
I. INTRODUCTION

I. INTRODUCTION AND SUMMARY

BACKGROUND

In August 2001, the County of Merced published the University Community Plan Draft Environmental Impact Report (UCP DEIR). During the public comment period following publication, the County received numerous comments concerning a wide variety of project-related environmental issues. The County also conducted a series of public hearings and meetings before the County Planning Commission and the County Board of Supervisors. Those meetings focused on preliminary consideration of the content of the Draft UCP

Since publication of the DEIR, the County, both in response to those public comments and because of initiation by staff, has proposed changes to the project. In addition, conditions in the surrounding environment and regulatory conditions have undergone some changes, and the County has conducted studies that allowed it to obtain new information about the environmental impacts of the project. This document describes those changes and the new information. It also evaluates whether those changes would substantially alter the impacts analysis of the original DEIR. Where appropriate, it supplements that original analysis.

Chapter 2 of this document provides an updated version of the water quality and hydrology chapter of the DEIR (Chapter 4.8). This updated chapter discusses the results of hydrologic studies conducted by County consultants since publication of the DEIR, and concludes that those studies show that impacts the County previously thought might be significant in fact will not be significant. Because of public interest in water supply issues, the County believes that public circulation of this updated analysis is appropriate even if not required under CEQA. Chapter 3 contains a summary of all other changes, including changes to the proposed project itself, changes to the surrounding environment, and regulatory changes, affecting the proposed project. Chapter 4 analyzes whether, in light of those changes, the impacts analyzed in the DEIR have been substantially changed, and whether the analysis in the DEIR should be recirculated. It concludes that the changes are not substantial and that recirculation of the entire DEIR is not necessary.

Each chapter also is briefly summarized below.

SUMMARY OF CHAPTER 2: REVISED CHAPTER 4.8 HYDROLOGY AND WATER QUALITY

In response to the NOP and DEIR, the County received numerous public comments regarding the hydrologic impacts of the project. The County decided to address those comments by conducting further technical studies. To assess the potential effect of drawdown from the use of future wells and potential changes to local groundwater recharge due to land use changes on the UCP site, the County engaged in on-site well testing, geohydrologic studies and groundwater modeling.

The study results indicate that, assuming successful implementation of the Merced Water Supply Plan, groundwater withdrawals associated with the project would not overdraft the regional aquifer, would not limit other local land uses, and would not have any environmental effects other than lowering the local groundwater table by 25-35 feet in limited areas immediately west of the UCP area and west of Lake Road. That effect would occur many years in the future, with the maximum effect occurring after approximately 30 years of full pumping to support the built-out University Community and fully enrolled 25,000-student UC Merced campus. The drawdown would stabilize at that 25-35 foot level.

The increased drawdown would not lead to any significant environmental consequences. It could, however, cause some existing well owners to experience increased energy costs (of up to \$20 per year), require some well owners to increase the depths of their existing wells (at an estimated cost of between \$500 and \$1,000), and necessitate replacement of some wells because their age, condition or construction prevents further deepening (at an estimated cost of \$5,000 to \$10,000). These costs are consistent with other costs associated with other residential home maintenance costs over a thirty- to sixty-year length of time, and, for some well owners, significant renovation or replacement of wells would likely occur regardless of the proposed project because of the reasonable life expectancy of the existing wells. Because these costs produce economic rather than environmental impacts, the County has considered them in light of section 15131 (b) of the CEQA Guidelines, which states, “economic or social effects of a project may be used to determine the significance of physical changes caused by the project.”

The DEIR identified the impact of groundwater withdrawals, without any mitigation, as “significant.” This conclusion was based on the potential for significant effects and the fact that the County had not conducted studies that could quantify actual drawdown effects; the County anticipated that such studies would occur during implementation of the UCP. Because this information is now available and indicates that there would be no significant physical effects and the economic impacts would be minor, the County believes that the impact of the project upon groundwater—increased drawdown—is less than significant. Accordingly, the County has changed the significance of Impact 4.8-5 from “Significant” to “Less than Significant,” and no additional mitigation is required.

SUMMARY OF CHAPTER 3: CHANGES SINCE PUBLICATION OF THE DEIR

Since the County published the DEIR, several changes have occurred. Those changes include changes to the project itself, changes to regulatory conditions, and actual and/or approved changes to the environment in the project area. Chapter 3 of this document discusses those changes in detail, and Chapter 4 evaluates the DEIR’s impact analysis in light of those changes. The following discussion summarizes the most salient of the changes relevant to the environmental analysis contained in the DEIR.

Changes to the Proposed Project

The County has changed the proposed project in several ways since publication of the DEIR. Many of those changes are minor, and some involve slight adjustments such as rewording or renumbering policies. All of the changes are described in detail in Chapter 3; the following bullet-point list addresses only the more significant of the changes.

- *Changes to project phasing:* at the time the County published the DEIR, it anticipated that development of the project would be rigidly phased, and that the project would be built out from north to south, with each phase of development reaching a defined stage of completion before the next would begin. The County has changed the project so that this rigid phasing program no longer will be required. The County will require specific plans for each sub-area of development. Those plans will require development of cohesive, integrated neighborhoods, and any development not contiguous to UC Merced will be approved only subject to specific conditions. As a result of this change, the order of lands developed within the UCP could be affected, however the timing of impacts would be primarily affected by market conditions, and thus would not change as a result of these policy revisions.
- *Changes to agricultural lands mitigation:* the DEIR stated that the County would mitigate the loss of agricultural lands through the permanent protection of comparable quality agricultural lands at a 1:1 ratio. Following a public hearing concluded in December 2001, the Board of Supervisors directed staff to amend the draft University Community Plan and Environmental Impact Report to modify Policy A 2.1, requiring conservation easements at a 1:1 ratio to mitigate for the loss of agricultural land resulting from the development of the University Community.

The Board direction was based on its desire to establish a County-wide program for mitigating the loss of agricultural land through its conversion to urban land uses, rather than applying a project-by-project agricultural conservation easement mitigation program. The Board expressed its particular concern in applying an agricultural easement mitigation requirement to the University Community when no comparable requirement exists for the City of Merced, and more broadly in regard to the absence of such a program in other incorporated areas within the County.

The Board directed that Policy A 2.1 be amended to eliminate the requirement for acquisition of conservation easements at a ratio of 1:1 for the loss of agricultural land, and to specify that, at such time that a County-wide agricultural mitigation program is adopted, the University Community would be required to participate in the County-wide program.

With this change the impact of conversion of important farmland in the County caused by the project and cumulative projects would be identical to that described in the DEIR. However, the likelihood of the DEIR mitigation preventing long-term additional loss of farmland would be reduced. The conclusion of the DEIR that this impact is significant and unavoidable, even with the implementation of agricultural land preservation at a 1:1 ratio, would be unchanged, and this impact would remain significant and unavoidable.

Regulatory Changes

Since completion of the DEIR, in the context of a consultation pursuant to section 7 of the Endangered Species Act the County and University have been involved in ongoing discussions with the U.S. Army Corps of Engineers and the U.S. Fish and Wildlife Service regarding the impacts of the campus and community upon biological resources. Through these discussions, the Corps and the Fish and Wildlife

Service have produced, with the County and University's assistance, a series of documents containing information about biological resources in the project area, assessing the impact of the project upon endangered and threatened species, and reflecting specific elements of the projects' descriptions designed to address biological resources. The County has made changes to the UCP in consideration of the information developed and the project description set forth in the Section 7 documents and of public comment and staff review.

Chapter 3 provides a detailed summary of information gained from, and documents produced through, the process of evaluating the project's impacts (including cumulative impacts) upon biological resources, and also discusses regulatory changes as a result of that process.

Changes in Cumulative Conditions

Since publication of the DEIR, UC certified the UC Merced Long Range Development Plan (LRDP) EIR and approved the LRDP in January 2002. The approval of the LRDP was legally challenged based on the adequacy of the LRDP EIR. The legal adequacy of the LRDP EIR was sustained by the Superior Court and the Appellate Court. In July 2003 construction of Phase 1 of the UC Merced campus began. Construction of a number of buildings and infrastructure is currently ongoing, including a classroom building, academic building, library, student housing, and the campus central plant. The DEIR anticipated and addressed these actions.

Since the publication of the DEIR, planning for development in the north Merced area has continued for a variety of projects within the Merced SUDP, including the Bellevue Ranch Specific Plan, the Fahrens Park Specific Plan, the Northeast Yosemite Specific Plan, Fahrens Creek II, Fahrens Creek North, and the Lyons Annexation. These projects were proposed at the time the County prepared the DEIR, and the DEIR's cumulative impacts analysis considered the effects of these projects.

In 2003, the City of Merced adopted a Mitigated Negative Declaration for the Hunt Family Annexation that added 28 acres to the Merced SUDP, and resulted in annexation to the City of Merced of a total of approximately 182 acres near the intersection of Yosemite Avenue and Lake Road. The DEIR assumed development of the City's SUDP, but it did not anticipate addition of 28 acres to the City's SUDP.

SUMMARY OF CHAPTER 4: EVALUATION OF IMPACTS PRESENTED IN THE DEIR

As detailed in Chapter 4 of this report, the changes described above have not resulted in significant modifications to the DEIR's impact analyses and the determinations of significance of impacts. Some of the changes would alter the timing of impacts or the extent of mitigation, but none of the changes to the proposed project substantially alter the DEIR analysis or change the conclusions of the Draft EIR with respect to the significance of impacts, such that recirculation would be required pursuant to Section 15088.5 of the CEQA Guidelines.

RECIRCULATION

Recognizing the importance of the potential changes and new information described above, and in order to fully comply with CEQA, the County is making this analysis publicly available and recirculating an updated portion of the Draft EIR.

Specifically, the County is:

- ❑ Recirculating the revised Chapter 4.8 (Hydrology and Water Quality). The revised chapter presents updated and expanded information about local groundwater effects of the proposed UCP. Because of public interest in water supply issues, the County believes that public circulation of this updated analysis is appropriate even if not required under CEQA;
- ❑ Circulating a description of proposed project changes, regulatory changes, and changed conditions; and
- ❑ Circulating an evaluation of the remaining impacts analyses of the August 2001 DEIR.

PUBLIC REVIEW PROCESS

This Supplement to the Draft EIR is being made available on July 30, 2004 for public review for a period of 46 days, consistent with the requirements of Section 15087 of the CEQA Guidelines. This period ends September 13, 2004. During this period, the general public, organizations, and agencies may submit comments to the lead agency on this document's accuracy and completeness.

As required under CEQA Guidelines Section 15088.5, the County has sent a Notice of Availability to all those who submitted comments on the DEIR, to all those who were originally on the County's distribution list for the Draft EIR, and to any additional persons or organizations that requested information about the UCP since publication of the Draft EIR.

There will not be a public hearing regarding the information contained in this Supplement to the Draft EIR.

This Supplement to the Draft EIR and all documents referenced therein are available for public review at Merced County, UC Merced Development Office, 3450 C Street, Suite B, Atwater, CA 95301.

LEAD AGENCY CONTACT

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FINAL EIR

The Final EIR (FEIR) will include written and oral comments on the DEIR received during the August-October 2001 public review period, responses to those comments, written comments on the Supplement to the DEIR received during this comment period, responses to those comments, and any revisions to the DEIR or to this Supplement made in response to public comments. The DEIR, Supplement to the DEIR, and FEIR will comprise the EIR for the UCP.