

California Native Plant Society

25May 2000

Richard Atkinson, President
University of California
1111 Franklin Street
Oakland, CA 94607-5200

Dear Mr. Atkinson

The California Native Plant Society (CNPS) is a statewide non-profit organization of some 10,000 scientists, educators, and laypeople dedicated to the conservation and understanding of the California native flora. As a science-based conservation organization, we believe that good land use decisions must be accompanied by a thorough assessment of environmental impacts as required by the California Environmental Quality Act (CEQA), state and federal Endangered Species Acts, the Clean Water Act, and other resource protection laws.

While CNPS favors a new University of California campus in the San Joaquin Valley, we believe that recent biological studies on the Lake Yosemite site alternative show that the campus and supporting community will have significant and unmitigatable impacts to endangered plant and animal species as well as to important wetland resources, namely California's unique vernal pools. Some of these impacts were previously undisclosed and are likely to be significant. For this reason, we strongly urge the Regents of the University of California to reconsider the proposed site and reopen the site selection process.

The University of California is required to prepare a subsequent site selection EIR pursuant to Section 15162 of the CEQA Guidelines. That section requires a subsequent EIR when any of the following occur:

- Substantial changes are proposed in the project which involve new significant environmental effects or a substantial increase in the severity of previously identified significant effects;
- Substantial changes occur with respect to the circumstances under which the project is undertaken which involve new significant environmental effects or a substantial increase in the severity of previously identified significant effects; or
- New information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous EIR was certified as complete, shows any of the following: (A) The project will have one or more significant effects not discussed in the previous EIR; (B) Significant effects previously examined will be substantially more severe than shown in the previous EIR; (C) Mitigation measures or alternatives previously found not to be feasible would in fact be feasible, and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative; or (D) Mitigation measures or alternatives which are considerably different from those analyzed in the previous EIR would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative.

The proposed project is subject to Section 15162 in all three categories as explained below:

- ◆ Substantial changes in both size and scope are proposed. The overall footprint of the project was confined to the 7,000 acre Virginia Smith Trust parcel in the original EIR. Current planning



Dedicated to the preservation of California native flora

documents show both the Virginia Smith Trust and the Cyril Smith Trust parcels as being impacted and their combined area exceeds 10,000 acres.

- ◆ The severity of impacts has been found to be greater as well. Since the original EIR, additional previously undisclosed biological resources have been found on the site. Specifically, three federally-listed species (Conservancy Fairy Shrimp, Colusa Grass, and San Joaquin Valley Orcutt Grass) have been found on the site. In the original EIR all three were considered to have a low probability of occurrence on the site and, therefore, significant impacts were not addressed.
- ◆ New information regarding biological resources has come to light. In addition to the federally-listed species occurrences discussed above, it also appears that the number, density and total acres of vernal pools were significantly underestimated in the original EIR.

The subsequent EIR needs to adequately address alternatives in accordance with CEQA Guidelines Section 15126.6 which states in part: "An EIR shall describe a range of reasonable alternatives to the project, or the location of the project, which would feasibly attain most of the basic objectives of the project but would avoid or substantially lessen any of the significant effects of the project, and evaluate the comparative merits of the alternatives." It is our opinion that a thorough evaluation of alternatives in the EIR must include several alternative locations which will avoid the impacts to vernal pools and endangered species habitat associated with the Lake Yosemite site.

The subsequent EIR also needs to discuss cumulative impacts in accordance with CEQA Guidelines Section 15130. Cumulative impacts are "the change in the environment which results from the incremental impact of the project when added to other closely related past, present, and reasonably foreseeable probable future impacts." At a minimum, the cumulative impact assessment for this project should include analyses of the direct and indirect impacts attributable to the Campus, the proposed Campus Community, and the Campus Parkway at the build out level specified in current conceptual planning documents. Similar analyses should be presented for each of the alternative locations considered.

The California Native Plant Society strongly urges that the site selection process needs to be revisited in order to identify a better location for the new University of California campus that will not result in substantial and unmitigatable impacts to endangered species, unique natural landscapes, important wetland habitats, and the irreplaceable natural heritage of the people of California.

Sincerely,

Jake Sigg, President

cc: Governor Gray Davis
Regents of the University of California
County of Merced Board of Supervisors
The Honorable Tom Hayden