

# I INTRODUCTION

This Draft Environmental Impact Report (EIR) provides a program-level assessment of the potential environmental consequences of adoption and implementation of the proposed 2020 Long Range Development Plan (2020 LRDP) for the University of California, Berkeley (UC Berkeley). This assessment is designed to inform UC Berkeley decision-makers, other responsible agencies, and the public-at-large of the nature of the 2020 LRDP and its effect on the environment. This Draft EIR has been prepared in accordance with and in fulfillment of California Environmental Quality Act (CEQA) requirements. The University of California is the Lead Agency for the project.

Environmental and planning documents that contributed to the development of the 2020 LRDP EIR include the following:

- UC Berkeley Northeast Quadrant Science and Safety Projects and 1990 Long Range Development Plan Amendment EIR (State Clearinghouse 2001022038).
- UC Berkeley 1990 Long Range Development Plan EIR (State Clearinghouse 8811208).
- City of Berkeley General Plan Draft EIR and Final EIR (State Clearinghouse 2000102107).

This Draft EIR also includes a project-specific environmental review of the proposed Chang-Lin Tien Center for East Asian Studies. The Tien Center is the first individual project planned under the policy framework of the 2020 LRDP. The evaluation of the Tien Center in this EIR is a model for future environmental review of any project proposed to implement the 2020 LRDP.

## I.1 PROPOSED ACTION

### 2020 LRDP

The proposed 2020 LRDP will replace the 1990-2005 LRDP, which has been the principal policy document guiding land use and capital investment at UC Berkeley. The 2020 LRDP has a long-term (approximately 16-year) horizon, yet it provides comprehensive policy direction to inform decisions on projects implementing the 2020 LRDP, and to guide UC Berkeley staff in managing campus stewardship and development programs.

The 2020 LRDP provides a framework for land use and capital investment decisions by the university to meet its academic goals and objectives through the year 2020. It describes the magnitude and distribution of development anticipated within this period, in terms of campus headcount, program space, housing and parking, and identifies policies and guidelines to inform the location, scale and design of individual capital projects. The 2020 LRDP is presented in its entirety in Chapter 3.1.

### TIEN CENTER

The Tien Center is a two-phase project proposed to be built at the base of Observatory Hill facing the Central Glades. The Tien Center will consolidate the various programs of the East Asian Library, the Institute of East Asian Studies and the Department of East Asian Studies. A full project description of the Tien Center appears in Chapter 3.2.

## **I.2 EIR SCOPE AND PURPOSE**

This document includes a program-level EIR on adoption and implementation of the 2020 LRDP and a project-specific EIR for the Tien Center project.

This EIR supports the 2020 LRDP by assessing the potential environmental impacts of full implementation of the 2020 LRDP, as required by the California Environmental Quality Act (CEQA). The EIR has several purposes:

- To inform university decisionmakers, responsible and interested agencies, and the general public of the environmental implications of the 2020 LRDP program,
- To enable the Regents of the University of California to consider those environmental implications in their review and approval of the 2020 LRDP, and
- To serve as a reference document for subsequent review of individual projects undertaken to implement the 2020 LRDP.

The 2020 LRDP provides a policy framework to guide land use and capital investment decisions at UC Berkeley through the year 2020. It is not an implementation plan, and its adoption does not commit the university to any specific project, construction schedule, or funding priority. Rather, it describes a potential development program for the campus through the year 2020. Each individual project undertaken within the scope and timeframe of the 2020 LRDP must be approved individually by the university, and the approval process must include compliance with CEQA. Therefore, this 2020 LRDP EIR is a first tier EIR that evaluates the potential effects of the entire 2020 LRDP at a program level.

CEQA and the CEQA Guidelines state that subsequent projects should be examined in light of the program-level EIR to determine whether subsequent project-specific environmental documents must be prepared. If no new significant effects would occur, all significant effects have been adequately addressed, and no new mitigation measures would be required, subsequent projects within the scope of the 2020 LRDP could rely on the environmental analysis presented in the program-level EIR, and no subsequent environmental documents would be required; otherwise, project-specific environmental documents must be prepared.

These subsequent documents may rely on the program-level EIR for information on setting and regulatory framework, for analysis of general growth-related and cumulative impacts, and on alternatives to the 2020 LRDP. In general, the environmental analysis in these subsequent documents would focus on more specific project-level information not available for the 2020 LRDP EIR. Mitigation measures identified in the 2020 LRDP EIR that apply to significant impacts of the project would be implemented as part of the project, and would be identified in the project-specific review. Other project-specific mitigation measures for significant impacts not addressed in detail in the 2020 LRDP EIR may also be implemented as part of the project. Such measures would be identified in the project-specific review.

The scope of this Draft EIR was established by UC Berkeley through the Initial Study process. UC Berkeley published a Notice of Preparation and Initial Study for the project on August 29, 2003, and held a scoping session regarding this EIR on September 22, 2003. A total of 76 comment letters regarding the scope of the EIR were received during the 42-day scoping period, and 37 people spoke about the EIR scope at the scoping session.

Based on the Initial Study and on the scoping comments received, the following issues were identified to be addressed in this EIR:

1. Aesthetics
2. Air Quality
3. Biological Resources
4. Cultural Resources
5. Geology, Seismicity and Soils
6. Hazardous Materials
7. Hydrology and Water Quality
8. Land Use
9. Noise
10. Population and Housing
11. Public Services
12. Transportation and Traffic
13. Utilities and Service Systems

A summary of the scoping comments on each of these issues is included at the beginning of each of the topic-specific chapters within Chapter 4.

### **I.3 REPORT ORGANIZATION**

This Draft EIR is organized into the following major chapters:

- **Chapter 1: Introduction** provides an introduction and overview describing both the intended use of the document and the review and certification process.
- **Chapter 2: Report Summary** summarizes environmental consequences that would result from the proposed 2020 LRDP, describes recommended mitigation measures, and indicates the level of significance of impacts before and after mitigation.
- **Chapter 3: Project Description** contains the 2020 LRDP itself as section 3.1, which serves as the Project Description for the 2020 LRDP component of this EIR. Section 3.2 of this chapter includes a description of the proposed Tien Center project.
- **Chapter 4: Environmental Evaluation** is divided into 13 topic-specific chapters. Each chapter provides an analysis of the potential environmental impacts of the proposed 2020 LRDP and the Tien Center project, outlines the continuing campus best practices that limit potential environmental impacts, and recommends mitigation measures, if required or feasible, to further reduce the significance of impacts in each environmental issue area.
- **Chapter 5: Alternatives** considers four alternatives to the proposed 2020 LRDP and three alternatives for the Tien Center, including the CEQA-required No Project Alternative for each of these two EIR components.

- **Chapter 6: CEQA-Required Assessment Conclusions** discusses growth inducement, cumulative impacts, unavoidable significant effects, and expected significant irreversible changes.
- **Chapter 7: Report Preparation** identifies the preparers of the Draft EIR and individuals who were contacted for information.
- **Chapter 8: Glossary** includes definitions of planning and technical terms used in this EIR, as well as a list of acronyms.

#### **I.4 ENVIRONMENTAL REVIEW PROCESS**

This Draft EIR will be available for review by the public and interested parties, agencies and organizations for a review period of 61 days; only a 45 day review period is required by law. Public hearings on the Draft EIR will be held during the review period on May 5 and May 11, 2004. The public is invited to attend a hearing to offer oral comments on this Draft EIR. The May 5 hearing will be at the North Berkeley Senior Center, 1901 Hearst Avenue, Berkeley from 7 to 9 pm; the May 11 hearing will be at the Clark Kerr Campus Krutch Theater, 2601 Warring Street, Berkeley, from 5:30 to 8:30 pm. Comments on the Draft EIR may also be submitted in writing to:

Ms. Jennifer Lawrence  
Co-Director, 2020 LRDP EIR  
Facilities Services  
1936 University Ave #300  
University of California  
Berkeley CA 94720-1382  
Email: 2020LRDP@cp.berkeley.edu

Comments must be received by 5:00 pm on June 14, 2004 to be considered in the Final Environmental Impact Report (FEIR). Following the close of the public comment period, an FEIR will be prepared to respond to all substantive environmental comments regarding this Draft EIR. Once the Regents certify the FEIR, the university will also consider adoption of the 2020 LRDP itself, which may be approved as proposed, modified, or rejected. The Regents will then also consider approval of the Tien Center project, which may also be approved as proposed, modified or rejected.

#### **I.5 USES OF THE 2020 LRDP EIR**

This document serves three purposes. The Regents will use this EIR to evaluate the environmental implications of adopting the 2020 LRDP, and approving the Tien Center project. If the 2020 LRDP is approved, this EIR will be used to focus environmental review of subsequent campus development projects. Lastly, this document may be used as a source of information by responsible agencies with permitting or approval authority over projects implementing the 2020 LRDP.

No other agency approval, over than by The Regents, is required for the 2020 LRDP. However, under limited circumstances as individual projects are proposed, other permits and approvals may be needed depending on the characteristics of the projects. A list of potential permits includes:

**Section 404 Permit.** Implementation of the 2020 LRDP could result in the filling of wetlands and other waters of the United States. The US Army Corps of Engineers (ACOE) regulates the nation’s waterways and wetlands, and is responsible for implementing and enforcing Section 404 of the federal Clean Water Act (CWA). ACOE regulations require that any activity that discharges fill material or requires excavation in “waters of the United States” (see below), including wetlands, must obtain a Section 404 permit.

**Section 401 Water Quality Certification:** The State Water Resources Control Board and the Regional Water Quality Control Boards (RWQCBs) promulgate and enforce narrative and numeric water quality standards in order to protect water quality and adopt and approve Water Quality Control Plans. The State Board and the RWQCBs also regulate discharges of harmful substances to surface waters, including wetlands, under the federal CWA and the California Porter-Cologne Water Quality Control Act (Porter-Cologne). If issuance of a Section 404 permit is required, it will be subject to water quality certification under CWA Section 401.

**Section 7 Consultation:** The Federal Endangered Species Act requires a federal agency (potentially the ACOE if issuance of a Section 404 permit is required) to seek formal consultation with the US Fish and Wildlife Service (USFWS) for species listed as threatened or endangered, or proposed for listing as threatened or endangered. Based on this consultation, the USFWS issues a biological opinion determining whether the project is likely to adversely affect or jeopardize the continued existence of a federally listed species, or result in the destruction or adverse modification of critical habitat proposed to be designated for such species.

**Section 10 of the Endangered Species Act:** Section 10 of the Federal Endangered Species Act provides a nonfederal applicant a mechanism to obtain incidental take authorization for federally listed threatened or endangered species.

**Section 106 Compliance:** For projects with federal funding, the National Historic Preservation Act of 1966 (NHPA), as amended by 16 United States Code (USC) section 470 et seq., Section 106, 36 Code of Federal Regulations (CFR) 800, includes provisions for protection of significant archaeological and historical resources. Procedures for dealing with previously unsuspected cultural resources discovered during construction are identified in 36 CFR 800 (for implementing Section 106 processes). The administering agency is the State Historic Preservation Officer (SHPO) and the federal lead agency.

**Section 1601 Permit:** The California Department of Fish and Game (CDFG) requires notification for any project or activity that will take place in, or in the vicinity of, a river, stream, lake, or its tributaries. Section 1601 (1603 for private entities) of the Fish and Game Code requires that state or local governmental agencies notify the CDFG before they begin any construction project that will: (1) divert, obstruct, or change the natural flow or the bed, channel, or bank of any river, stream, or lake; (2) use materials from a streambed; or (3) result in the disposal or disposition of debris, waste, or other material containing crumbled, flaked or ground pavement where it can pass into any river, stream or lake.

**Section 2081 Compliance:** Section 2081 of the California Endangered Species Act permits the “take” (hunt, pursue, catch, or kill) of endangered or threatened species, provided that the take is incidental to an otherwise lawful activity, the impacts of the authorized take are minimized and fully mitigated, the take permit is consistent with the CDFG recovery programs, the applicant ensures adequate funding to implement the mitigation and monitoring program, and the action will not jeopardize the continued existence of the species. Substantial information regarding state-listed species is presented in Chapter 4.3 of this EIR.

**NPDES Permits:** The Clean Water Act requires a National Pollution Discharge Elimination System (NPDES) permit for any discharge of pollutants from a point source to waters of the United States. This law and its regulations also apply to storm water in certain circumstances. In 1987, Congress amended the CWA to require implementation, in two phases, of a comprehensive national program for addressing storm water discharges. Phase 1 requires NPDES permits for stormwater discharge from a large number of priority sources, including medium and large municipal separate storm sewer systems, and several categories of industrial activity, including construction activity that disturbs five or more acres of land. Phase II of the storm water program requires permits for storm water discharges from certain small municipal separate storm sewer systems and construction activity generally disturbing between 1 and 5 acres. The campus is subject to Phase II regulations.

**Other Permits and Approvals:** A variety of other permits and approvals from federal, state and local agencies may be needed for future projects, or for implementation of project mitigation. These may include encroachment permits and approvals from infrastructure providers for service and extension of facilities to the campus.