

**CALIFORNIA ENVIRONMENTAL QUALITY ACT
FINDINGS IN CONNECTION WITH
THE APPROVAL OF THE
MAMMAL POOL RENOVATION AND EXPANSION PROJECT
UNIVERSITY OF CALIFORNIA, SANTA CRUZ CAMPUS**

I. ADOPTION OF THE MITIGATED NEGATIVE DECLARATION

Pursuant to Title 14, California Code of Regulations, Section 15074(b), the Chancellor of the University of California, Santa Cruz campus (“UC Santa Cruz”) pursuant to authority delegated from the Board of Regents of the University of California (The Regents) (hereinafter referred to collectively as the University), hereby finds that the proposed Mitigated Negative Declaration and the Initial Study prepared for the proposed Mammal Pool Renovation and Expansion Project (“Project”) have been completed in compliance with the California Environmental Quality Act, Public Resources Code Sections 21000 et seq. (CEQA). The University further finds that it reviewed and considered the information contained in the Mitigated Negative Declaration and Initial Study, and in the campus’ Coastal Long Range Development Plan Environmental Impact Report (CLRDP EIR), and any comments on these documents prior to approving the design of the project. The University hereby finds that the Mitigated Negative Declaration reflects the independent judgment and analysis of the University and adopts the Mitigated Negative Declaration.

The Initial Study analyzes the potential environmental impacts of the full scope of the planned Mammal Pool Renovation and Expansion Project, which includes renovation of the 20,200-sf outdoor marine mammal pool facility at Long Marine Lab on the UC Santa Cruz Marine Science Campus; expansion of the facility by about 2,894 sf to accommodate enlargement of the largest pool by 32 feet in length; and improvements to existing above-ground tanks and the installation of one new tank at the California Department of Fish and Wildlife (CDFW) facility, also at the Marine Science Campus, to provide temporary accommodation of the animals that would be displaced by construction.

II. FINDINGS

The University certifies that its Findings are based on a full appraisal of all information in the record, including all comments received up to the date of adoption of these Findings and the proposed Mitigated Negative Declaration concerning the environmental impacts identified and analyzed in the Initial Study that are supported by substantial evidence in the record. 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 and adoption of the Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program, as set forth in Section III, below.

A. Background

The marine mammal pool facility at Long Marine Lab consists of five in-ground concrete pools ranging from about 490 sf to about 1,730 sf, two smaller fiberglass pools, and six small, concrete in-

ground pools. Seawater is supplied to all pools via a gravity flow system from 36-foot tall storage tanks located in the pool yard complex. Two interconnected recirculation systems provide high-rate sand filtration, chlorination, and gas-fired heating of the seawater in the five large pools. Several of the pools were part of the original marine mammal research infrastructure constructed in 1978. The two largest pools were added in 1985

The five larger, older concrete pools exhibit signs of structural failure, including some cracking, spalling and some rusty bleeding from reinforcing steel. All of the raised working decks around the pools are of wood construction, and many show signs of wood rot and breakdown. These wooden decks and the wooden supports for the fencing are difficult to maintain to federal animal holding sanitary standards.

The Project would address the structural breakdown and deterioration of the coating of the existing pools; provide improvements necessary to meet current regulatory standards for animal holding facilities, and current building code and accessibility requirements; expand the research capability by providing greater pool length and water depths; anticipate future regulatory changes that would require larger and deeper pool spaces for certain species. The Project also includes the improvement of existing facilities elsewhere on the campus to accommodate the resident marine mammals during construction.

Renovations to the existing facility would include repairing and re-coating pool walls and floor slabs, and replacing deck, ramps, and stairs. The dolphin pool would be expanded by 32 feet in length, and a portion of it deepened from 10 feet to a maximum of 30 feet. To accommodate the expansion, the existing southern fence of the mammal pool facility would be moved south about 16 feet. Modifications would be made to a sub-surface observation room, ramps, and trainer platform in conjunction with the expansion of the dolphin pool.

To provide temporary accommodation for the animals displaced by construction, existing tanks in the CDFW yard would be refurbished. An existing 30-ft-diameter, 5-ft deep fiberglass tank currently located outside the CDFW yard would be installed on an existing concrete slab. New decking, ramp and stairs would be added. The new pools would be connected to the existing seawater supply and return that serves the area.

B Environmental Review Process

A Tiered Initial Study (State Clearinghouse No. 2013112013) was prepared for the Project in accordance with CEQA and the University of California Procedures for Implementation of CEQA. The Initial Study, in accordance with Section 15168 of the CEQA Guidelines, is tiered from the Campus' Coastal Long Range Development Plan EIR ("CLRDP EIR") (State Clearinghouse No. 2001112014). The CLRDP EIR incorporates the Final EIR as certified by The Regents in connection with the approval of the CLRDP in September 2004; CLRDP EIR Addendum #1, approved by the University in December 2006, which assessed potential environmental effects of changes to the CLRDP made in response to comments from the California Coastal Commission; and California Coastal Commission staff reports on the CLRDP, prepared in April and November 2008, which identified and assessed environmental effects of

additional changes to the CLRDP made at the request of the California Coastal Commission. in accordance with Sections 15152 and 15168 of the CEQA Guidelines and Public Resources Code Section 21094. The CLRDP EIR is a program EIR, pursuant to Section 15168 of the CEQA Guidelines, which analyzed the overall effects of Marine Science Campus growth and facility developments under the CLRDP through approximately academic year 2020-21 and identified measures to mitigate the significant adverse project impacts and cumulative impacts associated with that growth. The proposed Project would implement public access elements of the CLRDP.

The proposed Project is part of the physical development proposed in the CLRDP; therefore, the environmental analysis for the project is presented and analyzed within the context of the CLRDP and incorporates by reference applicable portions of the CLRDP EIR. As a tiered document, the Initial Study for the project relies on the CLRDP 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 CLRDP EIR for which there are no significant new information (including new mitigation measures), 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 CLRDP EIR analysis in order to determine what level of additional environmental review, if any, would be appropriate.

The Tiered Initial Study analyzes the potential impacts of the Project and the adequacy of the existing environmental analysis in the CLRDP EIR with regard to the following environmental topic areas: (1) aesthetics, (2) agricultural resources, (3) air quality, (4) biological resources, (5) cultural resources, (6) geology, soils, and seismicity, (7) hazards and hazardous materials, (8) hydrology and water quality, (9) land use and planning, (10) mineral resources, (11) noise, (12) population and housing, (13) public services, (14) recreation, (15) transportation, circulation and parking, and (16) utilities and service systems. The Initial Study also includes a section addressing the potential for the Project to result in climate change, which analyzes the potential impacts of greenhouse gas emissions associated with the Project on global climate change. This issue area was not analyzed in the CLRDP EIR, but has subsequently been added to the CEQA checklist to reflect changes in State law.

The Project incorporates all applicable CLRDP implementation measures (IMs) and mitigation measures (MMs) identified in the CLRDP and CLRDP EIR. Based on the project-specific analysis presented in the Initial Study, it was determined that the project would not contribute to the significant and unavoidable cumulative traffic and water supply impacts previously identified and adequately addressed in the CLRDP EIR. The Initial Study also determined that the Project would not result in significant environmental impacts not previously identified in the CLRDP EIR. In addition, the Initial Study identifies project-specific mitigation measures to avoid take of California red-legged frog and impacts to San Francisco-dusky-footed woodrat; and to address potential cumulative construction impacts on emergency access and on pedestrian and bicycle transit. The Project also incorporates applicable implementation measures and mitigation measures identified in the CLRDP and CLRDP EIR, respectively, that address the following potential impacts of the Project: construction-related air pollution emissions; disturbance of nesting birds; unexpected discovery of cultural resources during construction; effects of the

development of new impervious surface on water quality and groundwater recharge; and construction noise.

With the incorporation of the identified CLRDP implementation measures, CLRDP EIR mitigation measures and the project-specific mitigation measure, the Project would not result in any significant environmental impacts.

The University prepared a Mitigated Negative Declaration for the Mammal Pool Renovation and Expansion Project that reflects the conclusions of the Initial Study. The Project's proposed Mitigated Negative Declaration and Draft 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 November 6, 2013, and concluding on December 5, 2013. During that time, the document was available for review by various state and local agencies, as well as by interested individuals and organizations. No comment letters were received during the comment period, with the exception of a letter from the Monterey Bay Area Unified Air Pollution Control District stating that the District has no comments. A copy of this letter can be found in Appendix H of the Final Initial Study.

C Relation of the Project to the CLRDP EIR

The CLRDP 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 CLRDP EIR analyzed full implementation of uses and physical development proposed under the Marine Science Campus CLRDP and identified measures to mitigate the significant project and cumulative impacts associated with that physical development. The Project would not result in any increase to the campus population, and the Project is consistent with and is part of the physical development that was anticipated in the CLRDP and evaluated in the CLRDP EIR.

D. Environmental Summary

The proposed Mammal Pool Renovation and Expansion Project would not result in significant project level impacts or make cumulatively considerable contributions to significant cumulative impacts, including those identified in the CLRDP EIR.

1. Potentially Significant Impacts that are Reduced to a Less-than-Significant Level with Proposed Mitigation

The Initial Study identifies the following potentially significant impacts associated with the Project that would be reduced to a less-than-significant level by the implementation of mitigation measures identified in the Initial Study. The associated mitigation measures are identified and briefly discussed below. The Initial Study provides the full text and detailed description of these mitigation measures (see Attachment 1 to these Findings, and Initial Study Appendix C).

a. Potential impact on California Red-Legged Frog.

The Initial Study (pp. 32-34) determined that construction disturbance could result in direct mortality to California red-legged frog, a federally listed threatened species, should the species be present in the work area. This would be a potentially significant impact. The impact would be

reduced to a less-than-significant level with implementation of Mammal Pool Mitigation Measure BIO-1.

b. Potential impact on San Francisco Dusky-Footed Woodrat.

The Initial Study (pp. 34-35) determined that vegetation removal and ground disturbance during project construction could result indirect impacts to houses of the San Francisco dusky-footed woodrat, a California Species of Special Concern, should they be present. This could result in reduction of the distribution or population success of the wood rats, a potentially significant impact. Implementation of Mammal Pools Mitigation Measure BIO-2 would reduce this impact to a less-than-significant level.

c. Traffic

The Initial Study (pp. 68-70) determined that worker vehicle and truck traffic associated with construction of the proposed Project, could exacerbate the construction traffic impacts on emergency access, identified in the MSC Projects EIR (SCH # 2010062090), associated with the approved Coastal Biology Building Project, which was approved by The Regents in January 2012. This would be a potentially significant impact of the Mammal Pool Renovation and Expansion Project. The Initial Study identified Mammal Pool Mitigation Measures TRA-1A through TRA-1D, which would extend relevant requirements of MSC Project Mitigation Measures TRA-5A through -5F to the Mammal Pool Renovation and Expansion Project. Implementation of these mitigation measures would reduce the impact to a less-than-significant level.

2. Less-than-Significant Impact or No Impact

For the issues described below, the Project would result in no impact or less-than-significant impacts, and no mitigation measures would be needed.

a. Aesthetics

Based on the analysis presented in the Initial Study (pp. 18-21), the locations, type, and scale, and height of the proposed Project are consistent with the policies, implementation measures and design guidelines of the CLRDP and would not have the potential to create adverse impacts on scenic vistas, scenic resources, or the visual character and quality of the site and its surroundings. the proposed Project would not have an impact on scenic vistas or scenic resources. The Project would not result in significant adverse impacts to daytime or nighttime views in the area. No mitigation is necessary.

b. Agricultural and Forestry Resources

Based on the analysis presented in the Initial Study (pp. 22-23), the proposed Project would have no impact related to agricultural resources or timberland. No mitigation is necessary.

c. Air Quality

Based on the analysis presented in the Initial Study (pp. 24-28), the Project would have no operational air quality impacts. Because the Project incorporates CLRDP EIR Mitigation Measure 4.3-1, which requires implementation of standard measures to minimize emissions of

fugitive dust and construction vehicle fumes, the construction air quality impacts of the Project would be below the applicable significance thresholds.

d. Biological Resources

Based on the analysis presented in the Initial Study (pp. 28-35), the Project would not conflict with local policies or ordinances protecting biological resources or with an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved habitat conservation plan, and would not impact special-status plant species or a sensitive natural community. The Project would have less than significant impacts on nesting special-status birds, because the Project incorporates CLRDP EIR Mitigation Measure 4.4-2, which require pre-construction surveys and other avoidance measures.

e. Cultural Resources

Based on the analysis presented in the Initial Study (pp. 36-37), the Project impacts related to archaeological resources, paleontological resources and unique geological features, and disturbance of human remains would be less than significant because the Project incorporates CLRDP Mitigations 4.5-1 and CLRDP Implementation Measure 3.9.1. No additional mitigation is required.

f. Geology and Soils

Based on the analysis presented in the Initial Study (pp. 38-39), the Project does not have the potential to result in significant impacts related to geology and soils. No mitigation is required.

g. Greenhouse Gas Emissions

Based on the analysis presented in the Initial Study (pp. 40-43), the Project would not result in greenhouse gas emissions that may have a significant effect on the environment and would not result in a significant impact related to conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases. No mitigation is required.

h. Hazards and Hazardous Materials

Based on the analysis presented in the Initial Study (pp. 41-43), because the Project incorporates CLRDP Implementation Measure 3.10.1, which requires the Campus to manage the use, and in the event of spillage, the containment and cleanup of, hazardous materials and petroleum on the UCSC Marine Science Campus. the Project would have no impacts related to hazards or hazardous materials. No mitigation is required.

i. Hydrology and Water Quality

Based on the analysis presented in the Initial Study (pp. 47-51), the Project would not result in impacts related to waste discharge requirements, flooding, or inundation by seiche, tsunami or mudflow. The Project impacts related to groundwater recharge, alteration of existing drainage patterns and increases in runoff would be less than significant because the Project incorporates CLRDP requirements for storm water management. No mitigation is required.

j. Land Use

Based on the analysis presented in the Initial Study (pp. 51-52), the Project would not result in any impacts related to land use.

k. Mineral Resources

The CLRDP EIR (p. 4.10-5) determined that no mineral resources are known or expected to occur on the MSC. Based on this analysis, the Project would not result in impacts to mineral resources.

l. Noise

Based on the analysis presented in the Initial Study (pp. 52-62), because the Project includes CLRDP Mitigation Measure 4.11-4, the Project does not have the potential to result in new significant impacts related to noise. No additional mitigation is required.

m. Population and Housing

Based on the analysis presented in the Initial Study (pp. 63-64), the Project would not result in impacts related to population growth, displacement of existing housing or people, or creation of a demand for housing. No mitigation is required.

n. Public Services

Based on the analysis presented in the Initial Study (p. 64-65), the Project would not result in significant impacts associated with the provision of new or physically altered governmental facilities. No mitigation is required.

o. Recreation

Based on the analysis presented in the Initial Study (p. 65-66), the Project would not result in impacts related to increased use of existing recreational facilities or the construction or expansion of recreational facilities. No mitigation is required.

p. Traffic, Circulation and Parking

Based on the analysis presented in the Initial Study (pp. 66-70), Project operations would not result in impacts related to an increase in traffic, and the Project would not result in a change in air traffic patterns, hazards associated with design features, parking capacity or alternative transportation.

q. Utilities and Service Systems

Based on the analysis presented in the Initial Study (pp. 72-73), the Project would not result in significant impacts related to utilities. No mitigation is required.

D. Incorporation by Reference

These Findings incorporate by reference in their entirety the text of the Initial Study and Mitigated Negative Declaration prepared for the Project; and the CLRDP EIR Mitigation Monitoring Program and re-affirm the Findings adopted by The Regents in connection with its approval of the CLRDP and CLRDP EIR. Without limitation, this incorporation is intended to elaborate on the scope and nature of project and cumulative impacts, related mitigation measures, and the basis for determining the significance of such impacts.

E. Mitigation Monitoring Program

CEQA requires the Lead Agency approving a project to adopt a monitoring program for changes to the project that it adopts, incorporates into the project, or makes a condition of approval, or in order to ensure compliance during project implementation. The Mitigation Monitoring Program for the project-specific mitigation measure identified above, prepared to serve this purpose, is included in the Initial Study as Appendix C and is hereby adopted by the University.

F. Record of Proceedings

Various documents and other material constitute the record of proceedings upon which the University bases the Findings and decisions contained herein. These documents are located in the offices of Physical Planning and Construction; Barn G, University of California, 1156 High Street, Santa Cruz, CA 95064. The custodian for these documents is the Office of Physical Planning and Construction.

G. Summary

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

1. Changes or alterations have been required in, or incorporated into, the Project. These changes or alterations mitigate to a less-than-significant level or avoid the potentially significant environmental effects of the project as identified in the Initial Study.
2. There is no substantial evidence in the record as a whole that the project as proposed and mitigated may have a significant effect on the environment.
3. The Mitigated Negative Declaration reflects the University's independent judgment and analysis.

III. APPROVALS

Based on the foregoing, the University intends to take the following actions:

- A. Adopt a Mitigated Negative Declaration based on the Initial Study for the Project as described in Section I, above.
- B. Adopt and incorporates into the Mammal Pool Renovation and Expansion Project all the mitigation measures identified in the project's Initial Study.
- C. Adopt the Mitigation Monitoring Program for the project included in the Initial Study as Appendix C.
- D. Adopt these Findings in their entirety as set forth in Section II, above.
- E. Approve the design of the Mammal Pool Renovation and Expansion Project.