to all interested parties, especially due to the large
12 volume of documents involved. The availability of these volumes
13 on the internet, on CD rom, and in various local offices seems to
14 permit the speed of process as public as possible.

15 It is apparent to me that the issues of educational
16 opportunity strengthen the economy base, and the preservation of
17 both sensitive habitats and critical agricultural lands have been
18 addressed in a compelling and rational manner. It is well
19 established that significant growth in the Central Valley is
20 forthcoming. It is up to us as stewards of the land to ensure
21 that growth sensitively and carefully.

22 I am particularly impressed that these proposals have
23 achieved equilibrium between the need to protect the industries
24 that have been the backbone of our past, while undertaking this
25 mission that is the hope of our future. Many years of
26 deliberation have gone into the selection of this for the tenth

1 campus. On balance, it clearly represents the best
2 compromise between the long neglected educational needs of our
3 young people. A strong and fully funded program to preserve our
4 wetlands and wildlife habitat, the ongoing protection of our
5 crucial agricultural industry, and the opportunities for progress
6 we desperately need bring us out of the economic doldrums we have
7 languished in for so long. This unique opportunity to plan not
8 only the university campus but also an entire new community, and
9 to do so with the best interests of both in mind, is a dream come
10 true for Merced County. Those who have been so intimately
11 involved in these processes methodically and thoughtfully offered
12 reasonable and realistic alternative proposals and mitigation
13 measures that will substantially reduce any effects of the
14 development.

15 Time is clearly of the essence here, time for our long
16 present corner of California to join the prosperity of
17 educational access that others in our great state have enjoyed
18 for ever so long. UC Merced is the future of Merced County, and
19 I look forward to seeing you at the inauguration on May 3rd.
20 Thank you and good evening.

21 MR. SMITH: After Mike and his assistant, we have Lydia
22 Miller.

23 MR. BOARDMAN: Good evening, my name is Mike Boardman.
24 Residence is 1695 Knoll Court, and I have with me my daughter,
25 Nadine --

26 MADAM REPORTER: What was your daughter's name again?

] (24)

1 MR. BOARDMAN: Nadine Hunley.

2 And she decided spontaneously that she had something that
3 she would like to share with you this evening. And I'm going to
4 give her the microphone to start.

5 MS. HUNLEY: Hi, I'm Nadine Hunley, and I'm an 8th grader
6 at -- Middle School.

7 Today I learned in my social studies class that the
8 unemployment rate here in Merced is 18 to 20 percent. I believe
9 that if bringing the University to Merced will bring those
10 percentages down, it's worth it right there. I also want higher
11 education here in Merced, and I think that is coming from all of
12 America's youth. Thank you.

13 MR. BOARDMAN: I will be very brief. We completely support
14 the presence of UC Merced and the current plans, including the
15 EIR, for its current location. We believe it's a great balance
16 of what we think about the environment, and agricultural is
17 extremely critical to this area. But we agree with many others
18 that it's a fine balance to bring what we think is most important
19 to the area which is doing the best thing for the children of
20 this community. Thank you.

21 MR. SMITH: After Lydia Miller on deck, we have Kenneth
22 Robbins.

23 MS. MILLER: Good evening. I'm Lydia Miller with the San
24 Joaquin Raptor Center, PO Box 778, Merced, California.

25 The Raptor Center has been established in Merced County for
26 over 30 years. I have been active in it for 24 years and

] (25)

1 president for 20 years. I am going to be reading a letter from
2 Carol Whitham tonight. She's not able to be here, she's up in
3 the capitol working on a couple of bills, so I'm going to be
4 reading a letter -- from Vernalpools.org.

5 Vernalpools.org is --

6 MADAM REPORTER: Slow down. I'm sorry. Thank you.

7 MS. MILLER: Sure.

8 Vernalpools.org is an organization, a grass-roots
9 conservation group dedicated to saving California vernal pool
10 landscapes. For the record, Vernalpools.org is in favor of the
11 tenth University of California campus, in the San Joaquin Valley.
12 We are, however, opposed to the poor planning, inadequate and
13 piecemeal environmental review, and mishandled public review
14 process which has accompanied every aspect of the UC Merced
15 project.

16 As one of the world's most prestigious institutes of higher
17 learning, the University of California should be setting an
18 example instead of trying to cut corners. I live in the -- a
19 University of California-associated town. Yes, I enjoy certain
20 benefits from being in a community adjacent to an academic
21 research institute. I also endure numerous negative impacts
22 caused by this proximity. For example, the UC Davis main campus
23 is a super-prime toxic clean-up site, due to -- due to -- um --
24 illegal dumping of radioactivity research animals. After 12
25 years, they still have not succeeded in cleaning up the extensive
26 contamination. They were also recently sued for discharging both

1 chemical and wastewater pollutants in Tacuda Creek, which runs
2 through the campus and community. And last summer, they
3 flagrantly violated their own long-range development plan by
4 proposing a new facility in designated open space, the campus
5 reserve, even though there is ample room in this poor campus for
6 this building.

7 Additionally, the community of Davis is developing prime ag
8 land at an alarming rate in order to accommodate anticipated
9 growth in the student and support community population. Each of
10 the other eight campuses have similar incidences of disregarding
11 the environmental laws that protect our water, our air, and other
12 natural resources. If we allow UC Merced to cut regulatory
13 corners, we will be able -- we will be able to prevent more
14 flagrant violations of the law in the future. One of my formal
15 complaint letters will address specific deficiencies in the
16 proposed plan and its environmental review.

17 I'd like to take this opportunity to comment upon the
18 process. Beside being a clear violation of resource protection
19 and public disclosure laws, it's unconscionable for the
20 University of California and the County of Merced to piecemeal
21 the environmental review of this project into numerous multiple
22 documents prepared and presented over a prolonged period of time.
23 You are denying the citizens of both Merced County and the State
24 of California an opportunity to understand the full environmental
25 impact of this proposed project and all of its components.

26 I urge the University of California and the County of Merced

1 to jointly develop an EIR/EIS that addresses all impacts to all
2 of the resources: Wetlands, endangered species, agriculture
3 land, air, water, infrastructure costs and sprawl. For all
4 aspects of this project, campus, campus community, campus
5 parkway, and related infrastructure.

6 Also, we would like to submit a letter from Vernalpools.org,
7 the San Joaquin Raptor Center, and Protect our Water, from --
8 from an article in the Sacramento Bee: Environmentalists
9 Battling UC Merced over Wastewater. The reason I bring this up,
10 we have numerous water conveyances out there, creeks or canals
11 out on the site. There's going to be numerous water features.
12 There's an illusion of groundwater recharge, and also, that we
13 are going to have a maintained clean water source. So I would
14 like to use the cutting edge that's out there now of not
15 complying and that's UC Davis. And this article was June 9th,
16 2001.

17 "In counter to culturization, blueprints of
18 noncompliance with laws enacted to protect human health and
19 the environment, this from an environmental institute,
20 should be set an example of regulatory compliance in
21 technology to prevent pollution, in a press release
22 announcing the filing of a lawsuit a year ago. Not more
23 than three months earlier, however, the campus opened a
24 highly advanced sewer waste treatment plant. The \$16
25 million operation set a national example with the
26 disinfectant technology developed by the researchers that

1 replaces chlorine with environmental friendly -- friendlier
2 ultraviolet rays to disinfect the waste water. 'We were
3 surprised to learn they're suing us,' an attorney for the
4 nine-campus UC systems. 'We thought because we had
5 constructed this state-of-the-art wastewater treatment plant
6 that had -- that had the storm water drainage pollution
7 prevention plans in place, that there wasn't much else we
8 could do.'"

9 Through renowned -- though renowned for its environmental
10 scholarship and scientific leadership and restoration, the
11 contaminated lakes, rivers, and ground water, UC's own record --
12 UC Davis' own record of compliance with waste -- with water
13 quality laws is -- is nil. UC Davis is one of the few
14 universities in the nation that runs a sewer treatment plant.
15 The campus predated the city, which built its own treatment
16 networks. UC Davis has a history of unregulated discharges from
17 its plants in Tacuda Creek and a failure to monitor pollution,
18 the wastewater released directly into the creek from research
19 centers.

20 Environmentalists took aim at the campus after the
21 University sued the State to undo recently tightened pollution
22 limits at its sewer treatment plants. UC Davis lost the suit and
23 invited unwanted investigation. They seem to feel they are above
24 the law. UC Davis, however, is not alone in a challenge. The
25 State board has tightened requirements on the treatment plant.
26 Several cities in Sacramento Valley, including Davis and

1 Vacaville, are fighting the limit involving millions of dollars
2 of upgrades. Environmentalists sued UC Davis in a federal court
3 in Sacramento last June over alleged violations of water quality
4 laws. The University has -- denied the allegations. The legal
5 action environmentalists -- the legal action put
6 environmentalists at odds and uncomfortable positions by the same
7 institution that funds them on research projects.

8 The lawsuit is at a standstill, each side blaming the other
9 and refusing to initiate settlement talks. Meanwhile, last
10 month, a federal judge ordered UC Davis to pay \$20,000 for
11 repeated failure to respond to the group's request for documents
12 relating to the suit.

13 Sounds rather parallel here to what we're going through, and
14 what we could certainly be dealing with if we don't have access
15 to all of the pertinent information and also hold this proposed
16 project to the highest level of accountability.

17 Are there any questions for me? No? Thank you.

18 MR. SMITH: After Kenneth Robbins, we have on deck Vickie
19 Bandoni.

20 MR. ROBBINS: My name is Kenneth Robbins. Um -- I am an
21 attorney representing a couple of clients tonight, as well as
22 making some personal remarks; I'll try to divide those up. My
23 office is here at 700 Loughborough, Suite D, in Merced.

24 First of all, as an attorney, what I do is --

25 MADAM REPORTER: I'm sorry?

26 MR. ROBBINS: -- what I do is water law.

1 I've been involved in Tacuda Creek matter, actually. I
2 don't want to drag us into that issue, but let me suggest to you
3 that much of what you just heard I would like to tell you is
4 simply not correct. If the University of California, Davis, is
5 the example, it seems to me that probably is the best example you
6 could use of the people who know how to do things right in so far
7 as the Environmental Impact Charts are concerned, maybe even
8 overreacting, frankly.

9 Um -- personally, I wanted to let you know that I'm a
10 graduate of the University of California at Davis, as is my wife,
11 a son, and a daughter. I have another son who is a graduate of
12 UCLA, and a daughter currently attending UC Riverside. My family
13 is very fortunate to have had access to the University of
14 California. And I want to personally and strongly emphasize how
15 rare a privilege that has been for a family from San Joaquin
16 Valley. Without the University of California locating in Merced,
17 very few other families will be fortunate enough to experience
18 that kind of access.

19 The University of California will do lots of things for this
20 community. It will bring jobs. It will actually preserve whole
21 stretches of the vernal pool complexes. Interestingly enough,
22 and I think ironically, much of the criticism about the
23 destruction of vernal pools is shortsighted and blind, to say the
24 least. The campus having been moved down to its current location
25 will have behind it a preservation area that will protect vernal
26 pools. It will essentially block, because of its dedication to

1 public resources, it will completely block further growth access
2 into those vernal pool complexes. So that if -- if that's not
3 mitigation enough, then let us also talk a little bit about what
4 it will do for preservation of farmland.

5 It is true that some farmlands that are now farmed will be
6 convert to urban use, but that's to be expected in a community
7 that resides in the middle of farmland and was attempting to grow
8 north to the foothills but found itself blocked, essentially, by
9 what apparently will be greater concerns for environmental
10 preservation. By putting the campus where it is, it will cause
11 the community of Merced essentially to in-fill between the campus
12 and the University and essentially preserve farmland from going
13 further. Now, it is true that some farmland will be converted,
14 but I would suggest to you that it isn't, or at least most of it
15 isn't prime farmland.

16 I would like to suggest to you, it would be wonderful if we
17 could preserve all of our farmland. We're losing way too much of
18 it way too fast in California. But that isn't possible. We
19 simply can't stop growth. So the best way to handle growth is to
20 plan it well and to manage it well. Those are my personal
21 comments.

22 I'm also here tonight to represent, first, the Virginia
23 Smith Trust. Let me tell you that trust -- and I'm happy to tell
24 you that we represent those people who are the profiteers out of
25 this whole operation, because as far as I can tell, at least
26 initially, the only people that are going to profit from the

1 University, other than those who will get jobs, other than those
2 who will get education, other than those who will have access to
3 cultural activities, other than those who will have their whole
4 standard of living raised, people who actually profit from this,
5 our children who go to school in Merced. At least initially,
6 that's where the scholarships go, that's where the funds come
7 from, or the profits that come from development go partially to
8 the University and partially to the Trust. And the Trust does
9 nothing with that money except give kids the right, the ability
10 to go to college. Those are the profiteers.

11 If -- if ever I heard a reason to build the University,
12 other than the need for the University itself, that is certainly
13 one.

14 Um -- I also represent Merced Irrigation District. The
15 District, as well as the Trust, will be providing written
16 comments at a later date and certainly within the time frame
17 that's been established. There are some concerns that the
18 District has, and we'll be addressing those. But those concerns
19 are minor. They can be worked out, and indeed we've already
20 begun that process. They involve the canals, making sure we
21 preserve those canals and preserve the lake, because we are, in
22 fact, an agricultural community, and we probably will always be
23 an agricultural community. Agriculture is, in fact, the engine
24 that drives the economy of Merced County and that's going to be
25 around for the foreseeable future. I hope so, in any case.

26 Um -- but a specific part that I want to talk about tonight,

1 and my comments tonight should be focused on issues that have
2 been brought up by previous speakers having to do with water
3 supply. The Water Supply Plan was a joint plan that was
4 undertaken by the City of Merced Irrigation District in the early
5 1990s that led to the publication of the final plan, Phase III
6 plan, in 1995. That is that plan that is being currently
7 updated. But that plan identifies several items that could or
8 should be undertaken by the various participants of the plan.
9 Indeed the Irrigation District portion of that plan, which has
10 come to be known as SGWOP, or the Surface Groundwater
11 Optimization Plan, has already actually been undertaken.
12 Hydrogeologists have been employed looking for the appropriate
13 places in Merced County to recharge groundwater. Many, many
14 millions of dollars, actually, of funding that came from outside
15 of the county have been placed into projects that have improved
16 the efficiency of the District, have improved the ability to
17 deliver water on short-term basis, and have helped ensure that
18 the District will be able to deliver water to its farmers, and
19 indeed to recharge water for other uses in Merced County for the
20 foreseeable future.

21 Having said that though, I do want to try to clarify a
22 puzzling rumor that continues to move about our community, and
23 actually, I think it's been in place in several comments, so --
24 and I now want to talk about what kind of water impact we would
25 expect to see out of this university.

26 Um -- first of all, let me put it in context for you. The

1 water budget for Eastern Merced County is about one million acre
2 feet per year. That is an area bounded by the Chowchilla River,
3 the San Joaquin River, the Merced River, and the county line for
4 Mariposa. That's about one million acre feet. The University's
5 entire use of water, 30 or 40 years from now at full build-out,
6 is about 10,000 acre feet. That's about one percent of the
7 entire water budget for Eastern Merced County.

8 But let's go one step further. Let's talk about water
9 conversion, new water, because where the University is now
10 located, on the golf course -- Myers Ranch, which, by the way,
11 will soon be Virginia Smith property, and on the Hunt property,
12 those lands are already using water. They are already
13 agricultural lands -- um -- so that the University uses or the
14 community uses as those lands are converted, if indeed that's
15 what we end up doing, and I hope we will. We'll be converting
16 that water usage to urban water usage, and given what we know
17 about how the University and that community will be, in fact,
18 using water, there may actually be a water surplus created from
19 the development of that campus, in terms of its net water usage.
20 Right now I think it's slightly negative, but that's because we
21 haven't completed all the calculations that go into that, good
22 enough in order to present the EIR, but we're continuing to work
23 on trying to describe just exactly what will happen. What I mean
24 by that, agricultural water now comes on that property and will
25 come onto that property. The same kind of water will come on
26 that property in the future to be used for urban usage, and so

1 long as the urban use and the ag use are at least equal, no net
2 water change or no new net water is even necessary.

3 So that the water impacts of the University in that
4 community, when the Chancellor said this is a campus and
5 community that will sit lightly on wetland, she was not
6 exaggerating. Not only will the campus mitigate its impacts in
7 terms of the environment it will sit in, but its uses of water
8 will either be what those current uses are or less than that.

9 Um -- so I would applaud what you've done in the EIR. I
10 think it's perfectly adequate for this stage of the development,
11 both for the community and for the campus -- um -- and if -- as
12 we work together in the community to iron out some of the bugs
13 that will undoubtedly occur, I think most of the agencies in the
14 community, and certainly the Irrigation District and the Trust,
15 look forward to working with you as we build the University
16 together. Thank you.

17 MR. SMITH: Vickie. After Vickie on deck, we have Nancy
18 Brawley.

19 MS. BANDONI: I'm Vickie Bandoni. I reside at 1550 East
20 Cardella Road here in Merced. I'm also a landowner of property
21 along Kidd Road and Olive Avenue and Leeds Road.

22 I come here tonight. I speak on behalf of myself and
23 certain other landowners in the area that share my views. We are
24 the landowners directly south of the University Community
25 Planning area and the land directly east of the city of Merced;
26 that's referred to on pages 4.2-19, item A-A 2.2, in the EIR. We

27

1 are long-term landowners. My husband's family has farmed land
2 since the 1940s and will continue to farm the land. Today we are
3 active members of our community, and we support the UC Merced.
4 As a parent of a recent UC Berkeley graduate, I look forward to
5 the opportunity, prosperity, and vitality that UC Merced will
6 bring to our community. Outside of the landowners' actual UCP
7 area, we are the landowners who will be most directly affected by
8 the campus project, because the campus parkway will be built
9 across the land in our area.

10 Why am I here? I'm concerned about the draft of the EIR,
11 particularly the sections 4.2 agricultural resources,
12 specifically UCP agricultural policy stated on page 4.2-16
13 through 4.2-19. My real concerns are personal property rights.
14 We currently have existing zoning guidelines which have been
15 proven methods and legally there are no need for additional
16 regulations that will further encumber our land. We do not want
17 to be redlined or targeted for regulations that do not apply to
18 other farmers or property owners in Merced County. We want the
19 freedom to make decisions about property that are not encumbered
20 by an unnecessary restriction, such as conservation areas,
21 greenbelts, buffer zones, or study areas. We do not want to be
22 downzoned or merged. These designations will devalue our
23 property and jeopardize the future of our investment and our
24 land. A farmer's greatest asset is his land.

25 We have strong concerns about mitigation, as referred to on
26 page 4.2-19, item A-3.1. Mitigation of agricultural land in this

1 manner is unprecedented. As a target area for conservation, we
2 believe that the value of our land will be decreased.

3 In closing, I hope that you will not forget the personal
4 property rights of our long-time citizens as you move forth to
5 build UC Merced. Thank you.

6 MR. SMITH: Thank you, Vickie.

7 After Nancy, we have Georgine, I believe it's Tarbow
8 (phonetic) or Tarbox.

9 MS. TARBOX: Tarbox.

10 MR. SMITH: Okay, thank you.

11 MS. BRAWLEY: Good evening, my name is Nancy Brawley, 1011
12 Idaho Drive, Merced, and I'm specifically addressing the campus
13 Draft EIR. And my concern this evening is a matter of balance.

14 It goes without saying that all phases of the environment
15 must be considered, prime agricultural land must be preserved,
16 and it appears that the campus Draft EIR and the proposed
17 mitigations come very close to a favorable balance; however, our
18 young people are our most precious resource, and they must be
19 afforded the opportunity for advanced education through
20 scholarship and affordable campus enrollment.

21 Merced County ranks extremely low in per capita income. It
22 has one of the youngest populations in any county in the United
23 States. There was a recent study done by Stanislaus State in
24 Modesto, and this study revealed that approximately 30 percent of
25 our population in this county is 15 years old or younger, and
26 that is a staggering statistic. And I think it really puts the

28

1 burden of responsibility on us. For the welfare and the economic
2 benefits of our human resources, the reality of a university in
3 this area must be our uppermost priority and our -- support the
4 adoption of the Draft EIR for the campus and the surrounding
5 area. Thank you.

6 MR. SMITH: Thank you, Nancy.

7 After Georgine, we have Joe Mitchell on deck.

8 MS. TARBOX: My name is Georgine Tarbox, T-a-r-b-o-x, like a
9 box full of cars. I live at 63 West 21st Street, Merced.

10 I want to address three different issues. One, I'm in the
11 employment field presently, and every day I find the abominable
12 unemployment rate that we haven't had in this area for a number
13 of years. In that respect, I definitely support the UC campus
14 coming here. The results of it or the investments of the -- are
15 already being seen and will be seen further.

16 The next area, I'm presently a master's student. I travel a
17 hundred and 20 miles for each and every class that I want to
18 attend, because there is no suitable university setting closer.
19 And every time I want to go to a library that will support
20 university research, I have to travel between 60 and 80 miles, so
21 I can't wait for the UC campus to get here.

22 Now, to harken back further, my undergrad is in zoology from
23 UCLA. I have spent 12 years working in the biological research
24 field; nine of them at UCLA, on the research staff in the
25 biological sciences. I understand vernal pools, I understand
26 mitigation, and I understand ecological concerns, and I support

] (29)

1 them; however, I look at it as there is an entire picture of what
2 kind of ecology concerns and preservations can come about. And
3 you take a researcher, a researcher who will come here to be at
4 the UC Merced campus. He or she would rather research in their
5 own backyard than 300 miles away. You will get more long-term
6 preservation of species, in my opinion, by having those
7 researchers here in our own yard than the amount of research
8 that's going to go on if they're not here. And maybe there is
9 some vernal pools here that there's impacts on, but the overall
10 ecological picture will be preserved to a greater extent when we
11 have those minds and those efforts here in our own yard helping
12 with the ecological preservation.

13 So I support the campus and the EIR plan on that. Thank
14 you.

15 MR. SMITH: Thank you, Georgine.

16 A VOICE: Bob, if I can refer to the next --

17 MR. SMITH: Well, we only have one more.

18 A VOICE: They've got it.

19 MR. SMITH: Okay. Diana Westmoreland and then Joe. And
20 anybody else who has not signed up but wants to speak, please
21 fill out a green card and we'll get you -- give you a listen.

22 I think Diana is going around the long way. I'm glad I said
23 something, Diana.

24 MS. WESTMORELAND: Let me catch my breath, Bob.

25 A VOICE: You didn't realize it was so far.

26 MS. WESTMORELAND: My name Diana Westmoreland --

1 MADAM REPORTER: Can you slow down? I'm sorry.

2 MS. WESTMORELAND-PEDROZZO: My name is Diana
3 Westmoreland-Pedrozzo. I reside at 1778 Mount Vernon here in
4 Merced. I happen to work for American Farmland Trust, and they
5 actually gave me permission to speak for them tonight. But I
6 also happen to agree with what I'm going to say professionally
7 and personally, which is a nice touch.

8 I would like to take this opportunity to commend the staff
9 of the County, Bob Smith, and Brian is the representative here
10 tonight for the consultants, and I think that they did an
11 outstanding job of coming together with goals and policies that
12 will make a wonderful campus and community anywhere in this
13 county or anywhere in the state of California. I agree with a
14 lot of the smart growth issues that you've addressed and your
15 attention to the preservation of our natural resources.

16 So now that the nice things have been said, I will go along
17 with that. I think that we can look at one of the alternatives,
18 the no loss of prime farmland as being a better place to put the
19 community. It goes on Myers property a little to the east and
20 then down Bellevue -- and I don't have the technical number for
21 the alternative.

22 The proposed -- first of all, the original site criterias by
23 the Board of Regents said that no loss of prime farmland would be
24 taken. That was part of their criteria in looking for a site
25 selection in the state of California. So that's why I think that
26 the -- that that alternative is a better one.

1 The proposed configuration of the UC Community Plan located
2 on the Myers Ranch and Hunt Farms is not consistent with our
3 Merced General Plan, and it's not consistent without those
4 land-use policies. The no-loss-of-prime-farmland alternative
5 could be figured on the Myers Ranch with an additional parcel
6 east, with the rest of the community going west down Bellevue
7 Road, falls in line with the County's General Plan and lack of
8 those policies. Most all of the impacts are identical, except
9 for the conversion of an additional 70 acres of degraded
10 wetlands, 70 acres of wetland versus 1,420 acres of farmland, and
11 the domino effect that it will have on the agricultural industry
12 in Eastern Merced County. I don't see personally what the
13 difference could be. But I understand there's biological
14 resources, but as so many people have gotten up here and stated,
15 we are preserving thousands of acres by having this campus come.

16 Now, I'm not a water lawyer, and I know Mr. Robbins was just
17 up here, but the reference to the Merced Water Plan in the EIR
18 makes me a little nervous, because it is a work-in-progress. It
19 does not address the depletion of groundwater in North Merced,
20 again, because it's still in the study stage. It doesn't
21 quantify the amount of groundwater in the region. There has been
22 no water recharge basins, except so far there has been no
23 hydrogeology study completed. We do not know the capacity of our
24 underground aquifers (phonetic). There is no solid record of the
25 direction that the aquifers flow, and we don't truly know the
26 origin from where they come from. We're hoping they stay

1 underneath there. We hope that they will continue to serve the
2 community as well as the MID district.

3 The adoption of the Community Plan needs a scientific
4 hydrogeology study complete before we take on more water issues
5 in our county. We have unprecedented use of our water, for
6 biological reasons. What they're -- they're going to only
7 increase the demand and flow along the Merced River. We don't
8 know what the future is going to bring for us, and yet we know
9 that the campus and the community has good water ideas, but we
10 don't know how they're exactly going to work, and we don't know
11 what the impact of the growth of the rest of Merced coupled with
12 this community and the campus is going to mean to our water
13 resources, which is the lifeblood of agricultural. So I would
14 ask that you have a more full water study to go along with this
15 EIR.

16 Personally, I'm looking forward to the UC campus. I wish it
17 had been on the original site. For years we've been pushing
18 development on the hillsides; looks like we've lost, big time, so
19 there's going to be only nothing but more pressure on our
20 farmland. I see this as an opportunity, like so many others have
21 that come up here and said, that it's a great opportunity for
22 compromise. But you have to tell me how 70 acres and 1,420 acres
23 is much of a compromise.

24 So I look for our leadership to look at this and address it
25 and see that there are some alternatives that do truly involve a
26 compromise. Thank you.

1 MR. SMITH: Did you decide not to speak, Joe?

2 Okay. Does anybody else want to speak that hasn't signed
3 up?

4 Okay. Rick, did you want to speak?

5 Well, on behalf of the University of California and the
6 County of Merced, thank you very, very much for a very, very
7 productive and useful public hearing this evening. This public
8 hearing is closed.

9 (Whereupon, the above-mentioned matter was concluded.)

10 -o0o-

11 STATE OF CALIFORNIA)
12) ss.
13 COUNTY OF MERCED)

14

15 I, HELYN A. JOHNSON, Certified Shorthand Reporter, DO

16 HEREBY CERTIFY:

17 THAT I was present at the time of the examination in the
18 case as entitled on the title page thereof; THAT I took down in
19 shorthand all of the testimony given and proceedings had; and I
20 further certify that the foregoing transcript constitutes a full,
21 true, and correct transcript of said proceedings.

22

23 Dated: October 2, 2001, at Coarsegold, California.

24

25

HELYN A. JOHNSON, C.S.R.
Certificate No. 10770

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