



July 8 2022

July 6, 2022

STATE CLEARINGHOUSE

Ms. Heather Davis
Campus Planning and Environmental Stewardship
University of California, Davis
One Shield Avenue
Davis, CA 95616
environreview@ucdavis.edu

Subject: Solano Park Demolition Project, Notice of Preparation of a Draft Subsequent Environmental Impact Report, SCH No. 2017012008, Solano County

Dear Ms. Davis:

The California Department of Fish and Wildlife (CDFW) reviewed the Notice of Preparation (NOP) of a draft Subsequent Environmental Impact Report (SEIR) from the University of California, Davis (UC Davis) for the Solano Park Demolition Project (Project) pursuant to the California Environmental Quality Act (CEQA) and CEQA Guidelines.¹ The SEIR is tiered from the UC Davis 2018 Long Range Development Plan Program EIR, for which CDFW previously provided comments.

CDFW is providing UC Davis, as the lead agency, with specific detail about the scope and content of the environmental information related to CDFW's area of statutory responsibility that must be included in the SEIR (Cal. Code Regs., tit. 14, § 15082, subd. (b)).

CDFW ROLE

CDFW is a **Trustee Agency** with responsibility under CEQA pursuant to CEQA Guidelines section 15386 for commenting on projects that could impact fish, plant, and wildlife resources. CDFW is also considered a **Responsible Agency** if a project would require discretionary approval, such as permits issued under the California Endangered Species Act (CESA) or Native Plant Protection Act (NPPA), the Lake and Streambed Alteration (LSA) Program, or other provisions of the Fish and Game Code that afford protection to the state's fish and wildlife trust resources.

PROJECT DESCRIPTION AND LOCATION

The Project would demolish 26 multi-story apartment buildings, a community center, and associated ancillary buildings that were constructed in 1962 and are currently vacant. The Project would remove all existing infrastructure and establish a management plan for the 16-acre site. Future development is not proposed.

¹ CEQA is codified in the California Public Resources Code in Section 21000 et seq. The "CEQA Guidelines" are found in Title 14 of the California Code of Regulations, commencing with Section 15000.

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The Project is located at 3700 Solano Park Circle and associated addresses on the UC Davis campus in an unincorporated area of Solano County. The Assessor's Parcel Number is 036-170-022-000 and the approximate Project centroid is Latitude 38.53812°N, Longitude 121.74444°W.

The CEQA Guidelines require that the SEIR incorporate a full project description, including reasonably foreseeable future phases of the Project, that contains sufficient information to evaluate and review the Project's environmental impact (CEQA Guidelines, §§ 15124 & 15378). Please include a complete description of the following Project components in the Project description, as applicable:

- Footprints of permanent Project features and temporarily impacted areas, such as staging areas and access routes.
- Area and plans for any proposed buildings/structures, ground disturbing activities, fencing, paving, stationary machinery, landscaping, and stormwater systems.
- Operational features of the Project, including level of anticipated human presence (describe seasonal or daily peaks in activity, if relevant), artificial lighting/light reflection, noise, traffic generation, and other features.
- Construction schedule, activities, equipment, and crew sizes.

PROGRAM EIR AND TIERING

The NOP identifies that the SEIR would rely on the UC Davis Long Range Development Plan Program EIR (Program EIR) for all of the Project's environmental effects except archaeological and tribal cultural resources. CDFW recognizes that, pursuant to CEQA Guidelines section 15152, subdivision (c), if a Lead Agency is using the tiering process in connection with an EIR or large-scale planning approval, the development of detailed, site-specific information may not be feasible and can be deferred, in many instances, until such time as the Lead Agency prepares a future environmental document. This future environmental document would cover a project of a more limited geographical scale and is appropriate if the deferred information does not prevent adequate identification of significant effects of the planning approval at hand. The CEQA Guidelines section 15168, subdivision (c)(4) states, "Where the later activities involve site specific operations, the agency should use a written checklist or similar device to document the evaluation of the site and the activity to determine whether the environmental effects of the operation were within the scope of the program EIR." Based on CEQA Guidelines section 15183.3 and associated *Appendix N Checklist*, and consistent with other program EIRs, CDFW recommends using a procedure or checklist to evaluate this subsequent Project's impacts on biological resources to determine if they are within the scope of the Program EIR, or if additional mitigation measures

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should be incorporated into the SEIR. This checklist should be included as an attachment to this Project's SEIR and include an analysis of all special-status species and sensitive natural communities including but not limited to species considered rare, threatened, or endangered pursuant to CEQA Guidelines, section 15380.

To appropriately identify that the Project or portions of the Project are "within the scope" of the Program EIR, the checklist should be accompanied by relevant information and reasonable inferences. For this Project and any activities that may affect sensitive biological resources, a site-specific analysis should be prepared by a qualified biologist to provide the necessary supporting information. In addition, the checklist should cite the specific portions of the Program EIR, including page and section references, containing the analysis of the Project activities' significant effects and indicate whether it incorporates all applicable mitigation measures from the Program EIR.

REGULATORY REQUIREMENTS

California Endangered Species Act and Native Plant Protection Act

Please be advised that a CESA Incidental Take Permit (ITP) must be obtained if the Project has the potential to result in take² of plants or animals listed under CESA or NPPA, either during construction or over the life of the Project. If the Project will impact CESA or NPPA listed species, including but not limited to those identified in **Attachment 1: Special-Status Species and Sensitive Natural Communities**, early consultation with CDFW is encouraged, as significant modification to the Project and mitigation measures may be required to obtain an ITP. Issuance of an ITP is subject to CEQA documentation; the CEQA document must specify impacts, mitigation measures, and a mitigation monitoring and reporting program.

CEQA requires a Mandatory Finding of Significance if a Project is likely to substantially restrict the range or reduce the population of a threatened or endangered species (Pub. Resources Code, §§ 21001, subd. (c), 21083; CEQA Guidelines, §§ 15380, 15064, & 15065). Impacts must be avoided or mitigated to less-than-significant levels unless the CEQA Lead Agency makes and supports Findings of Overriding Consideration (FOC). The Lead Agency's FOC does not eliminate the Project proponent's obligation to comply with CESA.

Lake and Streambed Alteration

CDFW requires an LSA Notification, pursuant to Fish and Game Code section 1600 et seq., for Project activities affecting lakes or streams and associated riparian habitat. Notification is required for any activity that may substantially divert or obstruct the

² Take is defined in Fish and Game Code section 86 as hunt, pursue, catch, capture, or kill, or attempt any of those activities.

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natural flow; change or use material from the bed, channel, or bank including associated riparian or wetland resources; or deposit or dispose of material where it may pass into a river, lake, or stream. Work within ephemeral streams, drainage ditches, washes, watercourses with a subsurface flow, and floodplains are subject to notification requirements. In addition, infrastructure installed beneath such aquatic features, such as through hydraulic directional drilling, is also subject to notification. **The Project site is adjacent to Putah Creek. Any impacts to Putah Creek or associated riparian habitat would likely require an LSA Notification.** CDFW, as a responsible agency under CEQA, will consider the SEIR for the Project. CDFW may not execute the final LSA Agreement until it has complied with CEQA as the responsible agency.

Nesting Birds

CDFW also has authority over actions that may disturb or destroy active nest sites or take birds. Fish and Game Code sections 3503, 3503.5, and 3513 protect birds, their eggs, and nests. Migratory birds are also protected under the federal Migratory Bird Treaty Act.

Fully Protected Species

Fully Protected species, including those listed in **Attachment 1**, may not be taken or possessed at any time (Fish & G. Code, §§ 3511, 4700, 5050, & 5515).

ENVIRONMENTAL SETTING

The above checklist and site-specific analysis prepared by the qualified biologist, and if warranted the SEIR, should provide sufficient information regarding the environmental setting (“baseline”) to understand the Project’s, and its alternative’s (if applicable), potentially significant impacts on the environment (CEQA Guidelines, §§ 15125 & 15360).

CDFW recommends that the checklist and site-specific analysis, and if warranted the SEIR, provide baseline habitat assessments for special-status plant, fish, and wildlife species located and potentially located within the Project area and surrounding lands, including but not limited to all rare, threatened, or endangered species (CEQA Guidelines, § 15380). These documents should describe aquatic habitats, such as wetlands, vernal pools, and/or waters of the U.S. or State, and any sensitive natural communities³ or riparian habitat occurring on or adjacent to the Project site, and any stream or wetland set back distances the city or county may require. Fully protected, threatened or endangered, and other special-status species and sensitive natural communities that are known to occur, or have the potential to occur in or near the Project area, include but are not limited to, those listed in **Attachment 1**.

³ For sensitive natural communities see <https://wildlife.ca.gov/Data/VegCAMP/Natural-Communities#sensitive%20natural%20communities>

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Habitat descriptions and the potential for species occurrence should include information from multiple sources, such as aerial imagery; historical and recent survey data; field reconnaissance; scientific literature and reports; the U.S. Fish and Wildlife Service's (USFWS) Information, Planning, and Consultation System; findings from positive occurrence databases such as the California Natural Diversity Database (CNDDDB); the California Aquatic Resource Inventory (CARI); data and analyses from the Program EIR; and sensitive natural community information available from the Great Valley Ecoregion Vegetation Map⁴. Based on the data and information from the habitat assessment, the checklist and site-specific analysis, and if warranted the SEIR, should adequately assess which special-status species are likely to occur on or near the Project site, and whether they could be impacted by the Project.

CDFW recommends that prior to Project implementation, surveys be conducted for special-status species with potential to occur, following recommended survey protocols⁵ if available.

Botanical surveys⁶ for special-status plant species, including those with a California Rare Plant Rank⁷, must be conducted during the blooming period for all species potentially impacted by the Project within the Project area and adjacent habitats that may be indirectly impacted by, for example, changes to hydrology, and require the identification of reference populations. More than one year of surveys may be necessary given environmental conditions.

IMPACT ANALYSIS AND MITIGATION MEASURES

The above checklist and site-specific analysis, and if warranted the SEIR, should discuss all direct and indirect impacts (temporary and permanent), including reasonably foreseeable impacts, that may occur with implementation of the Project (CEQA Guidelines, §§ 15126, 15126.2, & 15358). This includes evaluating and describing impacts such as:

- Encroachments into riparian habitats, drainage ditches, wetlands, or other sensitive areas.
- Potential for impacts to special-status species or sensitive natural communities.

⁴ Vegetation Alliances and Associations of the Great Valley Ecoregion, California available at <https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=64011&inline>

⁵ Survey and monitoring protocols and guidelines are available at <https://wildlife.ca.gov/Conservation/Survey-Protocols>.

⁶ Please refer to CDFW protocols for surveying and evaluating impacts to rare plants, and survey report requirements at <https://wildlife.ca.gov/Conservation/Plants>

⁷ <http://www.cnps.org/cnps/rareplants/inventory/>

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- Loss or modification of breeding, nesting, dispersal, and foraging habitat, including vegetation removal, alteration of soils and hydrology, and removal of habitat structural features (e.g., snags, rock outcrops, overhanging banks).
- Permanent and temporary habitat disturbances associated with ground disturbance, noise, lighting, reflection, air pollution, traffic, or human presence.
- Obstruction of movement corridors, fish passage, or access to water sources and other core habitat features.

The above checklist and site-specific analysis, and if warranted the SEIR, should also identify reasonably foreseeable future projects in the Project vicinity, disclose any cumulative impacts associated with these projects, determine the significance of each cumulative impact, and assess the significance of the Project's contribution to the impact (CEQA Guidelines, § 15355). Although a project's impacts may be less-than-significant individually, its contributions to a cumulative impact may be considerable; a contribution to a significant cumulative impact, e.g., reduction of habitat for a special-status species, should be considered cumulatively considerable.

Based on the comprehensive analysis of the direct, indirect, and cumulative impacts of the Project, the CEQA Guidelines direct the Lead Agency to consider and describe all feasible mitigation measures to avoid potentially significant impacts in the EIR and if warranted the SEIR, which CDFW recommends is supported by the checklist and site specific analysis, and mitigate potentially significant impacts of the Project on the environment (CEQA Guidelines, §§ 15021, 15063, 15071, 15126.4 & 15370). This includes a discussion of impact avoidance and minimization measures for special-status species, which are recommended to be developed in early consultation with CDFW, USFWS, and the National Marine Fisheries Service. Project-specific measures should be incorporated as enforceable Project conditions to reduce impacts to biological resources to less-than-significant levels.

Fully protected species such as those listed in **Attachment 1**, may not be taken or possessed at any time (Fish & G. Code, §§ 3511, 4700, 5050, & 5515). Therefore, the EIR and if warranted the SEIR, supported by the checklist and site-specific analysis, should include measures to ensure complete avoidance of these species.

ENVIRONMENTAL DATA

CEQA requires that information developed in EIRs and negative declarations be incorporated into a database which may be used to make subsequent or supplemental environmental determinations (Pub. Resources Code, § 21003, subd. (e)). Accordingly, please report any special-status species and natural communities detected during Project surveys to CNDDb. The CNDDb online field survey form and other methods for

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submitting data can be found at the following link: <https://wildlife.ca.gov/Data/CNDDDB/Submitting-Data>. The types of information reported to CNDDDB can be found at the following link: <https://wildlife.ca.gov/Data/CNDDDB/Plantsand-Animals>.


FILING FEES

CDFW anticipates that the Project will have an impact on fish and/or wildlife, and assessment of filing fees is necessary (Fish & G. Code, § 711.4; Pub. Resources Code, § 21089). Fees are payable upon filing of the Notice of Determination by the Lead Agency and serve to help defray the cost of environmental review by CDFW.

CONCLUSION

CDFW appreciates the opportunity to comment on the NOP to assist UC Davis in identifying and mitigating Project impacts on biological resources. If you have any questions, please contact Melanie Day, Senior Environmental Scientist (Supervisory), at (707) 210-4415 or Melanie.Day@wildlife.ca.gov.

Sincerely,

DocuSigned by:

B77E9A6211EF486
Erin Chappell
Regional Manager
Bay Delta Region

Attachment 1: Special-Status Species and Sensitive Natural Communities

ec: State Clearinghouse (SCH No. 2017012008)

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Attachment 1: Special-Status Species and Sensitive Natural Communities

Scientific Name	Common Name	Status
Birds		
<i>Buteo swainsoni</i>	Swainson's hawk	ST
<i>Agelaius tricolor</i>	tricolored blackbird	ST
<i>Coccyzus americanus occidentalis</i>	western yellow-billed cuckoo	SE, FT
<i>Athene cunicularia</i>	burrowing owl	SSC
<i>Lanius ludovicianus</i>	loggerhead shrike	SSC
<i>Elanus leucurus</i>	white-tailed kite	FP
Fish		
<i>Acipenser medirostris</i> pop. 1	southern green sturgeon	FT
<i>Oncorhynchus mykiss irideus</i> pop. 11	Central Valley steelhead	FT
<i>Oncorhynchus tshawytscha</i> pop. 13	Central Valley fall/late fall run Chinook salmon	SSC
<i>Cottus gulosus</i>	riffle sculpin	SSC
<i>Lampetra ayresii</i>	western river lamprey	SSC
<i>Entosphenus tridentata</i>	Pacific lamprey	SSC
<i>Lampetra richardsoni</i>	western brook lamprey	SSC
<i>Lavinia exilicauda exilicauda</i>	Sacramento hitch	SSC
<i>Mylopharodon conocephalus</i>	hardhead	SSC
<i>Oncorhynchus mykiss irideus</i>	coastal rainbow trout	CRE
Amphibians		
<i>Rana draytonii</i>	California red-legged frog	FT, SSC

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Scientific Name	Common Name	Status
<i>Rana boylei</i>	foothill yellow-legged frog, northwest/north coast clade	SSC
Mammals		
<i>Taxidea taxus</i>	American badger	SSC
<i>Corynorhinus townsendii</i>	Townsend's big-eared bat	SSC
<i>Antrozous pallidus</i>	pallid bat	SSC
<i>Lasiurus blossevillii</i>	western red bat	SSC
Reptiles		
<i>Thamnophis gigas</i>	giant gartersnake	ST, FT
<i>Emys marmorata</i>	western pond turtle	SSC
Invertebrates		
<i>Desmocerus californicus dimorphus</i>	valley elderberry longhorn beetle	FT, ICP ⁸
<i>Danaus plexippus</i> pop. 1	monarch butterfly	FC, ICP
<i>Bombus crotchii</i>	Crotch bumble bee	ICP
<i>Bombus occidentalis</i>	western bumble bee	ICP
Plants		
<i>Astragalus tener</i> var. <i>ferrisiae</i>	Ferris' milk-vetch	CRPR ⁹ 1B.1
<i>Astragalus tener</i> var. <i>tener</i>	alkali milk-vetch	CRPR 1B.2

⁸ The list of California Terrestrial and Vernal Pool Invertebrates of Conservation Priority was collated during CDFW's Scientific Collecting Permit rulemaking process:

<https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=157415&inline>

⁹ CRPR 1B plants are considered rare, threatened, or endangered in California and elsewhere while Further information on CRPR ranks is available in CDFW's *Special Vascular Plants, Bryophytes, and Lichens List* (<https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=109383&inline>) and on the California Native Plant Society website (<https://www.cnps.org/rare-plants/cnps-rare-plant-ranks>).

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Scientific Name	Common Name	Status
<i>Atriplex depressa</i>	brittlescale	CRPR 1B.2
<i>Extriplex joaquinana</i>	San Joaquin spearscale	CRPR 1B.2
<i>Lepidium latipes</i> var. <i>heckardii</i>	Heckard's pepper-grass	CRPR 1B.2
<i>Puccinellia simplex</i>	California alkali grass	CRPR 1B.2
<i>Sensitive Natural Communities (Alliances or Associations)</i>		
<i>Quercus lobata</i>	valley oak woodland and forest	SNC

FE = federally listed as endangered under the Endangered Species Act (ESA); FT = federally listed as threatened under ESA; FC = candidate for federal listing under ESA; SE = state listed as endangered under CESA; ST = state listed as threatened under CESA; CE = candidate for state listing as threatened or endangered; FP = state fully protected under Fish and Game Code; SSC = state species of special concern; ICP = state invertebrate of conservation priority; CRPR = California rare plant rank; SNC = sensitive natural community; CRE = commercially, recreationally, and ecologically valuable