

**CALIFORNIA ENVIRONMENTAL QUALITY ACT FINDINGS IN CONNECTION  
WITH THE APPROVAL OF THE POWER PURCHASE AND SITE LICENSE  
AGREEMENTS  
FOR THE NORTH BOWL PARKING, CORPORATION YARD, AND HOUSING 4  
PHOTOVOLTAICS PROJECT,  
UNIVERSITY OF CALIFORNIA, MERCED CAMPUS**

**I. INTRODUCTION**

**A. Description of the Project**

UC Merced proposes to enter into a Power Purchase Agreement and a Site License Agreement for up to 25 years with an energy company pursuant to which the energy company would install an approximately 4.8 megawatt (MW) photovoltaics (PV) system on three sites on the campus. The system would be constructed, operated, and maintained by the energy company. The project is proposed by the University of California to support the University Policy on Sustainable Practices, UC Merced's Triple Zero Commitment, and in support of the sustainability strategies in the UCM 2009 LRDP.

The PV arrays would be installed at three campus locations - the North Bowl parking lot, the campus corporation yard, and Housing 4 in the northeastern and northwestern portions of the campus. It is expected that the arrays, comprising nearly 16,000 PV, would generate approximately 10,000,000 kilowatt-hours (kWh) per year.

The PV arrays at the North Bowl parking lot, Corporation Yard, and Housing 4 sites would adhere to California Building Codes and Standards, California Public Utilities Commission's California Solar Initiative program requirements, and all California Energy Commission's technical and installation specifications and guidelines. The energy generated would be utilized on the campus. Staging for the project would occur on a dirt lot adjacent to the northeastern end of the North Bowl parking lot. Project construction is expected to commence in spring 2017, and would be completed in approximately 2 to 3 months.

Burrowing owls are known to be present near the North Bowl parking lot and the corporation yard. The 2009 EIR/EIS includes a mitigation measure (Mitigation Measure BIO-9b) which requires that a 250 foot buffer must be maintained between construction activities and active burrowing owl nests in order to avoid significant impacts on nesting burrowing owls. UC Merced proposes to revise the wording of Mitigation Measure BIO-9b to allow the use of not only setbacks but also other measures such as visual screens that are considered appropriate by the California Department of Fish and Wildlife to minimize impacts on nesting burrowing owls.

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

The University of California ("University"), as the lead agency pursuant to the California Environmental Quality Act ("CEQA"), prepared the Final Environmental Impact Statement/Environmental Impact Report ("Final EIS/EIR") for the 2009 Long Range Development Plan ("LRDP") for the University of California, Merced ("UC Merced") (State

Clearinghouse No. 2008041009). The Board of Regents of the University of California (“The Regents”) certified that the Final EIS/EIR was completed in compliance with the California Environmental Quality Act (“CEQA”) and adopted Findings and a Statement of Overriding Considerations in connection with its approval of the 2009 LRDP.

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

The action before the University is the approval of the Power Purchase Agreement and Site License Agreement for the proposed North Bowl Parking, Corporation Yard, and Housing 4 Photovoltaics project and a revision to LRDP Mitigation Measure BIO-9b, based on the 2009 EIS/EIR and an addendum (“Addendum No. 8”) prepared for the project.

## **II. FINDINGS**

The University has examined the North Bowl Parking, Corporation Yard and Housing 4 Photovoltaics project and has determined that all of the potential environmental effects of the North Bowl Parking, Corporation Yard, and Housing 4 Photovoltaics project are fully evaluated in the 2009 EIS/EIR. The University has not identified any significant new information or a change in circumstances that would result in new significant impacts or a substantial increase in the severity of environmental impacts identified in the 2009 EIS/EIR. Further, the University has determined that no new significant impacts or a substantial increase in the severity of significant impacts identified in the 2009 EIS/EIR would occur as a result of the proposed project. Therefore, the University has determined that no further environmental documentation beyond Addendum No. 8, in association with the 2009 EIS/EIR, is required to analyze and disclose the environmental effects of the North Bowl Parking, Corporation Yard and Housing 4 Photovoltaics project.

The University has also examined the proposed changes to the wording of LRDP Mitigation Measure BIO-9b and has determined that the changes will not result in any new environmental impacts and that no further documentation beyond Addendum No.8 is required to disclose the effects of the proposed changes.

The University has reviewed and considered the information contained in the 2009 EIS/EIR and Addendum No. 8 prior to considering approval of the proposed project and change to Mitigation Measure BIO-9 as set forth below in Section II, and finds that the 2009 EIS/EIR and Addendum No. 8 reflect its independent judgment and analysis. The conclusions presented in these Findings are based upon the 2009 EIS/EIR and other evidence in the administrative record.

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

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

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

The following section summarizes the impacts of the North Bowl Parking, Corporation Yard, and Housing 4 Photovoltaics project and presents Findings as to those impacts as required by CEQA and the CEQA Guidelines. The North Bowl Parking, Corporation Yard, and Housing 4 Photovoltaics project will be implemented pursuant to the 2009 LRDP and its impacts will be fully mitigated by mitigation measures adopted by the University in conjunction with its approval of the 2009 LRDP. A full explanation of and support for these Findings and conclusions are set forth in the 2009 EIS/EIR.

The Findings below specifically address the impacts of the North Bowl Parking, Corporation Yard and Housing 4 Photovoltaics project and are based on the evaluation and analysis contained in the 2009 EIS/EIR. The Findings also address the change to the wording of LRDP Mitigation Measure BIO-9b.

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

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

Impacts to aesthetics (see Volume I, Draft EIS/EIR Page 4.1-21, Alt 1-Impact AES-2), air quality (see Volume I, Draft EIS/EIR Page 4.3-49; Alt 1-Impact AQ-3; Page 4.3-53; Alt 1-Impact AQ-5; Page 4.3-54; Alt 1-Impact AQ-6), biological resources (see Volume I, Draft EIS/EIR Page 4.4-97, Alt 1-Impact BIO-1; Page 4.4-110, Alt 1-Impact BIO-3; Page 4.4-111, Alt 1-Impact BIO-4; Page 4.4-119, Alt 1-Impact BIO-5; Page 4.4-121, Alt 1-Impact BIO-6; Page 4.4-123, Alt 1-Impact BIO-7; Page 4.4-126, Alt 1-Impact BIO-8; Page 4.4-130, Alt 1-Impact BIO-10; Page 4.4-134, Alt 1-Impact BIO-11).

Based on an evaluation of the North Bowl Parking, Corporation Yard, and Housing 4 Photovoltaics project in light of the information contained in the 2009 EIS/EIR and Addendum No.8, the University concludes that in addition to the less than significant impacts listed above, the following impacts would also be less than significant without mitigation.

#### **1. Aesthetics**

- a. Scenic Vistas Impact: The North Bowl Parking, Corporation Yard, and Housing 4 Photovoltaics project would result in a less than significant impact on scenic vistas as there would be substantial distance between the viewers using the nearby regional park and these arrays and the PV arrays would be placed on sites that are already*

*developed with facilities and adjacent to existing development and would not be in an area where they could detract from the scenic quality of the vista. No mitigation measures are required.*

- b. Visual Quality and Character Impact: The North Bowl Parking, Corporation Yard, and Housing 4 Photovoltaics project would result in a less than significant impact on the visual quality and character of the project site due to the low profile design of the solar arrays and the campus setting in which the PV arrays would be located. No mitigation measures are required.*
- c. Lighting and Glare Impact: The North Bowl Parking, Corporation Yard, and Housing 4 Photovoltaics project would result in a less than significant impact on light and glare as the PV panels would be made with high quality PV glass (low-iron/high transmission glass) and treated with an anti-reflective (AR) coating that would prevent the modules from reflecting light and eliminate glare. No mitigation measures are required.*

**FINDING: The University finds that implementation of the North Bowl Parking, Corporation Yard, and Housing 4 Photovoltaics project would result in a less than significant impact on scenic vistas, visual quality or character of the site and its surroundings, and light and glare.**

## **2. Air Quality**

- a. Construction Emissions Impact: The North Bowl Parking, Corporation Yard and Housing 4 Photovoltaics project would not result in construction emissions that would violate an air quality standard due to the nature of the size and nature of the proposed project. No mitigation measures are required.*
- b. Operational Emissions Impact: The North Bowl Parking, Corporation Yard, and Housing 4 Photovoltaics project would not result in operational emissions that would violate an air quality standard since there would be no combustion-related emissions from permanent mechanical equipment and thus little to no operations-related emissions. No mitigation measures are required.*
- c. Criteria Pollutant Impact: Due to the nature and size of the proposed project, the North Bowl Parking, Corporation Yard, and Housing 4 Photovoltaics project would not result in construction or operational emissions that would cause a considerable net increase in criteria pollutants. No mitigation measures are required.*

**FINDING: The University finds that implementation of the North Bowl Parking, Corporation Yard, and Housing 4 Photovoltaics project would result in a less than significant impact on criteria pollutants from construction or operational emissions and would not violate an air quality standard.**

### 3. Biological Resources

- a. *Special-Status Plant Species Impact: The North Bowl Parking, Corporation Yard, and Housing 4 Photovoltaics project would have a less than significant impact on special-status plant species, as the project site is on an area that is urbanized or graded and devoid of any suitable habitat for special-status plant species. No mitigation measures are required.*

**FINDING: The University finds that implementation of the North Bowl Parking, Corporation Yard, and Housing 4 Photovoltaics project would result in a less than significant impact on special-status plant species.**

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

Based on an evaluation of the proposed project in light of the information contained in the 2009 EIS/EIR, the University concludes that the following impacts would be potentially significant. These potentially significant impacts would be mitigated to less than significant with the implementation of previously adopted and revised 2009 EIS/EIR mitigation measures.

#### 1. Biological Resources

- a. *Nesting Bird Impacts: Implementation of the North Bowl Parking, Corporation Yard, and Housing 4 Photovoltaics project may affect nesting birds. The following mitigation measures would reduce this impact to a level that is less than significant.*

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

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

**FINDING: For the reasons stated in the 2009 EIS/EIR (see Volume I, Draft EIS/EIR Page 4.4-130) and Addendum No. 8 (see Page 20), the University finds that implementation of**

**the North Bowl Parking, Corporation Yard, and Housing 4 Photovoltaics project may affect nesting birds. Implementation of LRDP Mitigation Measures BIO-9a and BIO-9b would reduce these impacts to less than significant. No additional mitigation is required.**

## **2. Cultural Resources**

- a. *Unidentified or Buried Cultural Resources Impact: Implementation of the North Bowl Parking, Corporation Yard, and Housing 4 Photovoltaics project may unearth previously unknown archaeological resources during ground disturbing activities. The following mitigation measures would reduce this impact to a level that is less than significant.*

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

**LRDP Mitigation Measure CUL-3:** If human remains of Native American origin are discovered during ground-disturbing activities, the campus will comply with state laws relating to the disposition of Native American burials, which falls within the jurisdiction of the California Native American Heritage Commission (Public Resources Code Section 5097), as noted in Volume I, Draft EIS/EIR Page 4.5-26.

**FINDING: For the reasons stated in the 2009 EIS/EIR (see Volume I, Draft EIS/EIR Page 4.5-24) and Addendum No. 8 (see Page 21), the University finds that implementation of the North Bowl Parking, Corporation Yard, and Housing 4 Photovoltaics project may unearth previously unknown archaeological resources and human remains. Implementation of LRDP Mitigation Measures CUL-2 and CUL-3 will reduce the impact to less than significant. No additional mitigation is required.**

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

Public Resources Code §21081.6 and CEQA Guidelines §15091(d) require the lead agency approving a project to adopt a Mitigation Monitoring or Reporting Program for feasible mitigation measures identified that would avoid or substantially lessen significant environmental impacts. The University adopted a Mitigation Monitoring and Reporting Program (“MMRP”) in connection with the certification of the 2009 EIS/EIR. The adopted LRDP MMRPs include mitigation measures applicable to the North Bowl Parking, Corporation Yard, and Housing 4 Photovoltaics project, as described above. The LRDP MMRP designates responsibility and anticipated timing for the implementation of mitigation measures for conditions within the jurisdiction of UC Merced. Implementation of the mitigation measures specified in the 2009 EIS/EIR and contained in the LRDP MMRP will be accomplished through administrative controls over project planning and implementation. Monitoring and enforcement of these

measures will be accomplished through inspection and documentation by appropriate UC Merced personnel.

The University finds that the impacts of the North Bowl Parking, Corporation Yard, and Housing 4 Photovoltaics project will be mitigated to the extent feasible by the mitigation measures identified in the 2009 EIS/EIR and in the 2009 LRDP MMRP and as an increment of LRDP development are hereby incorporated into the North Bowl Parking, Corporation Yard, and Housing 4 Photovoltaics project. UC Merced reserves the right to make amendments and/or substitutions to the mitigation measures and MMRP in accordance with the provisions of CEQA if, in the exercise of its discretion, it determines that the amended or substituted mitigation measure will mitigate the identified potential environmental impact to at least the same degree as the original mitigation measure, or would attain an adopted performance standard for mitigation, and where the amendment or substitution would not result in a new significant impact on the environment which cannot be mitigated.

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

The record of proceedings upon which the University bases these findings consists of all the documents and evidence relied upon by UC Merced in preparing the 2009 LRDP and the 2009 EIS/EIR and Addendum No. 8. The custodian of the record of proceedings is UC Merced, Physical & Environmental Planning, P. O. Box 2039, Merced CA 95344.

### **D. Summary**

Based on the foregoing Findings and all of the information contained in the administrative record, the University has made one or more of the following Findings with respect to the significant environmental effects of the North Bowl Parking, Corporation Yard, and Housing 4 Photovoltaics project, as described in the 2009 EIS/EIR and Addendum No.8:

- 1) Changes or alterations have been required in, or incorporated into the North Bowl Parking, Corporation Yard, and Housing 4 Photovoltaics project which avoid or substantially lessen the significant environmental effects on the environment.
- 2) Changes or alterations that are wholly or partially within the responsibility and jurisdiction of another public agency have been, or can and should be, adopted by that other public agency.
- 3) Specific economic, legal, social, technological, or other considerations make infeasible the mitigation measures or alternatives identified in the 2009 EIS/EIR that would otherwise avoid or substantially lessen the identified significant environmental effects of the project.

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

- All significant effects on the environment due to approval of the North Bowl Parking, Corporation Yard, and Housing 4 Photovoltaics project have been eliminated or substantially lessened where feasible.

### **III. APPROVALS**

Based on a review and consideration of the environmental consequences of the proposed project as discussed and analyzed in the 2009 EIS/EIR and Addendum No. 8 thereto, the University hereby takes the following actions:

- A. Adopts these Findings in their entirety as set forth in Section II above;
- B. Approves Addendum No.8 to the 2009 EIS/EIR; and
- C. Approves the Power Purchase Agreement and the Site License Agreement for the UC Merced North Bowl Parking, Corporation Yard, and Housing 4 Photovoltaics project.