

**CERTIFICATION OF THE FINAL EIR, FINDINGS, AND APPROVAL  
OF THE GROUND LEASE AND DESIGN FOR  
THE JACKSON LABORATORY AT UC DAVIS (JAX WEST) PROJECT,  
DAVIS CAMPUS**

**I. CERTIFICATION OF THE FINAL EIR**

Pursuant to Title 14, California Code of Regulations, Section 15090, the Board of Regents of the University of California ("The Regents") hereby certifies that the Final Focused Tiered Environmental Impact Report ("Final EIR") for the Jackson Laboratory at UC Davis ("JAX West") Project for the University of California, Davis Campus ("UC Davis" or "campus" or "University") has been completed in compliance with the California Environmental Quality Act, Public Resources Code section 21000 *et seq.* ("CEQA"). The Regents further certifies that the Final EIR was presented to The Regents and that The Regents has reviewed and considered the information contained in the Final EIR prior to approving the design for the JAX West Project ("the Project"), as set forth below in Section III. As part of this certification, The Regents hereby finds that the Final EIR reflects the independent judgment and analysis of the University.

**II. FINDINGS**

The following Findings are hereby adopted by The Regents as required by Public Resources Code Sections 21081, 21081.5 and 21081.6, and Title 14, California Code of Regulations, Sections 15091 through 15093, in conjunction with the approval of the Project, which is set forth in Section III below.

**A. ENVIRONMENTAL REVIEW PROCESS**

The Project analyzed in the Final EIR is fully described in Section Two of the Draft EIR and Section 3 of the Final EIR. The Project includes the construction and operation of an approximately 96,064 square foot facility for genetic preparation and breeding mice for genetic research, in collaboration between The Jackson Laboratory and UC Davis. The facility would be located on an approximately 6-acre site in the West Campus Enterprise Reserve, and would include approximately 167 parking spaces on site to accommodate employees and users of the facility. Existing utilities and utility system upgrades being undertaken independently of the Project and in conjunction with the Project would serve the facility. The Project would be constructed in two phases. The first phase includes a 73,780 square foot building that would be used to breed approximately 185,000 mice. The second phase includes the addition of approximately 22,284 square feet of space to the building (for a buildout of 96,064 square feet) which would allow the full facility to breed up to 300,000 mice.

A Tiered Initial Study and Focused Environmental Impact Report were prepared for the Project in accordance with CEQA and the University of California Procedures for Implementation of CEQA. The environmental analyses in these documents are tiered from the UC Davis 1994 Long Range Development Plan (LRDP) EIR in accordance with Section 15152 and 15168(c) of the CEQA Guidelines. In compliance with CEQA and the State and University of California Guidelines for implementation of CEQA, the 1994 LRDP was approved and the

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accompanying LRDP EIR, State Clearinghouse No. 94022005 (“LRDP EIR”), was certified by The Regents on September 23, 1994. The environmental analysis in the 1994 LRDP EIR (State Clearinghouse #94022005) was amended by the Wastewater Treatment Plant (WWTP) Replacement Project EIR (State Clearinghouse #95123027 and #96072024) in 1997, by the 1997-98 Major Capital Improvement Projects SEIR (State Clearinghouse #97122016) in 1998, by the Center for the Arts Performance Hall and South Entry Roadway and Parking Improvements Tiered Initial Study and Mitigated Negative Declaration (State Clearinghouse #98092016) in 1998, by the USDA Western Human Nutrition Research Center Tiered Initial Study and Mitigated Negative Declaration (State Clearinghouse #99092060) in 1999, and by the Veterinary Medicine Laboratory and Equine Athletic Performance Laboratory Facilities Focused Tiered EIR (State Clearinghouse #2000022057) in 2000. For purposes of these Findings, the term “1994 LRDP” shall refer to the 1994 LRDP as amended and the term “LRDP EIR” similarly refers to the 1994 LRDP EIR as revised.

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 LRDP EIR. The LRDP EIR, which is a program EIR pursuant to Section 15168 of the CEQA Guidelines, analyzed the overall effects of campus growth and facility development through 2005-06 and identified measures to mitigate the significant adverse project impacts and cumulative impacts associated with that growth.

The tiering of the environmental analysis for the Project allowed the Initial Study and EIR to rely 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 is no significant new information or change in circumstances that would require further analysis; and (4) long-term cumulative impacts. The purpose of the Tiered Initial Study was to evaluate the potential environmental impacts of the Project with respect to the existing 1994 LRDP EIR analysis to determine what level of additional environmental review, if any, is appropriate.

Based on the analysis contained in the Tiered Initial Study, it was determined that for those resource areas fully analyzed, the Project would not result in any significant impacts that cannot be mitigated to a less-than-significant level or are not sufficiently addressed by the 1994 LRDP EIR, as amended. However, the Project is considered potentially controversial due to the use of animals in the proposed facilities. In addition, inadequate information regarding utility demand and points of connection was available during the preparation of the Tiered Initial Study to evaluate the significance of impacts relative to Utilities and Service Systems. Therefore, the Focused Tiered EIR for the Project further evaluates the significance of impacts in the areas of Hazards and Hazardous Materials, and Utilities and Service Systems.

The campus published a Notice of Preparation (“NOP”) and Initial Study indicating that a Focused Tiered EIR would be prepared for the Project, in August 2000. An electronic memorandum announcing the availability of the Initial Study and the review period was sent to UC Davis Deans, Directors, and Department Heads. The public and agency review of the NOP and Initial Study extended from August 29, 2000 to September 27, 2000. A public

scoping meeting on the Project was held on October 12, 2000. No comments were received on the NOP and Initial Study. Following circulation of the NOP, the project sponsor requested the campus to analyze a larger facility (96,064 square feet rather than 65,000 square feet). The Draft EIR, discussed below, analyzed the larger facility and concluded that the larger project would not increase the severity or significance of impacts analyzed in the August 2000 Initial Study.

The Notice of Completion (“NOC”) and Draft EIR for the Project were published on December 28, 2000 (SCH #200009212). The official public notice announcing: (1) the availability of the Draft EIR for review and comment by the public and agencies; (2) the date and location of a public hearing on the EIR; and (3) how to obtain copies of the EIR, appeared in The Davis Enterprise, the local paper of public record, on December 28, 2000. An electronic memorandum announcing this information was sent to UC Davis Deans, Directors, and Department Heads on January 2, 2001. The public and agency review period extended from December 29, 2000 through February 12, 2000. During that time, the Draft EIR was reviewed by various governmental agencies, as well as interested individuals and organizations. Five comment letters were received. In addition, members of the public were invited by formal public notice to submit comments on the Draft EIR in testimony at a public hearing held for that purpose on January 29, 2001. No comments were provided comments at the public hearing.

The comments received during the public review period are addressed in the Final EIR. The comments pertained primarily to the following issues: (1) clarification regarding permitting for the use of hazardous materials at the facility; (2) concerns regarding traffic safety in the project vicinity, particularly the lack of a bicycle lane for safe bicycle access; (3) objections to the use of mice in genetic research; (4) project contribution to significant, unavoidable impacts; (5) human safety impact from handling animals; (6) impact on energy resources; and (7) impact on foraging habitat. In response to these comments, additional information was presented in the FEIR on these issues. In addition, the Final EIR contains new information regarding an exceedance by the campus WWTP of the permit limit for copper in effluent. The analysis contained in the Final EIR concludes that the Project will not exacerbate any copper exceedances and that mitigation measures being implemented by the campus will mitigate any future copper exceedances at the WWTP.

The Final EIR, which includes, among other components, the Tiered Initial Study published in August 2000 and revised in December 2000, Draft EIR published in December 2000 and campus responses to comments received during the public review period for the Draft EIR, was published in March 2001. The information provided in the Final EIR served to restate and/or clarify environmental impacts and mitigation measures evaluated in the Draft EIR, and to provide new information regarding the copper levels in the WWTP effluent, and did not include any significant new information regarding project or cumulative impacts or mitigation measures; the campus therefore properly decided not to recirculate that document for additional public review. The analysis and conclusions contained in the Final EIR reflect the independent judgment of the University.

**B. SIGNIFICANT UNAVOIDABLE ADVERSE IMPACTS AND DISPOSITION OF RELATED MITIGATION MEASURES**

The Final EIR identified the following significant and unavoidable adverse impacts associated with the approval of the Project and identified related mitigation measures. It is hereby determined that these significant and unavoidable adverse impacts are acceptable for the reasons specified in Section II.G below.

Most of the significant and unavoidable adverse impacts identified in the Final EIR relate to cumulative development. The Final EIR 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." (Cal. Code Regs., Title 14, Section 15355(b)). The focus of the Final EIR analysis was on impacts of cumulative development that might compound or interrelate with those of the Project. In accordance with the CEQA Guidelines, the Final EIR used a "plan" approach as a framework for the cumulative impact analysis which 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." (Cal. Code Regs., Title 14, Section 15130(b)). The Project implements a portion of the 1994 LRDP, the planning document which evaluates conditions in the UC Davis area. As a result, the cumulative impacts analysis in the Final EIR relies primarily on the LRDP EIR, which included analysis of projected campus development through the academic year 2005-06 and related cumulative development in the campus vicinity. Cumulative development impacts beyond the academic year 2005-06 that might cumulate with Project impacts are considered too speculative for analysis at this time.

The mitigation measures identified below are presented in summary form. For a detailed description of these mitigation measures, please see the appropriate text in the Draft EIR.

**1. Cumulative Impact Associated With Hazardous Chemical Use (EIR Impact 3.1-8)**

Cumulative development in the region, in conjunction with the Project, would increase the number of people exposed to health hazards associated with increased use of hazardous chemicals. The Project incrementally contributes to, but does not exceed, cumulative impacts related to hazardous chemical use previously analyzed in the LRDP EIR. LRDP EIR Mitigation Measures 4.6-1(a) through (c) (requiring the campus to strengthen programs to improve compliance with applicable laws and regulation, to establish a self-audit mechanism and reporting system, and to conduct independent biennial health and safety audits prior to occupying the first approved project following adoption of the 1994 LRDP) have already been implemented by the campus and reduce the Project's contribution to this to a less-than-significant level. However, the campus cannot guarantee the safe management of additional hazardous chemicals used at off-campus locations outside the control of the campus because this authority falls within other jurisdictions to monitor and enforce, and can and should be monitored and enforced by those public entities. For this reason the University conservatively considers this cumulative impact to be significant and unavoidable. This cumulative impact was adequately addressed in

the Findings and Overriding Considerations adopted by The Regents in connection with its approval of the 1994 LRDP.

**2. Cumulative Impact Associated with Hazardous Waste Management Facilities (EIR Impact 3.1-9)**

Cumulative development in the region that generates hazardous chemical waste, in conjunction with the Project, could place an additional load on hazardous waste management facilities. The Project incrementally contributes to, but does not exceed, cumulative impacts on hazardous waste management facilities previously analyzed in the LRDP EIR. LRDP EIR Mitigation Measures 4.6-1(a) through (c) (requiring implementation of a hazardous waste minimization plan and completion of the then-proposed Environmental Services Facility prior to occupying the first approved project following adoption of the 1994 LRDP) have already been implemented by the campus and reduce the Project's contribution to this impact to a less-than-significant level. However, the actions of the campus alone cannot mitigate this impact, and other government entities would need to also take steps to mitigate this impact. The feasibility and implementation of such steps cannot be guaranteed by the University because they fall within the jurisdictions of other public entities to monitor and enforce, and can and should be implemented by those public entities. For this reason the University conservatively considers this cumulative impact to be significant and unavoidable. This cumulative impact was adequately addressed in the Findings and Overriding Considerations adopted by The Regents in connection with its approval of the 1994 LRDP.

**3. Cumulative Impacts Associated with Radioactive Materials (EIR Impact 3.1-10)**

Development of the Project in combination with other regional developments relating to the use of radioactive materials would increase the number of people being exposed to radioactivity, which is a potentially significant impact. The 1994 LRDP EIR recommended implementation of Mitigation Measures 4.6-5(a) and (b) (the campus shall increase health and safety measures commensurately with risks pertaining to radioactive materials use, improve compliance with the laws and regulations pertaining to hazardous materials use, and establish independent and self-auditing mechanisms) to reduce the magnitude of this impact. These measures have been and would continue to be implemented as part of the Project and adequate safety controls, plans and procedures are in place to limit exposure to radiation, and therefore the Project's contribution to this cumulative regional impact would not exceed the significant and unavoidable impact previously identified in the 1994 LRDP EIR. The 1994 LRDP EIR noted that while the mitigation measures would address the campus' contribution to this significant impact, the campus cannot guarantee that additional radioactive materials used at off-campus locations outside the control of the University would be managed safely because this authority falls within other jurisdictions to monitor and enforce. For this reason the University conservatively considers this cumulative impact to be significant and unavoidable. This cumulative impact was adequately addressed in the Findings and Overriding Considerations adopted by The Regents in connection with its approval of the 1994 LRDP.

**4. Cumulative Impacts on Radioactive Waste Management Facilities (EIR Impact 3.1-11)**

The operation of the proposed facilities, in conjunction with other current or future development in the region that use radioactive materials, would create an increase in radioactive waste that would place an additional load on radioactive waste management facilities, which is considered a significant and unavoidable impact. The 1994 LRDP EIR recommended implementation of Mitigation Measures 4.6-6(a) through (d) which include management and treatment of radioactive waste on-campus by Environmental Health and Safety, and implementation of campus-wide hazardous and radioactive waste minimization plans. As these mitigation measures have been implemented and adequate programs, controls and procedures are currently in place on campus to provide safe handling, treatment and disposal of radioactive waste from the proposed project, the Project's contribution to this cumulative regional impact would not exceed the significant and unavoidable impact previously identified in the 1994 LRDP EIR. The 1994 LRDP EIR noted that while the mitigation measures would address the campus' contribution to this significant impact, the campus cannot guarantee that additional radioactive waste generated at off-campus locations outside the control of the University would be managed safely because this authority falls within other jurisdictions to monitor and enforce. For this reason, the University conservatively considered the impact significant and unavoidable. This cumulative impact was adequately addressed in the Findings and Overriding Considerations adopted by The Regents in connection with its approval of the 1994 LRDP.

**5. Cumulative Impact Associated with Biohazardous Materials and Research Animals (EIR Impact 3.1-12)**

Potential health and safety effects related to biohazardous materials and research animal use at UC Davis are generally limited to those individuals using the materials or persons in the immediate vicinity of the use. For the most part, potential impacts associated with cumulative development would be localized, but cumulative development could increase the number of people in the Davis area exposed to the hazards of infectious agents and animal research, a possible significant impact. The 1994 LRDP EIR recommended implementation of Mitigation Measures 4.6-9 and 4.6-10, which have been and will continue to be implemented, reducing the Project's contribution to this cumulative regional impact would not exceed the significant and unavoidable impact previously identified in the 1994 LRDP EIR. However, as discussed in the 1994 LRDP EIR, the University of California cannot guarantee that additional biohazardous materials and research animals used in the Davis area would be managed safely because this responsibility falls within other jurisdictions to enforce and monitor. For this reason, the University conservatively considered the impact significant and unavoidable. This cumulative impact was adequately addressed in the Findings and Overriding Considerations adopted by The Regents in connection with its approval of the 1994 LRDP.

**6. Potential Project and Cumulative Impact Due to Increased Use of Groundwater from the Deep Aquifer (EIR Impact 3.2-7)**

Construction and operation of the Project would add new facilities on the campus and would lead to greater use of groundwater. Population growth and development of facilities associated with the LRDP and other anticipated development in the Davis area will also increase water use from the deep aquifer. However, the magnitude of the impact on the aquifer is unknown because the status of the aquifer cannot be determined from available information and data. LRDP EIR Mitigation Measure 4.14-1(a) (requiring various water conservation measures) is hereby readopted and incorporated into the Project and will reduce the magnitude of any potential impact on the aquifer. However, in light of the unknown magnitude of the impact, the project-specific impact and the cumulative impact of this extraction are considered potentially significant and unavoidable. These impacts were adequately addressed in the Findings and Overriding Considerations adopted by The Regents in connection with its approval of the 1994 LRDP.

7. **Potential Project and Cumulative Impact from Conversion of Prime Farmland to Non-Agricultural Uses (Initial Study Item 2a)**

Construction of the project would convert approximately 6 acres designated as Prime Farmland pursuant to the State of California Department of Conservation to non-agricultural uses. Actions by the campus and mitigation measures included in the Major Capital Improvements EIR (Mitigation Measure 7.3-2) to reduce the significance of this impact include acquisition and dedication of 100 acres at Russell Ranch to farmland focused on soil conservation research. Nonetheless, the LRDP EIR concluded that despite the compensatory value of these activities, the loss of Prime Farmland cannot be mitigated to a less-than-significant level unless developed Prime Farmlands are returned to their agricultural status. Because such measures are considered infeasible, this impact is considered significant and unavoidable even after mitigation.

8. **Cumulative Impact Associated With Increased Emissions of Criteria Air Pollutants in the Region (IS Item 6c)**

Development of the Project, in conjunction with 1994 LRDP and cumulative development in the region, would cause significant increases in criteria pollutant emissions. These emissions would contribute to the continued exceedance of air quality standards enforced by the Yolo-Solano Air Quality Management District ("air district"). The Project's impact incrementally contributes to, but does not exceed, the cumulative criteria air pollutant emissions previously identified in the LRDP EIR. LRDP EIR Mitigation Measures 4.5-3(a) (requiring various Transportation Demand Management (TDM) measures to reduce use of automobiles, increased use of public transportation and acquisition of stationary source permits), 4.5-3(b) (requiring the campus or leasee to obtain permits for all stationary and area sources as required by the air district) and 4.5-6(b) (identifying other public entities in addition to UC Davis that should take action to assure compliance with federal and state air quality standards), are hereby readopted and incorporated into the Project, and will substantially lessen this significant cumulative effect to the extent feasible, but not to a less-than-significant level due to the non-attainment status of the area with respect to certain pollutants. This cumulative impact is therefore considered significant and unavoidable and has been adequately addressed in

the Findings and Overriding Considerations adopted by The Regents in connection with its approval of the 1994 LRDP.

**9. Cumulative Impact of Development on Potential Seismic Effects of Earthquakes (IS Item 10a)**

Development under the 1994 LRDP, including the Project, along with cumulative development in the region would increase the cumulative number of people living and working in the Davis area who would be exposed to strong ground motion and other potential seismic effects from earthquakes on local or regional faults. The Project incrementally contributes to, but does not exceed, this cumulative impact previously analyzed in the LRDP EIR. LRDP EIR Mitigation Measures 4.9-1(a)-(e)(requiring compliance of final building design with applicable building codes and seismic safety provisions, inclusion of seismic safety policies in the department Injury and Illness Prevention Plan, continuation of seismic rehabilitation activities for identified campus facilities and development of a campus-specific Seismic Safety Policy), previously adopted by The Regents in connection with approval of the 1994 LRDP, are hereby readopted and incorporated into the Project, and will reduce the campus' contribution to this impact to a less-than-significant level. However, LRDP EIR Mitigation Measures 4.9-3(b) and (c) (recommending that the City of Davis continue to monitor and respond to studies of regional seismic safety, update and enforce Building Code requirements and investigate and mitigate geologic soil hazards) is within the responsibility and jurisdiction of the City of Davis, not the campus, and can and should be adopted by that public entity. Adoption of such mitigation measures by neighboring jurisdictions would reduce this cumulative impact to a less-than-significant level, but because the implementation of these measures cannot be guaranteed by the campus, this cumulative impact is considered significant and unavoidable. This cumulative impact was adequately addressed in the Findings and Overriding Considerations adopted by The Regents in connection with its approval of the 1994 LRDP.

**10. Potential Project and Cumulative Impact on Cultural Resources (IS Items 12b, d)**

Excavation, grading and other activities associated with the construction of the Project and cumulative development in the region in conjunction with 1994 LRDP development, would result in the loss of prehistoric and historic resources. The Project incrementally contributes to, but does not exceed, this cumulative impact previously analyzed in the LRDP EIR. LRDP EIR Mitigation Measures 4.10-1(a)-(d)(generally prescribing measures to protect cultural resources), previously adopted by The Regents in connection with approval of the 1994 LRDP, are hereby readopted and incorporated into the Project, and will substantially lessen this impact but not to a less-than-significant level. Further, LRDP EIR Mitigation Measure 4.10-4(b) (recommending that the City of Davis, Yolo County and Solano County implement policies regarding protection of cultural resources) is within the responsibility and jurisdiction of the City of Davis and Yolo and Solano Counties, not the campus, and can and should be adopted by those entities. In addition, even if cultural resources were adequately recorded, destruction and/or removal from their place of origin reduces their value as a resource. For these reasons, these impacts previously identified by The Regents in connection with

approval of the 1994 LRDP, are considered significant and unavoidable and were adequately addressed in the Findings and Overriding Considerations adopted by The Regents in connection with its approval of the 1994 LRDP.

**11. Cumulative Impact on Rural Character of Yolo and Solano Counties (IS Item 13c)**

Cumulative development in the region, in conjunction with the Project and 1994 LRDP development, would result in the visual alteration of the rural character of this region as urban development takes place. The Project incrementally contributes to, but does not exceed, this cumulative impact previously analyzed in the LRDP EIR. LRDP EIR Mitigation Measure 4.11-4(b)(requiring compliance with campus guidelines to minimize discomfort from light, glare and heat), previously adopted by The Regents in connection with approval of the 1994 LRDP, is hereby readopted and incorporated into the Project, and will reduce the Project's contribution to this impact to the extent feasible, but will not reduce this cumulative impact to a less-than-significant level. Further, LRDP EIR Mitigation Measure 4.11-5(b) (recommending implementation of general plan policies regarding preservation and protection of agricultural land by the City of Davis and Yolo and Solano Counties) is within the responsibility and jurisdiction of the City of Davis and Yolo and Solano Counties, not the campus, and can and should be adopted by those public entities. Adoption of such a mitigation measure by the City of Davis and Yolo and Solano Counties would reduce this cumulative impact to a less-than-significant level, but because the campus cannot guarantee the implementation of this measure, this cumulative impact is considered significant and unavoidable. This impact was adequately addressed in the Findings and Overriding Considerations adopted by The Regents in connection with its approval of the 1994 LRDP.

**12. Cumulative Impact due to Need for New or Substantially Altered Public Facilities, including Police, Fire, Schools, Parks and other Public Facilities (IS Item 14a)**

The Project, in conjunction with cumulative growth under the LRDP, could result in substantial adverse physical impacts related to the necessary provision of new or physically altered public facilities in order to maintain acceptable service ratios, response times, or other performance objectives for public services including fire protection, police protection, schools and parks. Implementation of 1994 LRDP Mitigation Measures 4.12-1, 4.12-2, 4.12-3, 4.12-4(b), and 4.12-5(b) would reduce this impact to a less-than-significant level. However, cumulative impacts associated with development in the region, including the Project, were considered significant and unavoidable because implementation of Mitigation Measures 4.12-4(b) and 4.12-5(b) fall outside the University's jurisdiction to enforce and monitor. This significant and unavoidable impact was fully addressed in the Findings and Overriding Considerations adopted by The Regents in connection with the approval of the 1994 LRDP.

C. **SIGNIFICANT IMPACTS IDENTIFIED IN THE EIR THAT ARE REDUCED TO A LEVEL OF “LESS THAN SIGNIFICANT” BY MITIGATION MEASURES INCORPORATED INTO THE PROJECT**

The Final EIR identifies the following significant impacts associated with the Project, which are reduced to “less-than-significant” by mitigation measures identified in the EIR. The mitigation measures that would reduce impacts to less-than-significant are summarized here, but are described in more detail in the FEIR.

1. **Cumulative Impact Would Increase Demand for Transit Services (IS Item 4j)**

Growth in population associated with development allowed under the 1994 LRDP, including the Project, as well as the campus Transportation Demand Management efforts, would increase demand for transit services. LRDP EIR Mitigation Measure 4.3-5 (specifying actions to be taken to support transit use) is hereby readopted and incorporated into the Project and will reduce this impact to a less-than-significant level by ensuring that adequate transit services are available to meet campus needs.

2. **Temporary Project Impact Associated with Increased Emissions of PM<sub>10</sub> due to Construction Activities (IS Item 6b(i))**

Sensitive receptors in the vicinity of the Project site include academic and clinical facilities adjacent to the project site such as the Grapevine Importation and Clean Stock Facility. Fugitive dust generated by project-related construction activities may cause violations of the state and federal 24-hour PM<sub>10</sub> standard at times and would contribute to significant PM<sub>10</sub> emissions previously identified in the 1994 LRDP EIR. Nearby receptors would be exposed to short-term elevated levels of PM<sub>10</sub>. These emissions also would contribute to the continued exceedence of air quality standards enforced by the Yolo-Solano Air Quality Management District ("air district"). However, this construction impact would be temporary and short-term. LRDP EIR Mitigation Measure 4.5-1(a) through (d)(requiring various measures to reduce fugitive dust impacts during construction) is hereby readopted and incorporated into the Project, and will reduce this impact to a less-than-significant level.

3. **Project and Cumulative Hazard to Public or Environment through Routine Transport, Use or Disposal of Hazardous Materials (IS Item 7a)**

The proposed project would involve the increase of laboratory space on campus and thus would increase the use on campus of hazardous chemicals, although only in small quantities. The LRDP EIR identified increased use of hazardous materials and generation of hazardous waste as potentially significant impacts (Impacts 4.6-1 and 4.6-2). Although campus plans, policies, and training stress that hazardous wastes may not to be placed in the trash or poured down a drain, hazardous waste generated at the proposed facility could be inadvertently released to the sewer or disposed of with non-hazardous solid waste. This potential

impact was considered significant in the 1994 LRDP EIR (Impact 4.6-24). Since that time, the campus has implemented 1994 LRDP Mitigation Measure 4.6-24 which is a pre-treatment program that places limits on discharges to the sanitary sewer system. Operation of the proposed project would contribute to but not exceed the potentially significant impacts identified in the LRDP EIR. LRDP Mitigation Measures 4.6-1(a) through (c), Mitigation Measure 4.6-2 (b), and Mitigation Measure 4.6-24, previously adopted by The Regents in connection with approval of the 1994 LRDP, are hereby readopted and incorporated into the Project, and will reduce this impact to a less-than-significant level.

**4. Project and Cumulative Impact on Emergency Response (IS Item 7g)**

Development of the Project could contribute to the demand for emergency response capabilities in the Davis area. LRDP EIR Mitigation Measure 4.6-22(a) (requiring adequate training and equipment for the campus emergency response team), 4.6-22(b)(requiring preparation of emergency planning documents), 4.6-22(c) (requiring preparation of a Business Plan, Injury and Illness Prevention Plan, and Laboratory Chemical Hygiene Plan for all new buildings), 4.6-22(d)(requiring emergency planning and safety training for occupants of new buildings) and 4.6-22(e)(requiring measures related to the safe use of hazardous chemicals), previously adopted by The Regents in connection with approval of the 1994 LRDP, are hereby readopted and incorporated into the Project. Adoption of these mitigation measures will ensure that the potential impact on emergency response capabilities is reduced to a less-than-significant level.

Cumulative growth in the City of Davis, in conjunction with campus growth under the 1994 LRDP, including the Project, could contribute to cumulative demand for emergency response capabilities in the Davis area. LRDP EIR Mitigation Measure 4.6-22(a) (requiring adequate training and equipment for the campus emergency response team prior to occupying the first approved project following adoption of the 1994 LRDP) has already been implemented by the campus. Even with the implementation of the above mitigation measure, the 1994 LRDP EIR considered this impact significant and unavoidable because the University could not guarantee that the City of Davis and Yolo County would reach a Mutual Aid Agreement to provide first-response both in the campus and in the City and County. However, since that time, the City of Davis and Yolo County have reached a Mutual Aid Agreement and therefore this impact is now reduced to a less-than-significant level.

**5. Potential Impact on Special Status Species through Habitat Modification (IS Item 8a)**

The project site provides foraging habitat for the Swainson's hawk and other avian species, although there are not nests at or in close proximity to the site. The project would remove approximately 6 acres of this foraging habitat. The removal of this habitat was anticipated in the 1994 LRDP EIR (Impact 4.7-5, as amended). The 1994 LRDP EIR identified Mitigation Measures 4.7-5 and 4.7-9 (a) to reduce impacts on foraging habitat from the conversion of agricultural lands and annual/ruderal grasslands to other uses. These measures previously were adopted by The Regents in connection with approval of the 1994 LRDP. They are hereby readopted and incorporated into the Project. Adoption of these mitigation measures

will ensure that impacts due to loss of special status species foraging habitat are reduced to a less-than-significant level.

**6. Project Impact to Receiving Water Quality Due to Construction Activities (IS Item 9a)**

1994 LRDP Mitigation Measure 4.8-4(a), which requires the campus contractor to file a Notice of Intent for coverage under the State General Construction Activity Storm Water Permit, hereby readopted and incorporated into the Project, would be implemented as part of the project. Construction activity for the project disturbing would be subject to NPDES permitting requirements. Implementation of this mitigation measure would further reduce the potential water quality impact to a less-than-significant level.

**7. Project Impact to Receiving Water Quality Due to Increased Storm Water Runoff (IS Item 9a)**

Development of the Project would increase the amount of runoff from the Project site and could adversely affect receiving water quality. LRDP EIR Mitigation Measure 4.8-5(a)(requiring project design include a combination of Best Management Practices to minimize the impact on receiving water quality) and 4.8-5(b)(specifying requirements for prohibiting discharge of storm water runoff from confined animal facilities into the storm drainage systems), previously adopted by The Regents in connection with approval of the 1994 LRDP, is hereby readopted and incorporated into the Project, and will reduce this impact to a less-than-significant level.

**8. Project Impact to Receiving Water Quality Due to Increased Discharge of Treated Effluent (IS Item 9a)**

Development of the Project would increase flows to the Wastewater Treatment Plant generating increased discharge of treated effluent into the South Fork of Putah Creek and could adversely affect receiving water quality. LRDP EIR Mitigation Measures 4.8-6(a)-(c) (requiring monitoring of effluent discharge and compliance with WDR 97-236, actions to ensure compliance with established effluent limits if such limits are exceeded (including changes to WWTP operations if pre-treatment does not succeed in reducing copper concentrations in the effluent), and compliance with requirements of NPDES WDRs for the new WWTP), and WWTP EIR Mitigation Measures 4.1-6(a)-(b) (strict implementation of pretreatment program, enforcement of limits, modification of operation, and/or treatment processes at the WWTP) previously adopted by The Regents in connection with approval of the 1994 LRDP, are hereby readopted and incorporated into the Project, and will reduce this impact to a less-than-significant level.

**9. Project Impact on Potential Seismic Effects of Earthquakes (IS Item 10a(ii and iii))**

Development of the Project would increase the number of people living and working in the Davis area who would be exposed to strong ground motion and other

potential seismic effects from earthquakes on local or regional faults. LRDP EIR Mitigation Measure 4.9-1(a)-(c)(requiring compliance of final building design with applicable building codes and seismic safety provisions, inclusion of seismic safety policies in the department Injury and Illness Prevention Plan, continuation of seismic rehabilitation activities for identified campus facilities and development of a campus-specific Seismic Safety Policy), previously adopted by The Regents in connection with approval of the 1994 LRDP, are hereby readopted and incorporated into the Project, and will reduce this impact to a less-than-significant level.

**10. Project Impact on Expansive Soils (IS Item 10d)**

Soils underlying the project site exhibit moderate shrink-swell (expansion) potential. A preliminary assessment of site-specific soil and ground water conditions indicated that the site is suitable for future development from the standpoint of surface soils and ground water conditions. The Project would also implement 1994 LRDP Mitigation Measure 4.9-1(a), which is hereby readopted and incorporated into the Project, would require review of facility design to ensure compliance with CUBC requirements. Compliance with these requirements would mitigate potential adverse effects associated with expansive soils or other site geotechnical characteristics to the extent feasible, thereby reducing the hazard to a less-than-significant level.

**11. Project Impact on the Visual Landscape (IS Item 13c)**

Development of the Project could affect valued elements of the West Campus landscape identified in the LRDP. LRDP EIR Mitigation Measure 4.11-1(a)-(d)(providing guidelines and oversight mechanisms for new structure design), previously adopted by The Regents in connection with approval of the 1994 LRDP, is hereby readopted and incorporated into the Project, and will reduce this impact to a less-than-significant level.

**12. Project Impact on Glare, Artificial Light, Heat and Shade (IS Item 13d)**

Development of the Project could create glare, artificial light, heat and shade, making the immediate area uncomfortable for people. LRDP EIR Mitigation Measure 4.11-4(b)(requiring compliance with campus guidelines to minimize discomfort from light, glare and heat), previously adopted by The Regents in connection with approval of the 1994 LRDP, is hereby readopted and incorporated into the Project, and will reduce this impact to a less-than-significant level.

**13. Project Impact on Fire Protection Services (IS Item 14a(i))**

Development of the Project could result in decreased level of service from UC Davis fire protection services. LRDP EIR Mitigation Measures 4.12-1 (requiring implementation of measures to maintain current level of fire protection services) and 4.12-2 (determining adequate water pressure) are hereby readopted and incorporated into the Project, and would reduce this impact to a less-than-significant level.

**14. Project Impact on Police Protection Services (IS Item 14a(ii))**

Development of the Project could result in decreased level of service from the UC Davis Police Department. LRDP EIR Mitigation Measure 4.12-3 (requiring implementation of measures to maintain current level of police protection services) is hereby readopted and incorporated into the Project, and would reduce this impact to a less-than-significant level.

**D. LESS-THAN-SIGNIFICANT IMPACTS IDENTIFIED IN THE EIR FOR WHICH MITIGATION MEASURES HAVE BEEN INCORPORATED INTO THIS PROJECT TO FURTHER REDUCE THE IDENTIFIED IMPACTS**

The Final EIR identifies the following additional mitigation measures for less-than-significant impacts. These mitigation measures are not required by CEQA to reduce the identified impacts to a less-than-significant level, but have been included in the Project to further reduce these less-than-significant impacts. The mitigation measures identified below are presented in summary form. For a detailed description of these mitigation measures, please see appropriate references in the Draft EIR.

**1. Potential Impacts to Project Employees from Traffic Noise and Airport Noise (IS Items 5a, 5c and 5d)**

Impact 4.4-3 of the 1994 LRDP determined that structure occupants could be exposed to significant noise levels from traffic and other sources. Because traffic is light in the project vicinity, and because the project will not make a significant contribution to traffic, the impact is considered less than significant. Occupants of the proposed project also could be exposed to noise from the nearby University Airport. These levels are not high, and the impact would be less than significant. Nonetheless, LRDP Mitigation Measures 4.4-3 (a), (b) or (c) are hereby readopted and incorporated in the Project, as needed, to attenuate noise and thus further reduce potential less-than-significant impacts.

**E. MITIGATION MONITORING PROGRAM**

1. 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 Jackson Laboratory at UC Davis (JAX West) Project EIR, set forth in Section 5 of the Final EIR. To the extent this Project incorporates relevant 1994 LRDP EIR mitigation measures previously adopted by The Regents, implementation of these mitigation measures by this Project will be monitored pursuant to the 1994 LRDP EIR monitoring program previously adopted by The Regents in connection with its approval of the 1994 LRDP EIR.

2. In the LRDP EIR, as revised, UC Davis identified some mitigation measures which would further reduce environmental impacts determined to be less-than-significant. While there is no requirement to mitigate insignificant environmental impacts, mitigation measures further reducing the less-than-significant impacts are included in the approval of the Project to further enhance environmental quality. The mitigation monitoring programs adopted by The Regents (see paragraph 1, above) monitor mitigation measures designed to reduce or eliminate significant impacts, as well as those mitigation measures designed to reduce environmental impacts which were initially determined to be not significant.

## **F. ALTERNATIVES**

Two build alternatives to the Jackson Laboratory at UC Davis (JAX West) Project (Alternative 1 and Alternative 2) and the No Project Alternative (Alternative 3) were evaluated in the EIR. These alternatives are described and analyzed in Section Five of the Draft EIR. The feasibility of each alternative, its ability to meet project objectives, and potential environmental impacts in comparison to the Project are noted below.

### **1. Alternative 1: Construction of the Proposed Facility at an Alternate Location on Campus**

Under this alternative, the facility would be constructed at a project site in the Animal Resource Services Area of the South Campus on an approximately 2.5-acre fenced site adjacent to Interstate 80 on the east side of Old Davis Road. If this site were used, the facility itself would cover almost the entire parcel, and it would be necessary to place parking on another site. All other aspects of the Project essentially would be unchanged.

Construction of the Project at the Animal Resource Services site would address the majority of the project objectives. It would allow development of the collaborative facility, provide for scientific collaboration between UC Davis and The Jackson Laboratory, enhance the stature of UC Davis genetic research programs, attract researchers to the campus, and ensure a supply of suitably prepared high quality research specimens for genetic researchers on the western United States and at UC Davis. However, the Project at this site would impinge upon existing programs, by using space currently dedicated to or planned for other uses. It also would require the conversion of Prime Farmland as well as redesignation of Research/Teaching Fields. The alternate site would place the proposed collaborative venture outside a designated Enterprise Reserve. This alternative would not reduce the less-than-significant impacts of the proposed project with respect to hazards and hazardous materials and utilities and service systems.

### **2. Alternative 2: Construction of a Reduced Project at the Proposed Site**

This alternative would involve constructing a smaller version of the Project at the proposed site. This reduced alternative would be achieved through constructing the proposed structure with a smaller square footage of about 48,000 gross square feet. Laboratory and other support functions within the facility would be as proposed, but mice housing space and the number of mice housed would be reduced by about 60 percent in

comparison to the project as proposed in the Draft EIR. Required staff would be reduced to about 80. Associated parking could also be reduced, which would allow for use of a smaller site.

This alternative would slightly reduce the less-than-significant impacts of the Project with respect to hazards and hazardous materials, and to other resource areas discussed in the Initial Study. This alternative would therefore be very slightly environmentally superior to the Project. Construction of a reduced project would address the majority of the project objectives. It would allow development of the collaborative facility, provide for scientific collaboration between UC Davis and TJL, enhance the stature of UC Davis genetic research programs, attract researchers to the campus, and ensure a supply of suitably prepared high quality research specimens for genetic researchers in the western United States and at UC Davis. However, the reduced size of the facility would result in a reduced capacity for research specimens so that the supply might not be as abundant or reliable as would be desirable for western United States researchers. A smaller JAX West project also would have a reduced capacity to provide space dedicated to UC Davis uses, and might limit opportunities for scientific collaboration. The alternative would not achieve the project objective of providing an adequate supply of mice to western United States researchers. If this alternative were adopted, JAX might need to build an additional western United States facility, which would have additional, unknown environmental impacts.

### **3. Alternative 3: No Project Alternative**

As required by CEQA Guidelines, the No Project alternative is analyzed below. Under the No Project alternative, the proposed facility would not be built on the proposed site, although given the site's designation, other uses would be developed on the site in the future. Campus researchers will nonetheless continue to have a need for a reliable high quality supply of appropriately prepared research specimens, and The Jackson Laboratory would continue to seek to establish a facility in the western United States to meet these demands.

Under the No Project alternative, it is likely that The Jackson Laboratory would abandon its collaboration with the UC Davis campus and seek a new facility off campus. The campus would meet its need for research specimens by purchasing them from the off-site facility, and would have the same status with respect to supply and to opportunities for collaboration as other Jackson Laboratory customers. Scientific collaboration between scientists at The Jackson Laboratory and UC Davis researchers likely would not occur if the project were not located on campus.

In contrast to the Project, this alternative would avoid all impacts of the Project until such time that the site is developed for another use. A number of project objectives would not be met or would be met only partially by the No Project alternative. The reliability of research specimen supply, the degree of collaboration between scientists, and the accrual of stature and attractiveness of the campus to genetic researchers would be reduced relative to the Project. There would be no collaborative expansion and relatively less support of the Genomics Initiative at UC Davis. While the No Project alternative would have fewer environmental impacts than other project alternatives or the Project, it would not meet project objectives.

## **G. RECIRCULATION NOT REQUIRED**

The following new information has been included in the Final EIR concerning the copper concentration in effluent from the campus wastewater treatment plant (“WWTP”).

A. The most recent quarterly monitoring (December 2000) of the effluent from the WWTP indicated that the plant had exceeded its permit limit for copper concentration. The permit limit is 13 ppb, and the measured concentration was 16 ppb. This is the first measured exceedence of the permit limit for copper at the new WWTP, which began operation in March, 2000. The copper concentration in effluent from the old WWTP averaged 33 ppb, with a maximum concentration of 59 ppb, between 1998 and closure of the plant in 2000.

B. In both the 1994 LRDP EIR and the 1997 WWTP EIR, impacts on water quality in the South Fork of Putah Creek due to WWTP effluent were identified as significant. Mitigation measures were adopted (LRDP Mitigation Measure 4.8-6 and WWTP Mitigation Measure 4.1-6) which reduced the impact to a less-than-significant level. The campus is in the process of implementing these previously adopted mitigation measures, which involve strictly enforcing the pretreatment program and aggressively enforcing local limits by identifying and eliminating sources of copper to wastewater where feasible; and modifying operation and/or treatment processes at the WWTP where feasible. The campus has retained experts in the areas of source reduction and plant operation and treatment processes, which experts have determined that a combination of the mitigation measures discussed in the FEIR will be effective in mitigating the impacts of WWTP effluent on water quality in the South Fork of Putah Creek to a less-than-significant level.

C. The proposed project will not contribute to an increase in the exceedence of the permit limit for copper in WWTP effluent, and will make a de minimis contribution to the concentration of copper in WWTP effluent from all campus sources, because (1) the proposed project includes no special characteristics that would make it an atypical contributor to the wastewater received at the WWTP; hence, the proposed project will not increase copper concentrations in effluent; and (2) the previously adopted LRDP EIR and WWTP EIR mitigation measures will reduce the impact of the project in combination with the impact from campus buildout under the LRDP to a less-than-significant level.

Recirculation of the Draft EIR is not required because the above described new information did not result in identification of a new significant impact from the project or from a new mitigation measure proposed to be implemented, or a substantial increase in the severity of an environmental impact.

## **H. STATEMENT OF OVERRIDING CONSIDERATIONS**

The Regents have balanced the benefits of the Project against its unavoidable environmental risks in determining whether to approve the Project, and have determined that the benefits of the Project outweigh the unavoidable adverse environmental effects.

1. The Project implements a portion of the 1994 LRDP and will contribute to the fulfillment of the objectives of that project, including providing for expanded instruction and research space projected for the biological sciences; designating high and low density academic sites as Enterprise Areas to facilitate academic initiatives outside the academic core; reserving low density academic and administrative lands on the West Campus for campus uses or affiliated public and private research; and clustering new development identified for West Campus into existing development or on the edges of agricultural areas to retain larger, more usage blocks of agricultural land. For this reason, the Statement of Overriding Considerations adopted by The Regents in connection with its approval of the 1994 LRDP is equally relevant to, and is adopted as a part of, this project. All project-specific and cumulative significant and unavoidable impacts were addressed in the Findings and Overriding Considerations adopted by The Regents in connection with its approval of the 1994 LRDP.

2. Additional specific considerations for the approval of this Project include the following benefits that the Project will provide: establish a state-of-the-art western United States facility for the production of genetically standardized mice for supply to the research community in the western United States; support scientific collaboration among genetic researchers at JAX West and UC Davis; advance the University's capabilities and establish its leadership in mammalian genetic research, in support of its mission of teaching, research and public service, and of its Genomics Initiative; ensure a reliable and stable long term supply of high-quality research mice for the growing genetic research programs of UC Davis; contribute to attracting world-class scientists in mouse biology and genomics to the UC Davis campus; and contribute to the University's initiative for the collaborative development of private and non-profit enterprises on campus, which enhance campus programs. These benefits outweigh each of the unavoidable adverse environmental effects of the Project.

## **I. INCORPORATION BY REFERENCE**

The Final EIR, the 1994 LRDP, the 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, and the Veterinary Medicine Laboratory and Equine Athletic Performance Laboratory Facilities Focused Tiered EIR, and the Findings and Overriding Considerations adopted by The Regents in connection with the LRDP EIR, the WWTP Replacement Project EIR, and the 1997-98 Major Capital Improvement Projects, the Veterinary Medicine Laboratory and Equine Athletic Performance Laboratory Facilities Focused Tiered EIR are hereby incorporated into these Findings in their entirety. Without limitation, this incorporation is intended to elaborate on the scope and nature of mitigation measures, the basis for determining the significance of impacts, the comparative analysis of alternatives, and the reasons for approving the Project.

**J. 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 Office of Resource Management and Planning, located in Mrak Hall, Third Floor, University of California, One Shields Avenue, Davis, California 95616. The record of proceedings for the 1994 LRDP approval is also located in the Office of Resource Management and Planning. The custodian for these two records of proceedings is the Office of Resource Management and Planning.

**K. SUMMARY**

1. Based on the foregoing Findings and the information contained in the record, the Regents has made one of more of the following Findings with respect to each of the significant effects of the Project:

- a. Changes or alterations have been required in, or incorporated into, the Project, which mitigate or avoid the significant effects on the environment.
- b. Those changes or alterations are within the responsibility and jurisdiction of another public agency and have been, or can and should be, adopted by that other public agency.
- c. Specific economic, legal, social, technological, or other considerations, including considerations for the provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or alternatives identified in the environmental impact report.

2. Based on the foregoing Findings and the information contained in the record, it is determined that:

- a. All significant effects on the environment due to the approval of the Project have been eliminated or substantially lessened where feasible.
- b. Any remaining significant effects on the environment found to be unavoidable are acceptable due to the factors described in the Findings and Statement of Overriding Considerations adopted by the Regents in connection with the LRDP EIR and in Section II.H, above.

**III. APPROVALS**

The Regents hereby takes the following actions:

- A. The Regents has certified the Final EIR for the Project, as described in Section I., above.
- B. The Regents hereby adopts, incorporates into the Project, and makes a condition of Project approval, all Project elements, Project mitigation measures, and relevant LRDP EIR mitigation measures identified in the Final EIR, as discussed in the Findings, Section II, above.
- C. The Regents hereby adopts the Mitigation Monitoring Program and Findings in their entirety as set forth in Section II. above.
- D. Having certified the Final EIR, independently reviewed and analyzed the Final EIR, conditioned the Project as described above, and adopted the Findings, The Regents hereby approves the ground lease and design of the Jackson Laboratory at UC Davis (JAX West) Project, Davis campus.