

**CALIFORNIA ENVIRONMENTAL QUALITY ACT FINDINGS
IN CONNECTION WITH THE APPROVAL OF THE DESIGN OF THE
AQUATICS CENTER, DAVIS CAMPUS**

I. ADOPTION OF THE MITIGATED NEGATIVE DECLARATION

In accordance with Title 14, California Code of Regulations, Section 15074, the Board of Regents of the University of California (The Regents) hereby finds that the Mitigated Negative Declaration and the Tiered Initial Study prepared for the proposed Aquatics Center Project (the project) have been completed in compliance with the California Environmental Quality Act, Public Resources Code Sections 21000 et seq. (CEQA). The Regents further finds that the Mitigated Negative Declaration, Tiered Initial Study, comments received during the public review process, and responses to these comments, were presented to The Regents, and that The Regents reviewed and considered the information contained in these items prior to approving the project. The Regents hereby finds that the Mitigated Negative Declaration reflects the independent judgment and analysis of the University of California, and The Regents adopts the Mitigated Negative Declaration.

II. FINDINGS

The following Findings are hereby adopted by The Regents pursuant to Title 14, California Code of Regulations, Section 15074, in conjunction with the approval of the project, which is set forth in Section III.

A. Background

The campus proposes to construct and operate an aquatic sports and recreation center and a parking area in the central campus, west of La Rue Road and east of East Health Sciences Drive. The proposed project would include approximately 3.6 acres and would consist of an approximately 1 acre Aquatics Center facility, an approximately 1.3 acre parking area, and approximately 1.3 acres of landscaped grounds (including hardscape and softscape). The new Aquatics Center facility would include a 65-meter long pool, a deck and warming pool, spectator seating, and a support building. The proposed parking area, located directly west of the Aquatics Center facility, would accommodate up to 100 vehicles. The Aquatics Center would supplement existing campus facilities to better meet the collective aquatic sports needs of the campus community, including intercollegiate athletics and recreation. In addition, the facility would supplement competitive aquatic programs of the surrounding community.

B. Environmental Review Process

A Tiered Initial Study was prepared for the project in accordance with CEQA and the University of California Procedures for Implementation of CEQA. The Initial Study for the project, in accordance with Section 15168 of the CEQA Guidelines, is tiered from the campus 1994 Long Range Development Plan (1994 LRDP) Environmental Impact Report (EIR) (State Clearinghouse No.

94022005), as updated and revised by the 1997 Wastewater Treatment Plant (WWTP) Replacement Project EIR (State Clearinghouse Nos. 95123027 and 96072024), 1997-98 Major Capital Improvement Projects Supplemental Environmental Impact Report (SEIR) (State Clearinghouse No. 97122016), Center for the Arts Performance Hall and South Entry Roadway and Parking Improvements Tiered Initial Study and Mitigated Negative Declaration (State Clearinghouse No. 98092016), USDA Western Human Nutrition Research Center Tiered Initial Study and Mitigated Negative Declaration (State Clearinghouse No. 99092060), and Veterinary Medicine Laboratory and Equine Athletic Performance Laboratory Facilities Focused Tiered EIR (State Clearinghouse No. 2000022057). Hereafter, references to the 1994 LRDP EIR include the 1994 LRDP EIR as updated and revised by the documents listed above.

The project is part of the physical development proposed in the 1994 LRDP, therefore, the environmental analysis for the project is presented and analyzed within the context of the 1994 LRDP and incorporates by reference applicable portions of the 1994 LRDP EIR. The 1994 LRDP EIR, which is a program EIR pursuant to Section 15168 of the CEQA Guidelines, analyzed the overall effects of campus growth and facility developments through 2005-06 and identified measures to mitigate the significant adverse project impacts and cumulative impacts associated with that growth.

As a tiered document, the Initial Study for the project relied on the 1994 LRDP EIR for: (1) a discussion of general background and setting information for environmental topic areas; (2) overall growth-related issues; (3) issues that were evaluated in sufficient detail in the 1994 LRDP EIR for which there are no significant new information or changes in circumstances that would require further analysis; and (4) cumulative impacts. The purpose of the project's Tiered Initial Study was to evaluate the potential environmental impacts of the project with respect to the existing 1994 LRDP EIR analysis in order to determine what level of additional environmental review, if any, would be appropriate.

The Tiered Initial Study analyzes the potential impacts of the project and the adequacy of the existing environmental analysis in the 1994 LRDP EIR with regard to the following environmental topic areas: (1) land use and planning, (2) agricultural resources, (3) population and housing, (4) transportation/circulation, (5) noise, (6) air quality, (7) hazards and hazardous materials, (8) biological resources, (9) hydrology and water quality, (10) geology and soils, (11) mineral resources, (12) cultural resources, (13) aesthetics, (14) public services, (15) recreation, and (16) utilities and service systems.

Based on the analysis contained in the Tiered Initial Study, it was determined that for all resource areas, the project would not result in any significant impacts that cannot be mitigated to less-than-significant levels or are not sufficiently addressed by the 1994 LRDP EIR. The campus found that the project may incrementally contribute to, but will not exceed, significant environmental impacts previously identified in the 1994 LRDP EIR. In addition, the campus found that the project could result in one new potentially significant environmental impact that was not previously identified in the 1994 LRDP EIR, but a project-specific mitigation measure included in the Tiered Initial Study would reduce this impact to a level where

no significant impact could occur. The project-specific mitigation measure addresses potential impacts to burrowing owls. Based on this analysis, the campus prepared a Mitigated Negative Declaration.

The project's Draft Tiered Initial Study was submitted to the State Clearinghouse in the Office of Planning and Research and circulated for a 30-day public review period beginning on July 2, 2001 and concluding on August 1, 2001. During that time, the document was reviewed by various state and local agencies, as well as by interested individuals and organizations. In addition to communication from the Governor's Office of Planning and Research acknowledging submittal and circulation of the Draft Tiered Initial Study, two comment letters were received during the public review period and considered by The Regents. These letters did not raise any new environmental impacts that had not already been identified, analyzed, and mitigated to a less than significant level, as discussed in the Tiered Initial Study.

The comments received during the public review period and responses thereto are provided in the final Tiered Initial Study. A letter from the California Department of Fish and Game indicated that mitigation measures identified in the Tiered Initial Study were appropriate to reduce impacts to biological resources. A letter from the California Regional Water Quality Control Board summarized the current water quality permitting processes applicable to the proposed project.

The Tiered Initial Study was revised to reflect changes in the project and current circumstances. These changes include an overall reduction in the size of the Aquatics Center support building and changes in space estimates for other currently proposed campus projects. These revisions do not change the conclusions presented in the Draft Tiered Initial Study. No new significant information has been added, no new impacts have been identified, no new mitigation measures are required, and the levels of significance of impacts after mitigation remain unchanged.

C. Relation of the Project to the 1994 LRDP EIR

All mitigation measures in the 1994 LRDP EIR adopted by The Regents that are relevant to the project, as identified in the project's Tiered Initial Study, as well as all project-specific mitigation measures and all project components described in the Tiered Initial Study, are included in the Approval and incorporated into the project.

The project is consistent with the campus 1994 LRDP. The 1994 LRDP EIR identified potentially significant environmental impacts resulting from implementation of LRDP development, and included mitigation measures to reduce the impacts of such development to the extent feasible. Despite the adoption of all feasible mitigation measures by The Regents, some LRDP impacts remained significant. These significant and unavoidable impacts were fully addressed in the Findings and Overriding Considerations adopted by The Regents in connection with its approval of the 1994 LRDP as subsequently amended. There are no changed circumstances, no new information, and no new

mitigation measures identified since the preparation of these documents that require reanalysis of cumulative impacts.

None of the conditions described in CEQA or the CEQA Guidelines calling for preparation of a subsequent EIR have occurred. The Tiered Initial Study does not identify any issues or include any information concerning new significant effects on the environment or a substantial increase in the severity of previously identified significant effects analyzed in the 1994 LRDP EIR.

The following discussion addresses the new impact identified in the Tiered Initial Study and the associated project-specific mitigation measure.

Biological Resources

The Tiered Initial Study indicates that, although no known active burrows used by burrowing owls would be disturbed by construction of the proposed project, the location of burrowing owls could change before the start of construction. If burrowing owls are not identified within 250 feet from proposed construction activities during preconstruction or annual surveys, no further mitigation would be required. If burrowing owls are found nesting within 250 feet, construction activities associated with the proposed project could result in nest failure, a potentially significant impact. The following project-specific mitigation measure, identified in the Initial Study and hereby adopted and incorporated into the project, will reduce this impact to a less-than-significant level:

Project-Specific Mitigation Measure 1. If burrowing owls are observed within 250 feet of the proposed project site, prebreeding and preconstruction season exclusion measures shall be implemented following CDFG guidelines to preclude burrowing owl occupation of the project site. This shall involve installing artificial nest boxes in fall or winter 2001/2002, closing all ground squirrel burrows, and passively relocating owls by installing one-way exit doors on occupied burrows. In addition, a visual barrier shall be installed along the edge of the construction area to minimize visual disturbance of the owls, and a biological monitor shall visit the site twice weekly during the construction period.

D. Incorporation by Reference

These Findings incorporate by reference in their entirety the text of the Tiered Initial Study and Mitigated Negative Declaration prepared for the project; the 1994 LRDP; the 1994 LRDP EIR; the WWTP Replacement Project EIR; the 1997-98 Major Capital Improvement Projects SEIR; the Center for the Arts Performance Hall and South Entry Roadway and Parking Improvements Tiered Initial Study and Mitigated Negative Declaration; the USDA Western Human Nutrition Research Center Tiered Initial Study and Mitigated Negative Declaration; the Veterinary Medicine Laboratory and Equine Athletic Performance Laboratory Facilities Focused Tiered EIR; and the Findings and

Statement of Overriding Considerations adopted by The Regents in connection with its certification with the 1994 LRDP EIR, the WWTP Replacement Project EIR, the 1997-98 Major Capital Improvement Projects, and the Veterinary Medicine Laboratory and Equine Athletic Performance Laboratory Facilities Focused Tiered EIR. Without limitation, this incorporation is intended to elaborate on the scope and nature of project and cumulative impacts, related mitigation measures, and the basis for determining the significance of such impacts.

E. Mitigation Monitoring Program

CEQA requires the Lead Agency approving a project to adopt a monitoring program for changes to the project that it adopts or incorporates into the project reporting, or in order to ensure compliance during project implementation. The Mitigation Monitoring Program for the project-specific mitigation measure identified above, prepared to serve this purpose, is included with the Tiered Initial Study and is hereby adopted by The Regents. Implementation of mitigation measures incorporated into the project that were previously adopted by The Regents for the 1994 LRDP EIR will be monitored pursuant to the mitigation monitoring program previously adopted by The Regents in connection with its approval of the 1994 LRDP, as subsequently amended.

F. Record of Proceedings

Various documents and other materials constitute the record of proceedings upon which The Regents bases its findings and decisions contained herein. Most documents related to this project are located in the campus Office of Resource Management and Planning, University of California, One Shields Avenue, 376 Mrak Hall, Davis, California 95616. The record of proceedings for the 1994 LRDP approval is also located in the Office Resource Management and Planning. The custodian for these two records of proceedings is the Office of Resource Management and Planning.

G. Summary

Based on the foregoing Findings and the information contained in the record, The Regents has made one or more of the following Findings with respect to the project:

1. Changes or alterations have been required in, or incorporated into, the Approval for the project. These changes or alterations mitigate to a less-than-significant level or avoid the potentially significant environmental effects of the project as identified in the Tiered Initial Study.
2. There is no substantial evidence in the record as a whole that the project as proposed and mitigated may have a significant effect on the environment that was not previously identified and adequately analyzed in the 1994 LRDP EIR as updated and revised.

III. APPROVAL

The Regents hereby takes the following actions:

- A.** Adopts the Mitigated Negative Declaration for the project as described in Section I, above.
- B.** Approves and incorporates into the project all project elements, relevant 1994 LRDP EIR mitigation measures, project-specific mitigation measures, and the project-specific mitigation monitoring program identified in the project's Tiered Initial Study.
- C.** Adopts the Findings in their entirety as set forth in Section II, above.
- D.** Approves the design of the Aquatics Center, Davis campus.