CALIFORNIA ENVIRONMENTAL QUALITY ACT FINDINGS IN CONNECTION WITH THE APPROVAL OF THE DESIGN AND CONSTRUCTION OF ARBORETUM WATERWAY IMPROVEMENTS, DAVIS CAMPUS

I. ADOPTION OF THE MITIGATED NEGATIVE DECLARATION

Pursuant to Title 14, California Code of Regulations, Section 15074(b), the Facilities and Enterprise Policy Committee of the University of California, Davis campus (the campus) pursuant to authority delegated from the Board of Regents of the University of California (The Regents) (hereinafter referred to collectively as "The University"), hereby finds that the Mitigated Negative Declaration and the Tiered Initial Study prepared for the proposed Arboretum Waterway Improvements (the project) have been completed in compliance with the California Environmental Quality Act, Public Resources Code Sections 21000 et seq. (CEQA). The University further finds that it received the Mitigated Negative Declaration and Tiered Initial Study, and it reviewed and considered the information contained in these documents and any comments on these documents prior to approving the design of the project. The University hereby finds that the Mitigated Negative Declaration reflects the independent judgment and analysis of the University of California, and The University adopts the Mitigated Negative Declaration.

II. FINDINGS

The University hereby adopts the following Findings 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, below.

A. Background

UC Davis proposes to construct and operate a water recycling project in the Arboretum Waterway. The purpose of the project is to improve the water quality in the Arboretum Waterway, which is stagnant, by keeping water flowing through the waterway year-round. The project would consist of re-operating an existing, but currently unused, 18-inch pipeline to circulate tertiary-treated water from the existing campus wastewater treatment plant (WWTP) through the Arboretum Waterway before discharging it to Putah Creek. Tertiary-treated wastewater has undergone filtration that removes additional pathogens and contaminants and meets Department of Health Services' standards under Title 22 of the California Code of Regulations for unrestricted recycling uses. The campus' wastewater already is being discharged to Putah Creek pursuant to a National Pollutant Discharge Elimination System (NPDES) permit issued by the Regional Water Quality Control Board (RWQCB). The project would extend the route that the wastewater takes before discharge. The project would involve installation of two valves, a connecting pipeline, and an outfall structure in order to accomplish the project purpose.

The campus has identified the following objectives for the proposed Arboretum Waterway Improvements project:

- prevent water from becoming toxic to wildlife
- prevent unpleasant odors from emanating from the water
- prevent excessive algae growth (mats) from developing on the water surface
- keep the water as clear as possible without causing algae to grow from the bottom of the Waterway

The proposed project is a component of development consistent with the campus 2003 Long Range Development Plan (LRDP). The 2003 LRDP designates both of the proposed project sites, on the south campus and central campus, for *Teaching and Research Open Space*, a land use which covers a variety of open lands on the campus that directly contribute to teaching and research in the environmental sciences, including the Arboretum. This land use designation also includes setbacks, landscaping, paths, on-site utility services, sidewalks, and all parking lots and roads associated with facilities. The proposed project is consistent with this land use designation. The proposed project would result in no enrollment or employment increase to the campus population.

B. Environmental Review Process

A Tiered Initial Study (State Clearinghouse No. 2006042135) 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 2003 Long Range Development Plan Environmental Impact Report (2003 LRDP EIR) (State Clearinghouse No. 2002109092), which was certified by The Regents in connection with the approval of the 2003 LRDP in November 2003.

The project is part of the physical development proposed in the 2003 LRDP; therefore, the environmental analysis for the project is presented and analyzed within the context of the 2003 LRDP and incorporates by reference applicable portions of the 2003 LRDP EIR. The 2003 LRDP EIR, which is a program EIR pursuant to Section 15168 of the CEQA Guidelines, analyzes the overall effects of campus growth and facility development through 2015-16, and identifies measures to mitigate the significant adverse impacts and cumulative impacts associated with that growth.

As a tiered document, the Initial Study for the project relies on the 2003 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 2003 LRDP EIR for which there are no significant new information, changes in the project, or changes in circumstances that would require further analysis; and (4) cumulative impacts. The purpose of the Tiered Initial Study is to evaluate the potential environmental impacts of the project with respect to the existing 2003 LRDP EIR analysis in order to determine what level of additional environmental review, if any, would be appropriate.

The Tiered Initial Study analyzed the potential impacts of the project and the adequacy of the existing environmental analysis in the 2003 LRDP EIR with regard to the following environmental topic areas: (1) aesthetics, (2) agricultural resources, (3) air quality, (4) biological resources, (5) cultural resources, (6) geology, soils, and seismicity, (7) hazards and hazardous materials, (8) hydrology and water quality, (9) land use and planning, (10) mineral resources, (11) noise, (12) population and housing, (13) public services, (14) recreation, (15) transportation, circulation and parking, and (16) utilities and service systems.

The use of treated wastewater from the Campus Wastewater Treatment Plant (WWTP) is central to the purpose and objectives of the proposed project. Hence, the quality of treated WWTP effluent, and quality following completion of the WWTP expansion and treatment upgrades will be reflected in the operations of the Arboretum Waterway. Consequently, the Tiered Initial Study also incorporates by reference the analyses included in the Campus Wastewater Treatment Plant Expansion Final Focused Tiered EIR (SCH No. 2004052133).

Based on the analysis contained in the Tiered Initial Study, it was determined that the proposed project could have one potentially significant effect on the environment that has not been previously addressed in the 2003 LRDP EIR, and a new project-specific mitigation measure, in addition to those previously identified in the 2003 LRDP EIR, is required to reduce this effect to a less-than-significant level. Project-specific mitigation is proposed to address the potential water quality impact associated with project startup operations under certain conditions. In order to further lessen the potential for adverse water quality impacts that could result from the initial startup of the proposed project, or from any temporary cessation of discharge for more than 12 hours, project-specific mitigation measure Arboretum Waterway 7.8-1 would be implemented, which requires that the campus sample the water quality in the Arboretum Waterway before restarting the system to ensure that the water quality in Putah Creek would meet the limits in the WWTP discharge permit. If the water quality in the Arboretum Waterway has degraded to the point that start-up discharge would cause a receiving water quality violation in Putah Creek, then the campus would coordinate with the relevant water quality regulatory agency to determine whether any supplemental measures, including those listed in the text of the mitigation measure, would be necessary to improve the water quality in the Arboretum Waterway prior to restarting the discharge operation and discharge operations would not be restarted until water quality improves. Aside from the potential water quality impact, the project would not result in any other potentially significant impacts that would not be mitigated to less-than-significant levels by previously adopted 2003 LRDP mitigation measures currently being implemented, or are not sufficiently addressed by the 2003 LRDP EIR.

Other than the identified water quality impact, the University found that the project may incrementally contribute to, but would not exceed, significant environmental impacts previously identified in the 2003 LRDP EIR. Based on this analysis, the University prepared a Mitigated Negative Declaration that reflects these conclusions.

The project's Proposed Mitigated Negative Declaration and Draft Tiered Initial Study were submitted to the State Clearinghouse in the Governor's Office of Planning and Research and

circulated for a 30-day public review period beginning on April 24, 2006 and concluding on May 24, 2006. During that time, the document was available for review by various state and local agencies, as well as by interested individuals and organizations. During the comment period, three comment letters were received. Caltrans District 4 requested that the campus obtain an encroachment permit if the campus planned any work within the State right-of-way. The Central Valley Regional Water Quality Control Board commented upon the proposed operations plan of the project. A member of the public representing a neighborhood association, Larry Bidinian, submitted a letter commenting on the characterization in the Draft Tiered Initial Study of the existing setting in the Arboretum Waterway. Responses to comments can be found in Appendix C of the Initial Study.

C. Relation of the Project to the LRDP EIR

The 2003 LRDP EIR is a Program EIR, prepared pursuant to Section 15168 of the CEQA Guidelines (Title 14, California Code of Regulations, Sections 15000 et seq.) and Section 21080.09 of the Public Resources Code. The 2003 LRDP EIR analyzed full implementation of uses and physical development proposed under the 2003 LRDP through the year 2015-16 to accommodate a projected total enrollment level of 31,500 students, and identified measures to mitigate the significant adverse project and cumulative impacts associated with that growth. The project would not result in any increase to the campus population, and accordingly, would not exceed the population increase projected in the 2003 LRDP EIR. Additionally, the proposed project is consistent with and is part of the campus development that was anticipated in the 2003 LRDP and evaluated in the 2003 LRDP EIR.

The Tiered Initial Study for the Arboretum Waterway Improvements project is tiered from the 2003 LRDP EIR in accordance with Sections 15152 and 15168(d) of the CEQA Guidelines and Public Resource Code Section 21094. Based on the analysis presented in the Tiered Initial Study, one project-specific impact is identified and one project-specific mitigation measure is proposed.

D. Environmental Summary

The following sections summarize the environmental evaluation provided in the Tiered Initial Study for the proposed project.

1. Significant and Unavoidable Adverse Impacts and Related Mitigation Measures

The Initial Study recognized significant and unavoidable adverse impacts associated with the approval of the project and identified related mitigation measures. All of these significant and unavoidable impacts that are discussed below in this Part II.D were adequately analyzed in the 2003 LRDP EIR and were fully addressed by the Findings and Statement of Overriding Considerations adopted by The Regents in connection with approval of the 2003 LRDP and certification of the 2003 LRDP EIR. Most of the significant and unavoidable adverse impacts

identified in the Initial Study relate to cumulative development. The Initial Study evaluated the impact of cumulative development, defined by the CEQA Guidelines as "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 projects" (California Code of Regulations, Title 14, Section 15355(b)). The context for the cumulative impact analysis in the Initial Study consisted of the proposed project combined with growth allowed under the 2003 LRDP and growth anticipated in the region. In accordance with the CEQA Guidelines, the Initial Study used a "plan" approach as a framework for its cumulative impact analysis which is based on a "summary of projections contained in an adopted general plan or related planning document which is designed to evaluate regional or area-wide conditions" (California Code of Regulations, Title 14, Section 15130(b)). The project implements a portion of the 2003 LRDP, the planning document that identifies general types of campus development to support campus growth anticipated through 2015-16. The cumulative impact analysis in the Initial Study, therefore, relies on the 2003 LRDP EIR, which included analysis of campus development projected in the 2003 LRDP and related cumulative development in the campus vicinity.

Significant and unavoidable cumulative impacts resulting from the proposed project in combination with growth allowed under the 2003 LRDP and growth anticipated in the region are discussed below. The University finds all of the following significant and unavoidable adverse impacts to be acceptable because the benefits of the project outweigh the unavoidable environmental impacts for the reasons set forth in Section II.F of these Findings. Associated 2003 LRDP EIR mitigation measures are identified and briefly discussed below. For a detailed description of these mitigation measures, please see the text in the Initial Study.

a. Impacts on air quality from emissions that exceed YSAQMD Thresholds (LRDP Impacts 4.3-1 and 4.3-3).

The project would result in increased emissions of criteria pollutants that could contribute to overall operational emissions exceeding the Yolo-Solano Air Quality Management District Thresholds. The potential emissions are within the emission projections contained in the 2003 LRDP EIR. Previously adopted LRDP Mitigation Measures 4.3-1(a) (requiring the campus to reduce emissions from vehicles), (b) (requiring reduction of emissions from area sources) and (c) (requiring the campus to participate in YSAQMD planning efforts) are continuing to be implemented and will aid in reducing the potential impact to air quality identified in the 2003 LRDP. Previously adopted LRDP Mitigation Measures 4.3-3(a-c)) (requiring the campus to reduce emissions from construction activities) are continuing to be implemented and will aid in reducing the potential impact to air quality identified in the 2003 LRDP. Because the University cannot guarantee the implementation of Mitigation Measure 4.3-1 by the Air Quality Management District, and because Mitigation Measure 4.3-3 may not reduce the impact to a less-than-significant level, this cumulative impact is considered significant and unavoidable. These impacts were adequately addressed in the Findings and Statement of Overriding Considerations adopted by The University in connection with its approval of the 2003 LRDP and certification of the 2003 LRDP EIR.

b. Cumulative impacts on air quality from emissions that exceed YSAQMD Thresholds (LRDP Impact 4.3-6).

The proposed project, as part of the growth from the 2003 LRDP, in combination with expected regional growth, would result in a cumulatively considerable increase of non-attainment pollutants. Previously adopted LRDP Mitigation Measure 4.3-6 (requiring the campus to implement Measure 4.3-1(a-c), described in the above item II.D.1.b) would continue to be implemented and would aid in reducing emissions. Because the campus cannot guarantee the implementation of this measure by surrounding jurisdictions, this cumulative impact is considered significant and unavoidable. These impacts were adequately addressed in the Findings and Statement of Overriding Considerations adopted by The University in connection with its approval of the 2003 LRDP and certification of the 2003 LRDP EIR.

2. <u>Significant and Potentially Significant Impacts that would be Mitigated to "Not Significant" or “Less-than-Significant" Levels and Related Mitigation Measures</u>

The Tiered Initial Study identifies the following significant and potentially significant impacts associated with the project that would be reduced to "not significant" or "less-than-significant" levels by the continued implementation of previously adopted 2003 LRDP mitigation measures. The associated mitigation measures are identified and briefly discussed below. For a detailed description of these mitigation measures, please see the text in the Initial Study.

a. Development under the 2003 LRDP could result in the loss of potential habitat for the northwestern pond turtle (LRDP Impact 4.4-7)

Campus development allowed under the 2003 LRDP could result in the loss of potential habitat for the northwestern pond turtle from maintenance and improvement activities within riverine habitat along Putah Creek and the Arboretum Waterway. Previously adopted 2003 LRDP Mitigation Measure 4.4-7 requires the campus to implement avoidance and minimization measures for the northwestern pond turtle, including but not limited to pre-construction surveys, installation of silt fencing, and seining the area surrounding the project site and relocation of any northwestern pond turtles present. Implementation of this mitigation measure would reduce the impact to a less-than-significant level.

b. Campus development under the 2003 LRDP would increase impervious surfaces on the campus and could alter drainage patterns, thereby increasing runoff and loads of pollution in storm water, which could affect water quality (LRDP Impact 4.8-2).

Campus development allowed under the 2003 LRDP would increase stormwater runoff and pollution. Previously adopted 2003 LRDP Mitigation Measure 4.8-2 requires the campus to

comply with storm water management plan measures to minimize additional pollutants. The campus continues to implement this mitigation measure when needed so that storm water pollution effects are minimized. Implementation of the mitigation measure would reduce the impact to a less-than-significant level.

c. Campus growth under the 2003 LRDP would increase discharge of treated effluent from the campus wastewater treatment plant into the South Fork of Putah Creek, which could exceed waste discharge requirements and degrade receiving water quality (LRDP Impact 4.8-4).

Campus development allowed under the 2003 LRDP would increase discharge of treated effluent from the campus wastewater treatment into the South Fork of Putah Creek. Previously adopted 2003 LRDP Mitigation Measures 4.8-4 (a) and (b) require the campus to continue to monitor and modify its pretreatment program, wastewater treatment plant operation, and/or treatment processes as necessary to comply with waste discharge requirements; and to implement a monitoring program to specifically target copper, cyanide, iron and nitrate + nitrite, and make appropriate modifications as necessary to the campus pretreatment program to avoid exceedance of permit limits for these constituents. The campus continues to implement these mitigation measures. In order to further lessen the potential for adverse water quality impacts that could result from the initial startup of the proposed project, or from any temporary cessation of discharge for more than 12 hours, project-specific mitigation measure Arboretum Waterway 7.8-1 would be implemented, which requires that the campus sample the water quality in the Arboretum Waterway before restarting the system to ensure that water quality in Putah Creek would meet the permit limits in the WWTP discharge permit. If the water quality in the Arboretum Waterway has degraded to the point that start-up discharge would cause a receiving water quality violation in Putah Creek, then the campus would coordinate with the relevant water quality regulatory agency to determine whether any supplemental measures, including those listed in the text of the mitigation measure, would be necessary to improve the water quality in the Arboretum Waterway prior to restarting the discharge operation and discharge operations would not be restarted until water quality improves. Implementation of this mitigation measure, together with the LRDP Mitigation Measures would reduce project impacts to a less-than-significant level.

d. Construction of campus facilities under the 2003 LRDP could expose nearby receptors to excessive groundborne vibration and airborne or groundborne noise (LRDP Impact 4.10-1).

Campus development allowed under the 2003 LRDP could increase the potential for noise impacts near construction sites. Previously adopted 2003 LRDP Mitigation Measure 4.10-1 requires the campus to enact a construction noise mitigation program to minimize the effects of construction noise. The campus continues to implement this mitigation measure when needed so that the effects of construction noise are minimized. Implementation of the mitigation measure would reduce the impact to a less-than-significant level.

3. Less-than-Significant Impacts for which Mitigation Measures Have Been Incorporated and Related Mitigation Measures

The Initial Study identifies the following less-than-significant impacts for which 2003 LRDP mitigation measures have been incorporated as part of the project. Mitigation to further reduce less-than-significant impacts is not required by CEQA. The mitigation measures identified below are presented in summary form. For a detailed description of these measures, please see the Initial Study.

a. Implementation of the 2003 LRDP would increase routine hazardous chemical use on campus by UC Davis laboratories and departments and in maintenance and support operations, which would not create significant hazards to the public or the environment (LRDP Impact 4.7-1).

The project, as part of growth under the 2003 LRDP, would include use of building construction and cleaning materials, which would not expose employees or campus occupants to significant levels of potentially hazardous materials. This impact was determined in the 2003 LRDP EIR to be less-than-significant because of the low hazard risk to the public and to the environment. The impact continues to be less-than-significant and, although not required, implementation of previously adopted 2003 LRDP Mitigation Measure 4.7-1 (implementation of chemical safety plans and programs) will continue to further reduce this less-than-significant impact.

b. Campus construction activities associated with implementation of the 2003 LRDP would not contribute substantial loads of sediment or other pollutants in storm water runoff that could degrade receiving water quality (LRDP Impact 4.8-1).

The project, as part of growth under the 2003 LRDP, would contribute to sediment in stormwater runoff. This impact was determined in the 2003 LRDP EIR to be less-than-significant because the campus will continue to implement erosion control measures to eliminate or reduce non-storm and storm water discharges to receiving waters. The impact continues to be less-than-significant and, although not required, implementation of previously adopted 2003 LRDP Mitigation Measure 4.8-1 (implementation of erosion control for construction projects) will continue to further reduce this less-than-significant impact.

E. Additional Findings

1. Incorporation by Reference

These Findings incorporate by reference in their entirety the text of the Mitigated Negative Declaration for the project; the Initial Study for the project; the 2003 LRDP; the 2003 LRDP EIR, the 2003 LRDP Mitigation Monitoring Program, the Findings and Statement of Overriding

Considerations adopted by The Regents in connection with its approval of the 2003 LRDP, and the Campus Wastewater Treatment Plant Expansion Final Focused Tiered EIR. Without limitation, this incorporation is intended to elaborate on the scope and nature of mitigation measures, project and cumulative impacts, and the basis for determining the significance of impacts, and the reasons for approving the project.

2. Mitigation Monitoring Program

When making findings, a lead agency must adopt a reporting or monitoring program for the changes to the project that it has adopted or made a condition of project approval in order to mitigate or avoid significant effects on the environment. The Regents hereby adopts the Mitigation Monitoring Program for the Arboretum Waterway Improvements, set forth in Appendix C of the Final Tiered Initial Study and Mitigated Negative Declaration. To the extent that this project incorporates relevant 2003 LRDP EIR mitigation measures previously adopted by The Regents, implementation of these mitigation measures would be monitored pursuant to the 2003 LRDP EIR monitoring program, previously adopted by The Regents in connection with its approval of the 2003 LRDP and certification of the 2003 LRDP EIR. The 2003 LRDP EIR identified mitigation measures that would further reduce environmental impacts determined to be less-than-significant. While there is no requirement in CEQA to mitigate insignificant environmental impacts, mitigation measures further reducing less-than-significant impacts are included in the approval of the project to further enhance environmental quality. The 2003 LRDP EIR Mitigation Monitoring Program is designed to reduce or eliminate cumulative significant and unavoidable, significant, and potentially significant impacts, as well as impacts determined to be less-than-significant.

3. Record of Proceedings

Various documents and other materials constitute the record of proceedings upon which the University 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 2003 LRDP approval is also located in the Office of Resource Management and Planning. The custodian for these documents is the Office of Resource Management and Planning.

F. Statement of Overriding Considerations

The University has balanced the benefits of the project against its unavoidable environmental risks in determining that the specific economic, legal, social, technological, and other benefits of the project outweigh the unavoidable significant adverse environmental effects. Section 15093(b) of the State CEQA Guidelines provides that when the decision of the public agency results in the occurrence of significant impacts that are not avoided or substantially lessened, the agency must state in writing the reasons to support its actions based on the Initial Study and/or other information in the record. The Findings and Statement of Overriding Considerations

adopted by The Regents in connection with its approval of the 2003 LRDP are equally relevant to, and are adopted as a part of, this project. All cumulative significant and unavoidable impacts were previously addressed in the Findings and Statement of Overriding Considerations adopted by the University in connection with its approval of the 2003 LRDP and certification of the 2003 LRDP EIR. These Findings and Statement of Overriding Considerations have been re-evaluated and are found to be current and valid Findings and Statement of Overriding Considerations. Despite the occurrence of significant and unavoidable cumulative adverse environmental effects in the area of air quality, the additional reasons for the approval of the project are as follows:

1. The project is consistent with the analysis in the 2003 LRDP EIR.

2. The project would help implement a primary LRDP goal, which is to manage campus lands and resources in a spirit of stewardship for the future by improving the aesthetic and water quality characteristics in the Arboretum Waterway for the enjoyment of the campus community and area residents and for the benefit of terrestrial and aquatic wildlife that inhabits the Arboretum and Arboretum Waterway.

3. The project would further a specific LRDP habitat resource objective related to finding opportunities to improve habitat values in the developed landscape, in part through water management (*UC Davis 2003 Long Range Development Plan,* page 26).

G. Summary

Based on the foregoing Findings and the information contained in the record, the University finds with respect to the project:

1. There is no substantial evidence, in light of the whole record before the lead agency, that the project, as revised, may have a significant effect on the environment.

2. The mitigated negative declaration reflects the University's independent judgment and analysis.

3. Any significant cumulative impacts to which the project contributes and that are found to be unavoidable were fully analyzed in the 2003 LRDP EIR and are acceptable due to the factors described and adopted in the Findings and Statement of Overriding Considerations in Section II.F, above.

III. APPROVAL

The University 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 2003 LRDP EIR mitigation measures, project-specific mitigation measures, and the project-specific 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. Having adopted the Mitigated Negative Declaration, independently reviewed and analyzed the Mitigated Negative Declaration and Final Tiered Initial Study and any comments received on these documents, and adopted the Findings, the University hereby approves the design and construction of Arboretum Waterway Improvements.