CALIFORNIA ENVIRONMENTAL QUALITY ACT FINDINGS IN CONNECTION WITH THE APPROVAL OF THE DESIGN AND CONSTRUCTION OF STEAM EXPANSION PHASE 1, DAVIS CAMPUS

I. ADOPTION OF THE MITIGATED NEGATIVE DECLARATION

Pursuant to Title 14, California Code of Regulations, Section 15074, the President of the University of California, pursuant to authority delegated from the Board of Regents of the University of California (The Regents) (hereinafter referred to as "The University"), hereby finds that the Mitigated Negative Declaration and the Tiered Initial Study prepared for the proposed Steam Expansion Phase 1 ("the project") have been completed in compliance with the California Environmental Quality Act, Public Resources Code Sections 21000 et seq. (CEQA). The University further find that the Mitigated Negative Declaration, Tiered Initial Study, and the comments received during the public review process, and responses to those comments were presented to The University and that The University reviewed and considered the information contained in these documents prior to approving the design of the Steam Expansion Phase 1. 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.

A. Background

The proposed Steam Expansion Phase 1 project would add heating and cooling capacity to meet projected campus needs for steam production through 2011. In addition, the project would increase the reliability of the steam plant by providing sufficient capacity to allow for routine maintenance, unexpected shutdowns, and exceptional peaks in heating and cooling demand. The available capacity of the existing steam system is currently exceeded, requiring reserve capacity to be used to meet peak system demands. At the present time, the reliability of the existing system is low because if one of the primary steam boilers fails during a period of peak demand, there is no backup unit in reserve to maintain the necessary level of service. Major maintenance for the boilers at this time must be limited to work which can be completed during off-peak periods. If a boiler did fail during a period of peak demand, it would impact not only routine building heating and cooling, but also would affect important laboratory equipment functions and the maintenance of research materials critically dependent upon continued refrigeration.

Campus operations are critically dependent on the steam plant and the system must be expanded to meet the service demands of new campus facilities and programs. The Steam Expansion Phase 1 project will provide a new 150,000 pound per hour (pph) boiler and ancillary equipment in a new building of approximately 6,000 assignable square foot (asf) at the existing UC Davis

Central Heating and Cooling Plant (CHCP). The site layout for the Steam Expansion Phase 1 has been planned to accommodate future expansions of the steam plant. At this time, no expansion beyond the Steam Expansion Phase 1 project is proposed. The Initial Study evaluated the potential environmental impacts of the Steam Expansion Phase 1 project and any further expansion of the steam capacity at UC Davis would require additional environmental review.

The proposed project is consistent with the 2003 Long Range Development Plan (LRDP). The proposed project would support the 2003 LRDP objectives by providing utilities for additional academic within the core campus area.

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 (State Clearinghouse No. 2005012057). 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 (2003 LRDP) Environmental Impact Report (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.

Based on the analysis contained in the Tiered Initial Study, it was determined that the proposed project could have one significant effect on the environment that has not been previously addressed in the 2003 LRDP EIR, and a new project-specific noise 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 potential noise from the new steam equipment. Project-specific mitigation measure MM-1 would entail detailed design planning and, if necessary, sound proofing measures to reduce the noise levels in residential area south of the Steam Expansion Phase 1 site area. Aside from the potential noise impact, the project would not result in any other 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 noise 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 July 5, 2005 and concluding on August 3, 2005. 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, two comments from state agencies were received. The Office of Planning and Research acknowledged that UC Davis had complied with State Clearinghouse review requirements for draft environmental documents. The comment from the State Department of Health Services (DHS) pointed out that if a new domestic water supply well is needed in the future, an amended water supply permit from DHS would be required. Responses to the comments can be found in Appendix B 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 result in increases to campus population consistent with the 2003 LRDP, and accordingly, would not exceed the population increase projected in the 2003 LRDP EIR. Additionally, the proposed project is consistent with the campus development that was anticipated in the 2003 LRDP and evaluated in the 2003 LRDP EIR.

The Draft Tiered Initial Study for the Steam Expansion Phase 1 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 Draft Tiered Initial Study, one project-specific mitigation measure is identified and 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 the Part II.D were adequately analyzed in the 2003 LRDP EIR and were fully addressed by the Findings and 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 reasonable foreseeable probable future projects" (California Code of Regulations, Title 14, Section 15355(b)). The cumulative context for the cumulative impact analysis in the Initial Study included 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 that is based upon 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 primarily on the 2003 LRDP EIR, which included analysis of campus development projected in the 2003 LRDP and related cumulative development in the campus vicinity. All significant and unavoidable impacts that were analyzed in the 2003 LRDP EIR, including the impacts discussed below in this Part II.D, were fully addressed by the Findings and Overriding Considerations adopted by The University in connection with its approval of the 2003 LRDP and certification of the 2003 LRDP EIR, as subsequently amended and revised.

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 these 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. Cumulative Impacts on aesthetics from increased development (LRDP Impact 4.1-5)

The proposed project, as part of the growth from the 2003 LRDP, would result in increased development that together with cumulative development in the region could substantially degrade the existing visual character or quality in the region. Previously adopted LRDP Mitigation Measure 4.1-5 (a and b) would still be implemented and would aid in reducing the potential development impacts identified in the 2003 LRDP. Because the campus cannot guarantee the implementation of measure 4.1-5 (b) by surrounding jurisdictions, this cumulative impact is considered significant and unavoidable. This impact was adequately addressed in the Findings and Overriding Considerations adopted by The University in connection with its approval of the 2003 LRDP and certification of the 2003 LRDP EIR. The University finds the remaining significant and unavoidable impact continues to be acceptable because the benefits of the project outweigh this and the project's other unavoidable environmental impacts for the reasons set forth in Section II.F of these Findings.

b. Cumulative Impacts on aesthetics from increased light and glare (LRDP Impact 4.1-6).

The proposed project, as part of the growth from the 2003 LRDP, would result in increased light sources that together with cumulative development in the region would create new sources of light and glare that could adversely affect daytime and nighttime views in the region. Previously adopted LRDP Mitigation Measure 4.1-3 (a-d) and 4.1-6(a, b) would still be implemented and would aid in reducing the potential lighting impact identified in the 2003 LRDP. 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 Overriding Considerations adopted by The University in connection with its approval of the 2003 LRDP and certification of the 2003 LRDP EIR. The University finds the remaining significant and unavoidable impact continues to be acceptable because the benefits of the project outweigh this and the project's other unavoidable environmental impacts for the reasons set forth in Section II.F of these Findings.

c. Impacts on air quality from emissions that exceed YSAQMD Thresholds (LRDP Impact 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 (YSAQMD) 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 Overriding Considerations adopted by The University in connection with its approval of the 2003 LRDP and certification of the 2003 LRDP EIR. The University finds the remaining significant and unavoidable impact continues to be acceptable because the benefits of the project outweigh this and the project's other unavoidable environmental impacts for the reasons set forth in Section II.F of these Findings.

d. 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 would still 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 Overriding Considerations adopted by The University in connection with its approval of the 2003 LRDP and certification of the 2003 LRDP EIR. The University finds the remaining significant and unavoidable impact continues to be acceptable because the benefits of the project outweigh this and the project's other unavoidable environmental impacts for the reasons set forth in Section II.F of these Findings.

e. Cumulative impacts of loss of habitat for resident and migratory wildlife including Swainson's hawks and burrowing owls. (LRDP Impact 4.4-12)

The proposed project, as part of the growth from the 2003 LRDP, in combination with expected regional growth, would contribute 550 acres to the cumulative loss of in the region of over 1,500 acres of Agricultural Land and Ruderal/Annual Grassland habitat for resident and migratory wildlife including Swainson's hawks and burrowing owls. Previously adopted LRDP Mitigation Measure 4.4-12 would still be implemented and would aid in mitigating the loss of wildlife habitat. Because the campus cannot guarantee the implementation of this measure by other jurisdictions, this cumulative impact is considered significant and unavoidable. These impacts were adequately addressed in the Findings and Overriding Considerations adopted by The University in connection with its approval of the 2003 LRDP and certification of the 2003 LRDP EIR. The University finds the remaining significant and unavoidable impact continues to be

acceptable because the benefits of the project outweigh this and the project's other unavoidable environmental impacts for the reasons set forth in Section II.F of these Findings.

f. Cumulative impacts on archaeological resources (LRDP Impact 4.5-3 and 4.5-5).

The proposed project, as part of the growth from the 2003 LRDP, in combination with expected regional growth, would result in a cumulatively considerable disturbance to archaeological resources in the region. Previously adopted LRDP Mitigation Measures 4.5-1 through 4.5-5 would still be implemented and would aid in reducing disturbance to archaeological resources. 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 Overriding Considerations adopted by The University in connection with its approval of the 2003 LRDP and certification of the 2003 LRDP EIR. The University finds the remaining significant and unavoidable impact continues to be acceptable because the benefits of the project outweigh this and the project's other unavoidable environmental impacts for the reasons set forth in Section II.F of these Findings.

g. Groundwater impacts associated with increase in withdrawals from the deep aquifer (LRDP Impacts 4.8-5, and 4.8-13)

The proposed project, as part of the growth from the 2003 LRDP, in combination with expected regional growth, would contribute to the demand for water from the deep aquifer. LRDP Mitigation Measures 4.8-5(a-d) would require continued water conservation efforts, efforts to determine the ability of the aquifer to provide for the campus' long-term water needs, efforts to minimize withdrawals by UC Davis and the City of Davis from the same deep aquifer, monitoring of the aquifer, and identification of alternative water sources, including surface water and recycled water. Regardless of these mitigation measures, UC Davis' future demand for water could reduce groundwater levels in this aquifer, contributing to a net deficit in the overall groundwater budget. LRDP Mitigation Measures 4.8-13 (a, b) address cumulative withdrawals associated with both campus and City of Davis water demand. However, the combined effects are not well understood, and could result in a long term reduction in groundwater levels. Therefore, this impact is considered significant and unavoidable, both on a project and cumulative level. These impacts were adequately addressed in the Findings and Overriding Considerations adopted by The University in connection with its approval of the 2003 LRDP and certification of the 2003 LRDP EIR. The University finds the remaining significant and unavoidable impact continues to be acceptable because the benefits of the project outweigh this and the project's other unavoidable environmental impacts for the reasons set forth in Section II.F of these Findings.

h. Cumulative impacts associated with increase increased storm water runoff could affect receiving water quality (LRDP Impacts 4.8-10)

The proposed project, as part of the growth from the 2003 LRDP, in combination with expected regional growth, would contribute to increased impervious surface in the watershed, which could increase storm water runoff, and could provide substantial sources of polluted runoff, which could affect receiving water quality. LRDP Mitigation Measures 4.8-10 (a-c) would require continued pollution control measures, and for other jurisdictions to implement similar measures to reduce storm water pollutant levels. Because the campus cannot guarantee the implementation of this measure by other jurisdictions, this cumulative impact is considered significant and unavoidable. These impacts were adequately addressed in the Findings and Overriding Considerations adopted by The University in connection with its approval of the 2003 LRDP and certification of the 2003 LRDP EIR. The University finds the remaining significant and unavoidable impact continues to be acceptable because the benefits of the project outweigh this and the project's other unavoidable environmental impacts for the reasons set forth in Section II.F of these Findings.

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

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 degradation of the visual character of the campus (LRDP Impact 4.1-2)

Campus development allowed under the LRDP could result in removal of impacts to the visual character of the campus. In accordance with previously adopted 2003 LRDP Mitigation Measure 4.1-2, the campus Design Review Committee will review the proposed project and ensure that the visual character and quality of the project area are not substantially degraded. Continued implementation of the mitigation measure would reduce the impact to a less-than-significant level.

b. Development on campus could create substantial light or glare on campus that could adversely affect daytime or nighttime views (LRDP Impact 4.1-3)

Campus development allowed under the LRDP could create substantial light or glare on campus that could adversely affect daytime or nighttime views. In accordance with previously adopted 2003 LRDP Mitigation Measure 4.1-3, materials and lighting fixtures for the proposed project will be reviewed by the campus Design Review Committee to minimize unintended effects of

light and glare that could result from the new development. Continued mplementation of the mitigation measure would reduce the impact to a less-than-significant level.

c. Development under the 2003 LRDP could result in disruption of nesting efforts and the loss of active nest sites for Swainson's hawks or other birds of prey (LRDP Impacts 4.4-4 and 4.4-5)

Campus development allowed under the 2003 LRDP could disrupt nesting efforts or result in the loss of active nest sites for Swainson's hawk. Previously adopted 2003 LRDP Mitigation Measures 4.4-4 (a)-(b), and 4.4-5 require the campus to conduct pre-construction and annual surveys for nesting birds to take feasible action if potential disturbance to nesting raptors is identified and to allow the campus to minimize the potential impact. The campus continues to implement this mitigation measure when needed to ensure adequate protection of nesting efforts by Swainson's hawks and other birds of prey. Implementation of the mitigation measures would reduce the impact to a less-than-significant level.

d. Implementation of the 2003 LRDP could damage or destroy an archaeological resource or historic building or structure as the result of grading, excavation, ground disturbance or other project development (LRDP Impact 4.5-1).

Campus development allowed under the 2003 LRDP could disrupt damage or destroy archaeological resources. Previously adopted 2003 LRDP Mitigation Measure 4.5-1(a, b) requires the campus evaluate project sites for historic buildings and archaeological resources. The campus continues to implement this mitigation measure when needed to ensure adequate protection of historic buildings and archaeological resources. Implementation of the mitigation measure would reduce the impact to a less-than-significant level.

e. Implementation of the 2003 LRDP could damage or destroy an archaeological resource or historic building or structure as a result of grading, excavation, ground disturbance or other project development (LRDP Impact 4.5-2).

Campus development allowed under the 2003 LRDP could disrupt damage or destroy archaeological resources. Previously adopted 2003 LRDP Mitigation Measure 4.5-2(a) requires the campus to evaluate project sites for historic buildings and archaeological resources. The campus continues to implement this mitigation measure when needed to ensure adequate protection of historic buildings and archaeological resources. Implementation of the mitigation measure would reduce the impact to a less-than-significant level.

f. Implementation of the 2003 LRDP could disturb human remains, including those interred outside of formal cemeteries (LRDP Impact 4.5-4).

Campus development allowed under the 2003 LRDP could result in disturbance of human remains, including those interred outside of formal cemeteries. Previously adopted 2003 LRDP Mitigation Measures 4.5-4 (a-b) requires the campus to take appropriate steps to minimize the potential for such disturbance and, if disturbance occurs, to follow all requirements to protect the human remains and complete the proper reinterment procedures. The campus continues to implement this mitigation measure during project planning and construction. Implementation of the mitigation measures would reduce the impact to a less-than-significant level.

g. Implementation of the 2003 LRDP would increase stormwater runoff and pollutants which could affect water quality (LRDP Impact 4.8-2)

Campus development allowed under the 2003 LRDP would result in increased impervious surface on campus and increased runoff and pollutant loads in storm water which could affect water quality. Previously adopted 2003 LRDP Mitigation Measure 4.8-2 requires the campus to minimize the contribution of pollutants to receiving waters by complying with the measures in the Phase II Storm Water Management Plan to ensure that the project includes a combination of best management practices. The campus continues to implement this mitigation measure during project construction. Implementation of the mitigation measure would reduce the impact to a less-than-significant level.

h. Campus growth under the 2003 LRDP in combination with regional development would increase stormwater runoff and pollutants which could affect water quality (LRDP Impact 4.8-3 and 4.8-11)

Campus development allowed under the 2003 LRDP could alter drainage patterns and increase impervious surfaces, which could exceed the capacity of storm water drainage systems and result in localized flooding and contribute to offsite flooding. Previously adopted 2003 LRDP Mitigation Measure 4.8-3 requires the campus to conduct drainage studies and, if needed, provide improvements to the stormwater drainage system to minimize flooding. The campus continues to implement this mitigation measure during project construction. Implementation of the mitigation measure would reduce the impact to a less-than-significant level.

i. Campus growth under the 2003 LRDP in combination with regional development 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 and 4.8-12).

Campus development allowed under the 2003 LRDP in combination with regional development would increase discharge of treated effluent which could degrade receiving water quality. Previously adopted 2003 LRDP Mitigation Measure 4.8-4 (a, b) requires 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. The campus continues to implement this mitigation measure so that water quality effects of discharge are minimized. Implementation of the mitigation measures would reduce both project and cumulative impacts to a less-than-significant level.

j. 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. Regional growth, including implementation of the 2003 LRDP would increase toxic air contaminants (TAC), but TAC emissions associated with the project would not be significant (LRDP Impact 4.3-8)

The project, as part of growth under the 2003 LRDP, would increase TAC emissions from laboratory facilities and from use of emergency generators on campus. The impact continues to be less-than-significant and, although not required, continued implementation of previously adopted 2003 LRDP Mitigation Measure 4.3-8 (EPA, CARB and UC Davis continued efforts to develop and implement programs to reduce air toxics) will continue to further reduce this less-than-significant impact.

b. 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.

The project, as part of growth under the 2003 LRDP, would increase routine hazardous chemical use on campus. 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, continued implementation of previously adopted 2003 LRDP Mitigation Measure 4.7-1 (continued implementation of chemical safety plans and programs) will continue to further reduce this less-than-significant impact.

c. Implementation of the 2003 LRDP could increase routine generation of hazardous wastes on campus by UC Davis laboratories and departments and from maintenance and support operations, which would not create significant hazards to the public or the environment.

The project, as part of growth under the 2003 LRDP, would increase routine hazardous chemical waste on campus. 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, continued implementation of previously adopted 2003 LRDP Mitigation Measures 4.7-2 (a and b) (continued implementation of chemical safety plans and programs and continued implementation of hazardous waste management programs) will continue to further reduce this less-than-significant impact.

d. Implementation of the 2003 LRDP would not create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment.

The project, as part of growth under the 2003 LRDP, would increase routine transport of 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, continued implementation of previously adopted 2003 LRDP Mitigation Measure 4.7-8 (continued implementation of requirement to transport chemicals on public roads in conformance with all legal transportation requirements) will continue to further reduce this less-than-significant impact.

e. Implementation of the 2003 LRDP would not create a significant hazard to the public or to the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment.

The project, as part of growth under the 2003 LRDP, would include use of building 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. The impact continues to be less-than-significant and, although not required, continued implementation of previously adopted 2003 LRDP Mitigation Measure 4.7-9 (standard practices for storage and transportation of hazardous materials) will continue to further reduce this less-than-significant impact.

f. 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.

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, continued 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.

g. Implementation of the 2003 LRDP would require the expansion of campus domestic/fire water extraction and conveyance systems, which would not cause significant environmental impacts.

The project, as part of growth under the 2003 LRDP, would contribute to the potential future expansion of the campus domestic/fire water extraction and conveyance systems. This impact was determined in the 2003 LRDP EIR to be less-than-significant because of the multiple options available for completing system improvements. The impact continues to be less-than-significant and, although not required, continued implementation of previously adopted 2003 LRDP Mitigation Measures 4.15-1 (a and b) (conducting utility assessments prior to connecting new projects and implementing conservation strategies) will continue to further reduce this less-than-significant impact.

h. Implementation of the 2003 LRDP would require the expansion of wastewater treatment and conveyance facilities, the construction and operation of which would not result in significant environmental impacts.

The project, as part of growth under the 2003 LRDP, would contribute to the potential future expansion of the campus wastewater treatment and conveyance facilities. This impact was determined in the 2003 LRDP EIR to be less-than-significant because of the multiple options available for completing system improvements. The impact continues to be less-than-significant and, although not required, continued implementation of previously adopted 2003 LRDP Mitigation Measure 4.15-3 (conducting utility assessments prior to connecting new projects) will continue to further reduce this less-than-significant impact.

i. Implementation of the 2003 LRDP would require the expansion of campus storm water drainage conveyance and detention facilities, which would not result in significant environmental impacts.

The project, as part of growth under the 2003 LRDP, would contribute to the potential future expansion of the campus storm drainage conveyance and retention facilities. This impact was determined in the 2003 LRDP EIR to be less-than-significant because of the multiple options available for completing system improvements. The impact continues to be less-than-significant and, although not required, continued implementation of previously adopted 2003 LRDP Mitigation Measure 4.15-4 (conducting utility assessments prior to connecting new projects) will continue to further reduce this less-than-significant impact.

j. Implementation of the 2003 LRDP would require the expansion of the campus electrical system, which would not result in significant adverse environmental impacts.

The project, as part of growth under the 2003 LRDP, would contribute to the potential future expansion of the campus electrical system. This impact was determined in the 2003 LRDP EIR to be less-than-significant because of the multiple options available for completing system improvements. The impact continues to be less-than-significant and, although not required, continued implementation of previously adopted 2003 LRDP Mitigation Measures 4.15-6 (a and b) (conducting utility assessments prior to connecting new projects and implementing conservation measures) will continue to further reduce this less-than-significant impact.

k. Implementation of the 2003 LRDP would require the expansion of natural gas transmission systems, which would result in environmental impacts.

Campus development allowed under the 2003 LRDP would require expansion of natural gas transmission systems. Previously adopted 2003 LRDP Mitigation Measures 4.15-7 (a, b) require

the campus to review project needs to determine if existing systems are adequate and if modifications are necessary. The campus continues to implement these mitigation measures when needed so that the utility system impacts are minimized. Implementation of these mitigation measures would reduce the impact to a less-than-significant level.

l. Implementation of the 2003 LRDP would require expansion of campus communication facilities, which would not result in significant environmental impacts.

The project, as part of growth under the 2003 LRDP, would contribute to the potential future expansion of the campus communication facilities. This impact was determined in the 2003 LRDP EIR to be less-than-significant because of the multiple options available for completing system improvements. The impact continues to be less-than-significant and, although not required, continued implementation of previously adopted 2003 LRDP Mitigation Measure 4.15-9 (conducting utility assessments prior to connecting new 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, and the Findings and Statement of Overriding Considerations adopted by The Regents in connection with its approval of the 2003 LRDP. 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, the comparative analysis of alternatives, 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 Steam Expansion Phase 1, set forth in Appendix C of the Tiered Initial Study. 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 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 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 Overriding Considerations have been re-evaluated and are found to be current and valid Findings and Overriding Considerations today. Despite the occurrence of significant and unavoidable cumulative adverse environmental effects in the areas of aesthetics, criteria air pollutants, biological resources, archaeological resources, and groundwater, the additional reasons for the approval of the project are as follows:

1. The project implements a portion of the 2003 LRDP and is consistent with the analysis in the 2003 LRDP EIR.

2. The project would expand the core campus infrastructure which would provide flexibility in the siting and design of future buildings in the core campus at UC Davis.

3. The project would contribute to a healthy and interconnected built environment by allowing the provision of efficient cooling capacity using new, low-emission technology.

4. The project would continue the use of campus-based support systems to enable flexibility and reliability for campus growth.

G. Fish and Game Fee

The University hereby finds that, upon consideration of the record as a whole, there is no evidence before it that the Action has a potential for any new adverse effect on wildlife resources, or the habitat upon which the wildlife depends. No threatened, endangered, or protected animals, and no habitat necessary to sustain such animals have been found on the Action site. Because the Action will have no impacts on wildlife as defined in Section 711.2 of the Fish & Game Code, the Action will not contribute to potential cumulative development impacts to such wildlife. The University hereby further finds, on the basis of substantial evidence in the record as a whole, that the presumption of adverse impacts to wildlife described in Section 753.5, Title 14, California Code of Regulations, has been rebutted. Accordingly, The University finds that the Action is exempt from the requirement of a filing fee payable to the State Department of Fish & Game.

H. 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 Initial Study, and adopted the Findings, the University hereby approves the construction and design of the Steam Expansion Phase 1.