Final Environmental Impact Report for the Environmental Education and Sustainability Park

Yolo County Department of General Services • October 30, 2012

Michael Brandman Associates
2000 "O" Street, Suite 200
Sacramento, CA 95811

SECTION 1: INTRODUCTION

In accordance with the California Environmental Quality Act (CEQA) Guidelines Section 15088, the County of Yolo, as the lead agency, has evaluated the comments received on the Environmental Education and Sustainability Park Project. The responses to the comments and other documents, which are included in this document, together with the Mitigation Monitoring and Reporting Program, comprise the Final Environmental Impact Report (Final EIR) for use by the County of Yolo in its review.

This document is organized into these sections:

- **Section 1 - Introduction.**
- **Section 2 - Responses to Written Comments on the Draft EIR:** Provides a list of the agencies, organizations, and individuals that commented on the Draft EIR. Copies of all of the letters received regarding the Draft EIR and responses thereto are included in this section.
- **Section 3 - Errata:** Includes an addendum listing, revisions, refinements, and clarifications on the Draft EIR, which have been incorporated.
- **Appendix A:** Notice of Preparation Comment Letter to support the responses and changes in the Errata.

Because of its length, the text of the Draft EIR is not included with these written responses; however, it is included by reference in this Final EIR. The Draft EIR, its appendices, and this document together constitute the Final EIR, which will be forwarded to the Board of Supervisors for its review and certification. None of the corrections or clarifications to the Draft EIR identified in this document constitutes "significant new information" pursuant to CEQA Guidelines Section 15088.5. As a result, a recirculation of the Draft EIR is not required.

1.1 - Certification of the Final EIR

The County of Yolo will review and consider the Final EIR, which consists of this document, the Draft EIR, and appendices. If the County of Yolo finds that the Final EIR is "adequate and complete," the County may certify the Final EIR at a public hearing. The rule of adequacy generally holds that the EIR can be certified if (1) it shows good faith effort at full disclosure of environmental information; and (2) it provides sufficient analysis to allow decisions to be made regarding the project in contemplation of its environmental consequences.

Upon review and consideration of the Final EIR, the County may take action to approve, revise, or reject the project. A decision to approve the project would be accompanied by written findings in accordance with CEQA Guidelines Sections 15091 and 15093. Public Resources Code Section

21081.6 requires that lead agencies adopt a Mitigation Monitoring and Reporting Program (MMRP) to describe measures that have been adopted or made a condition of project approval in order to mitigate or avoid significant effects on the environment. The final MMRP will be provided separately.

1.2 - Public Review and Consultation Process

The County of Yolo distributed a Notice of Preparation (NOP) of a Draft EIR for the proposed project on July 20, 2012. The NOP was distributed for a 30-day comment period that ended on August 20, 2012. The County held one public scoping meeting for the proposed project on July 30, 2012 in the County Administration Building's Atrium Training Room in Woodland, California. The scoping meeting was an opportunity for agencies and the public to obtain information about the proposed project and to provide input regarding the issues they wanted addressed in the Draft EIR. Comments about the NOP were considered in the preparation of the Draft EIR.

The Draft EIR was distributed to various public agencies, citizen groups, and interested individuals for a 45-day public review period, from August 31, 2012 through October 15, 2012. The Draft EIR was circulated to state agencies for review through the State Clearinghouse of the Governor's Office of Planning and Research. Additionally, both documents were made available for review on the County's website (http://www.yolocounty.org/Index.aspx?page=1584) as well as in the County's offices.

The County held a public meeting regarding the proposed project's Draft EIR on October 9, 2012 in the Yolo County Health Building's Thompson Room in Woodland, California. The public meeting was an opportunity for agencies and the public to obtain additional information regard the Draft EIR and provide comments regarding the issues contained within the EIR.

The public was asked to provide written comments before closure of the public review period.

SECTION 2: RESPONSES TO WRITTEN COMMENTS ON THE DRAFT EIR

2.1 - List of Authors

A list of public agencies, organizations, and individuals that provided comments on the Draft EIR is presented below. Each comment has been assigned a code. Individual comments within each communication have been numbered so comments can be crossed-referenced with responses. Following this list, the text of the communication is reprinted and followed by the corresponding response.

Author **Author Code**

State Agencies

California Department of Fish and Game DFG-1
California Department of Fish and Game DFG-2

Local Agencies

Putah Creek Council, Yolo Basin Foundation, and Center for Land Based Learning ..... PCC

2.2 - Responses to Comments

2.2.1 - Introduction

In accordance with the California Environmental Quality Act (CEQA) Guidelines Section 15088, the County of Yolo as the lead agency, evaluated the comments received on the Draft EIR (State Clearinghouse No. 2012072038) for the Environmental Education and Sustainability Park Project, and has prepared the following responses to the comments received. This Response to Comments document becomes part of the Final EIR for the project in accordance with CEQA Guidelines Section 15132.

2.2.2 - Comment Letters and Responses

The comment letters reproduced in the following pages follow the same organization as used in the List of Authors.

Where revisions are indicated to the Draft EIR text, additions are shown as underlined (<u>underline</u>) and all deletions from the text are shown as stricken (~~stricken~~). Revisions provided in this section are also reflected in Section 3, Errata.

State of California – The Natural Resources Agency
DEPARTMENT OF FISH AND GAME
Bay Delta Region
7329 Silverado Trail
Napa, CA 94558
(707) 944-5500
www.dfg.ca.gov

EDMUND G. BROWN JR., Governor
CHARLTON H. BONHAM, Director

October 15, 2012

Mr. Terry Vernon
Yolo County Department of General Services
125 West Main Street
Woodland, CA 95695

Dear Mr. Vernon,

Subject: Environmental Education and Sustainability Park, Draft Environmental Impact Report, SCH #2012072038, Yolo County.

The Department of Fish and Game (DFG) has reviewed the draft Environmental Impact Report (EIR) for the Environmental Education and Sustainability Park (Project). The Project is located at two different sites: Grasslands Regional Park (Site 1) located 3.5 miles south of Davis, and the Beamer/Cottonwood Campus (Site 2) in the City of Woodland at the southeast corner of Ashley Drive and Woodland Avenue. Site 1 consists of 21 acres within a 323-acre park in which the property deed under the Federal Lands to Park Program was designated as "park or recreation area for use by the general public" and designated as open-space by the Yolo General Plan. This area is currently an undeveloped grassland area with swale features. Site 1 development consists of construction of a 5-MW photo voltaic (PV) solar array. Site 2 development consists of construction of a 0.8-MW PV solar facility on approximately 6.53 acres of undeveloped land surrounded by a residential neighborhood, parking lots, and County buildings.

DFG is providing comments on the draft EIR as a Trustee agency for the State's fish and wildlife resources. Pursuant to Fish and Game Code Section 1802, DFG has jurisdiction over the conservation, protection, and management of the fish, wildlife, native plants and the habitat necessary for biologically sustainable population of such species for the benefit and use by the people of California. DFG has regulatory authority over projects that could result in "take" of species listed pursuant to the California Endangered Species Act (CESA). DFG is acting as a responsible agency when issuing permits pursuant to our jurisdiction. This letter provides DFG's recommendations regarding the need for additional surveys and information on potential impacts to special-status plant and wildlife species. 1

Federal and State Rare, Threatened, and Endangered Plant and Wildlife Species

California's Natural Diversity Database (CNDDB) indicates a number of state rare, threatened, and endangered plant and wildlife species and their habitats may be present at Site 1. The reconnaissance level surveys conducted at Site 1 were not sufficient to assess potential impacts to threatened and endangered state and federally listed species; state species of special concern or special-status species, known to occur in the vicinity of the Project. See discussion below.

The white-tailed kite (*Elanus leucurus*), a fully protected species, is known to forage on Site 1 and CNDDB records indicate a pair has previously successfully nested adjacent to Site 1. This species should be included in the Grasslands Site Sensitive Plant and Wildlife Species Table 3.4-1 of the draft EIR, and any nest surveys and avoidance and/or minimization measures should be included. Section 3511 of the Fish and Game Code states that fully protected birds may not be taken at any time, and DFG cannot authorize take under an Incidental Take Permit. DFG recommends that the Final EIR include avoidance measures so that no impacts to white-tailed kite will occur. DFG further recommends that the Project proponent consult with DFG prior to commencement of Project activities to determine if proposed measures would avoid take of white-tailed kite. 2

At least eight Swainson's hawk (*Buteo swainsoni*) nests (a state threatened species) have been documented within one-mile of Site 1. The draft EIR does not propose avoidance and minimization measures to mitigate potential adverse construction related impacts to nesting Swainson's hawks. Construction should occur outside of the Swainson's hawk nesting season (i.e. September to March 15), or the Project should conduct pre-Project nest surveys for a minimum of a one-half mile-radius around all Site 1 Project activities in accordance with the *2000, Recommended Timing and Methodology for Swainson's Hawk Nesting Surveys in California's Central Valley*. If nests are found within one-half-mile of the Project site and construction activities would be conducted during the nesting season, the Project proponent should consult with DFG prior to commencement of Project activities. For guidance in fully mitigating loss of Swainson's hawk foraging habitat the *1994 DFG Staff Report Regarding Mitigation for Impacts to Swainson's Hawks (Buteo swainsoni) in the Central Valley of California* should be consulted. 3

CNDDB indicates the state and federally threatened Solano grass (*Tuctoria mucronata*) and state endangered and federally threatened Colusa grass (*Neostapfia colusiana*) are present within the Grassland Regional Park and the contiguous federally preserved lands. Site 1 may contain suitable habitat to support the aforementioned species. DFG recommends conducting a focused floristic survey(s) throughout the Project footprint during the appropriate phenological stage of these species. To assist in species identification, temporary removal of grazers should take place before survey(s) are preformed. DFG recommends using the *2009 DFG Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Natural Communities.* The surveyors must be qualified to perform the survey(s) and the methods and protocol followed for the survey(s) disclosed. 4

Please be advised that a CESA Permit would be warranted if the Project has the potential to result in take of plants or animals listed under CESA, either during construction or over the life of the Project. Issuance of a CESA Permit is subject to California Environmental Quality Act (CEQA) compliance; therefore, the CEQA document must analyze potential impacts to biological resources, propose mitigation measures, and include a mitigation monitoring and reporting program. If the project will impact CESA listed species, early consultation with DFG is encouraged, as significant modification to the Project and mitigation measures may be required in order to obtain a CESA Permit. 5

Vernal pool complexes are sensitive habitat types that support a mosaic of special-status avian, plant, amphibian, insect, and crustacean species. CNDDB records indicates the federally endangered vernal pool tadpole shrimp (*Lepidurus packardi*) occurs within the Grassland Regional Park and the contiguous federally preserved lands. The reconnaissance level surveys are inadequate for assessing impacts. Surveys consistent with the U.S. Fish and Wildlife Service (USFWS) protocol should be conducted. The protocol can be found at: http://www.fws.gov/sacramento/es/Survey-Protocols-Guidelines/es_survey.htm. 6

Information contained in the Yolo Natural Heritage Plan (YNHP) indicates habitat for the federally endangered conservancy fairy shrimp (*Branchinecta conservatio*) exists near the Site 1 Project footprint. The vernal pool complex, delineated in the YNHP (and within the Project footprint), appears to be potential habitat for the species listed above. USFWS protocol level surveys should be performed, submitted to USFWS, and disclosed. 7

Special-Status Species

The Project will likely adversely impact active burrowing owl (*Athene cunicularia*) habitat, a California Species of Special Concern (SSC). CNDDB contains numerous documented burrowing owl occurrences at Site 1. A burrowing owl conservation area is located adjacent to Site 1 and presence of squirrel burrows on the Project site indicates that the proposed Project site contains suitable foraging and nesting habitat for this species. 8

Section 15380 of CEQA requires the lead agency to treat sensitive species as though they were listed, if the species meets the criteria for listing described in the section. The burrowing owl should be treated as though it were listed and appropriate avoidance, mitigation and compensation for impacts should be identified. Construction should not occur during the burrowing owl nesting season from February 1 through August 31. All burrowing owl mitigation should be consistent with the *2012 Department Staff Report on Burrowing Owl Mitigation*.

CNDDB records indicates occurrences of San Joaquin spearscale (*Atriplex joaquiniana*) and alkali milk-vetch (*Astragalus tener* var. *tener*), (DFG Special Vascular Plants), adjacent to the Project footprint. DFG recommends the lead agency require a focused floristic survey(s) throughout the Project footprint (during the appropriate phenological stage of the aforementioned species). To assist in identification, temporary removal of grazers should take place before survey(s) are performed. DFG recommends using the *2009 DFG Protocols for Surveying and Evaluating Impacts to Special-Status Native Plant Populations and Natural Communities*: http://www.dfg.ca.gov/biogeodata/cnddb/pdfs/Protocols_for_Surveying_and_Evaluating_Impacts.pdf. The surveyors should be qualified to perform the surveys and the methods and protocol followed for the survey(s) disclosed. 9

The YNHP Draft Species Accounts details the Grassland Site to be an existing refuge for the Northern harrier (*Circus cyaneus*) an SSC and the grasshopper sparrow (*Ammodramus savannarum*) also an SSC. DFG recommends these species be included in Grasslands 10

Site Sensitive Plant and Wildlife Species Table 3.4-1 of the draft EIR and an analysis be conducted on potential Project related impacts and, if necessary, appropriate mitigation be included. 10 CONT

CEQA Compliance

Installation of large solar panels at Site 1 across a 21-acre area may significantly alter the hydrologic characteristics of the site. The draft EIR should ensure the hydrological influence to the wetlands and sensitive plant communities south of the site will not be significantly affected. While the water quality may not change, on-site hydrology may be significantly altered when 21 acres of solar panels are washed two times a year with approximately 6,848 gallons of water per wash cycle. This alteration in hydrology may unseasonally or unnaturally increase saturation of the soil which could in turn affect the plant communities and alter the adjacent wetland ecosystems during a typical drying season. . 11

We appreciate the opportunity to comment on the draft EIR. DFG supports the development of renewable energy resources for projects which are in compliance with existing state and federal laws and acts and when measures are implemented which effectively avoid or minimize impacts to native species and their habitats. We are available to provide input during the development of the Final EIR to ensure concerns for public trust resources to fish and wildlife are fully disclosed during this process. If you have any questions, please contact Ms. Danielle Roach, Environmental Scientist, at (707) 944-5571, droach@dfg.ca.gov; or Mr. Craig Weightman, Acting Environmental Program Manager, at (707) 944-5577. 12

Sincerely,

for Scott Wilson
Acting Regional Manager
Bay Delta Region

cc: State Clearinghouse

Ryan Olah, U.S. Fish and Wildlife Service, Ryan_Olah@fws.gov
Kellie Berry, U.S. Fish and Wildlife Service, Kellie_Berry@fws.gov
Mike Thomas, U.S. Fish and Wildlife Service, Mike_Thomas@fws.gov

State Agencies

California Department of Fish and Game (DFG-1)

Response to DFG-1.1

The author summarized the project and provided introductory remarks. The author stated that the reconnaissance level surveys conducted at the Grasslands site were not sufficient to assess potential impacts to threatened and endangered state and federally listed species; state species of special concern, or special-status species known to occur in the vicinity of the project.

Refer to Responses DFG-1.2 through DFG-1.12.

Response to DFG-1.2

The author stated that white-tailed kite (*Elanus leucurus*), a fully protected species, is known to forage on the Grasslands site and has previously successfully nested adjacent to the Grasslands site. The author indicated that this species should be included in Draft EIR Table 3.4-1, and mitigation measures requiring nest surveys and avoidance be provided. The author stated that as a fully protected species, Incidental Take Permits cannot be issued for white-tailed kite. The DFG requested that they be consulted regarding any potential mitigation measure related to white-tailed kite to determine if proposed measures would avoid take of white-tailed kite.

As noted on Draft EIR page 3.4-22, the open ruderal and grassland habitat found on the undeveloped parcel and surrounding trees offsite may provide suitable nesting habitat for several ground and tree-nesting avian species known to occur in the area, including white-tailed kite. Since the project site contains suitable nesting and foraging habitat for this and other tree and ground-nesting avian species, Mitigation Measure BIO-1e was deemed necessary to reduce potential impacts to a less than significant level during the construction phase. Under this mitigation measure, a qualified biologist shall conduct a pre-construction survey for nesting migratory birds and raptors within all suitable habitat on the project site, and within 500 feet of the project site. The pre-construction survey shall be conducted within 30 days of ground-disturbing activities if construction occurs within the breeding season. If an active nest is discovered during the pre-construction survey, no construction activities must occur within 500 feet of the active nest. In addition, a biological monitor will be required to be onsite during the construction phase to ensure no direct or incidental take of the active nest occurs. If the biological monitor determines that construction activities will result in take of the active nest, then all construction activities must halt within the established buffer for the nest.

In addition, white-tailed kite was included in the special status species tables found in Draft EIR Appendix C.

Response to DFG-1.3

The author stated that eight Swainson's hawk (*Buteo swainsoni*) nests (a state threatened species) have been documented within 1 mile of the Grasslands site. The author stated that the Draft EIR does not include avoidance and minimization measures to mitigate potential adverse construction-related

impacts to nesting Swainson's hawks. The author recommended that construction occur outside of Swainson's hawk nesting season (September to March 15th), or pre-construction nest surveys be conducted for a minimum of a 0.5 mile radius in accordance with the DFG's Recommended Timing and Methodology for Swainson's Hawk Nesting Surveys in California's Central Valley. The author further recommend that if nests are found within a 0.5-mile radius of the project site and construction would occur during the nesting season, the County should consult with DFG prior to commencement of project activities at the Grasslands site.

As noted on Draft EIR page 3.4-22, the Grasslands site's open field provides highly suitable foraging habitat for Swainson's hawk. However, there are no trees onsite suitable for Swainson's hawk nesting. There are, however, several areas of larger trees that may be suitable for nesting within 0.5 mile of the project site.

Recognizing potential impacts to nesting Swainson's hawks within the project area, Mitigation Measure BIO-1e has been modified to incorporate standard avoidance and minimization language from the "1994 Staff Report regarding Mitigation for Impacts to Swainson's Hawks (*Buteo swainsoni*) in the Central Valley of California" as well as the "2000 Recommended Timing and Methodology for Swainson's Hawk Nesting Surveys in California's Central Valley." The revised Mitigation Measure BIO-1e is shown below and in this Final EIR's Section 3, Errata.

MM BIO-1e Pursuant to the Migratory Bird Treaty Act and California Department of Fish and Game Code, removal of any trees, shrubs, or any other potential nesting habitat shall be conducted outside of the avian nesting season. The nesting season generally extends from early February through August, but can vary slightly from year to year based upon seasonal weather conditions. Construction generally occurs during the dry season in the spring and summer months (during nesting season) to avoid inclement weather. If construction is planned during the nesting season (between February and August), the County will be required to conduct pre-construction presence/absence surveys to determine if any birds or raptors are nesting within or adjacent to the project site.

~~A qualified biologist shall conduct a pre-construction survey for nesting migratory birds and raptors within all suitable habitat on the project site, and within 500 feet of the project site. The pre-construction survey shall be conducted within 30 days of ground-disturbing activities if construction occurs within the breeding season. If an active nest is discovered during the pre-construction survey, no construction activities should encroach within a 500-foot buffer from the active nest, until the nestlings have fledged. If construction activities must occur within 500 feet of the active nest, a biological monitor will be required to be onsite during the construction phase to ensure no direct or incidental take of the active nest occurs. If the biological monitor~~

~~determines that construction activities will result in take of the active nest, then all construction activities must halt within the established buffer for the nest.~~
A qualified biologist shall conduct a pre-construction survey for nesting passerine migratory birds and tree- and ground-nesting raptors in all trees or ground squirrel burrows occurring within 250 feet of construction areas; within 500 feet of construction areas for nesting raptors, and within 0.5 mile for listed raptor species. Pre-construction surveys shall also be conducted prior to tree trimming or tree removal. These surveys shall be conducted within thirty (30) days of first ground disturbance if construction activities occur during the breeding season (1 February to 31 August).

Should nesting birds (such as burrowing owl, Swainson's hawk, and white-tailed kite) be detected on or within the above-designated buffers of the project site during the breeding season, a construction-free buffer shall be established around all active nests. A qualified biologist shall determine the appropriate buffer size based on the species and coordinate with CDFG to meet the sufficient buffer standard for active raptor nests. The buffer areas shall be enclosed with temporary fencing, and a biological monitor shall be present onsite to ensure that construction equipment and workers would not enter the enclosed buffer areas. Buffers shall remain in place for the duration of the breeding season or until young have fledged.

Response to DFG-1.4

The author stated that, according to the California Natural Diversity Database (CNDDB), the state and federally threatened Solano grass (*Tuctoria mucronata*) and state endangered and federally threatened Colusa grass (*Neostapfia colusiana*) are present within Grassland Regional Park and the contiguous federally preserved lands. As such, the Grasslands site may contain suitable habitat to support the aforementioned species. The author recommended that any onsite grazing be suspended and surveys for these species be performed by qualified personnel in accordance with the 2009 DFG Protocols for Surveying and Evaluating Impacts to Special Status Native Plan Populations and Natural Communities.

As noted in Draft EIR Table 3.4-1, Solano grass only grows on salt affected clay soils in alkaline vernal pools or alkaline playas that are subject to long periods of inundation. While this species has been observed within other areas of the Grasslands Regional Park, southeast of project activities, the Grasslands site contains no vernal pools, therefore, no habitat appropriate for Solano grass. The Draft EIR relied on population surveys that were conducted for CALFED At-Risk plant species and eradication experiments conducted on invasive plant species associated with vernal pool wetlands and upland grassland habitats within the project site. Using previously mapped features as a means of focusing where surveys were to occur, ESA conducted rare grass population surveys and eradication

experiments in 2003, 2004, and 2005. During the course of this study, no vernal pools (and thus no suitable habitat) were identified in the project area.

Further, the Draft EIR relied on Yolo NHP conducted mapping of wetlands and vernal pools within Grasslands Regional Park in 2010 and 2011. There is a former drainage channel that runs along the southern border of the project site; the channel was a former flood channel of Putah Creek and currently no longer supports wetlands, since because of flood levees, Putah Creek no longer floods the area. However, there is a mapped swale that is located above the elevation of the channel that has surface deposits of clay loams to clay textured soils that retain water and salts located north of the channel. A mid-summer 2012 informal wetland determination was conducted by qualified MBA biologists specializing in vernal pool ecology to verify the findings of the Yolo NHP's mapping efforts. During this determination, MBA biologists confirmed that the swale is a seasonal wetland; conditions observed do not indicate that the swale is a vernal pool or supports vernal pool habitat. As such, further surveys for the presence of Solano grass are not necessary and no revisions or changes to the EIR are required.

As noted in Draft EIR Table 3.4-1, Colusa grass typically occurs in large or deep vernal pool bottoms with adobe soils. While this species has been observed within other areas of the Grassland Regional Park, southeast of project activities, as aforementioned above, the Grasslands site contains no vernal pools, therefore, no habitat appropriate for Colusa grass. As such, further surveys for the presence of Colusa grass are not necessary and no revisions or changes to the EIR are required.

Response to DFG-1.5

The author stated that a California Endangered Species Act (CESA) Permit would be required if the project has the potential to result in take of plants or animals listed under CESA, either during construction or over the life of the project. Should issuance of a CESA Permit be required it is subject to CEQA and, as such, the Draft EIR must analyze potential impacts to biological resources, proposed mitigation measures, and include a mitigation monitoring and reporting program. The author encouraged early consultation with DFG if a CESA permit is required.

Draft EIR Appendix D, Biological Resources Memo and Data, provides detailed information regarding special status species potentially impacted by the project. Further, as indicated throughout Draft EIR Section 3.4, Biological Resources, mitigation is proposed (Mitigation Measures BIO-1a through BIO-1e to assure that any potential impacts to special status species, including CESA listed species, would be reduced to a less than significant level. As such, this project would not require a CESA Permit.

Response to DFG-1.6

The author stated that, according to the CNDDB, vernal pool tadpole shrimp (*Lepidurus packardi*) occur within the Grasslands Regional Park and adjacent federally preserved lands. The author stated that the reconnaissance level surveys performed by MBA biologists specializing in vernal pool

ecology as part of the Draft EIR are inadequate for assessing impacts to this species. Surveys consistent with the U.S. Fish and Wildlife Service (USFWS) protocol should be conducted.

As aforementioned, the Draft EIR relied on Yolo NHP's mapping of wetlands and vernal pools within Grasslands Regional Park in 2010 and 2011. There is a former drainage channel that runs along the southern border of the project site; the channel was a former flood channel of Putah Creek and currently no longer supports wetlands, since because of flood levees, Putah Creek no longer floods the area. However, there is a mapped swale that is located above the elevation of the channel that has surface deposits of clay loams to clay textured soils that retain water and salts located north of the channel. A mid-summer 2012 informal wetland determination was conducted by qualified MBA biologists specializing on vernal pool ecology to verify the findings of the County's mapping efforts. During this determination, MBA biologists specializing in vernal pool ecology confirmed that the swale is a seasonal wetland; conditions observed do not indicate that the swale is a vernal pool or supports vernal pool habitat. As such, further surveys for the presence of vernal pool tadpole shrimp are not necessary and no revisions or changes to the EIR are required.

Response to DFG-1.7

The author stated that, according to the Yolo Natural Heritage Plan (Yolo NHP), habitat for the federally endangered conservancy fairy shrimp (*Branchinecta conservatio*) exists near the Grasslands site footprint. The vernal pool complex, which is delineated in the Yolo NHP as within the Grasslands site, appears to be potential habitat for the conservancy fairy shrimp. The author recommended that USFWS protocol level surveys be performed, submitted to USFWS, and disclosed.

While there are vernal pool complexes within the greater Grasslands Regional Park area, the area slated for the Environmental Education and Sustainability Park project does not contain any of those complexes. As aforementioned, the Draft EIR relied on Yolo NHP's mapping of wetlands and vernal pools within Grasslands Regional Park in 2010 and 2011. There is a former drainage channel that runs along the southern border of the project site; the channel was a former flood channel of Putah Creek and currently no longer supports wetlands, since because of flood levees, Putah Creek no longer floods the area. However, there is a mapped swale that is located above the elevation of the channel that has surface deposits of clay loams to clay textured soils that retain water and salts located north of the channel. A mid-summer 2012 informal wetland determination was conducted by qualified MBA biologists to verify the findings of the County's mapping efforts. During this determination, MBA biologists specializing in vernal pool ecology confirmed that the swale is a seasonal wetland; conditions observed do not indicate that the swale is a vernal pool or supports vernal pool habitat.

Response to DFG-1.8

The author stated that the proposed project would likely result in adverse impacts to active burrowing owl (*Athene cunicularia*) habitat. The author stated that CEQA requires sensitive species (such as the

burrowing owl, a California Species of Special Concern) be treated as though they were listed and appropriate avoidance, mitigation, and compensation for impacts be identified. The author indicated that construction should not occur during burrowing owl nesting season from February 1 through August 31 and all mitigation should be consistent with the 2012 DFG Staff Report on Burrowing Owl Mitigation.

As indicated on Draft EIR page 3.4-22, the proposed project will result in the loss of burrowing owl habitat. As such, and in compliance with the 2012 DFG Staff Report on Burrowing Owl Mitigation, Mitigation Measures BIO-1b, BIO-1c, and BIO-1d are recommended to reduce potential impacts to a less than significant level. Each mitigation measure is summarized below.

Mitigation Measure BIO-1b would require a pre-construction survey to be conducted within 14 days of ground-disturbing activities to determine if burrowing owls currently occupy the project site. As indicated in the mitigation measure, survey methodology will be consistent with the 2012 DFG Staff Report on Burrowing Owl Mitigation. If burrowing owls are observed onsite, Mitigation Measure BIO-1c will be required.

Mitigation Measure BIO-1c requires consultation with DFG to determine the next appropriate steps in relation to the presence of burrowing owls onsite. Additional surveys may be warranted and areas occupied by burrowing owls will be avoided. If burrowing owls cannot be avoided by the proposed project, Mitigation Measure BIO-1d will be required.

Mitigation Measure BIO-1d requires that additional measures as included in the 2012 DFG Staff Report on Burrowing Owl Mitigation, such as passive relocation during the non-breeding season, be utilized to reduce any potential impacts. Construction would commence only after a qualified biologist is able to determine that burrowing owls are no longer occupying the project site and passive relocation is deemed successful.

Further, Mitigation Measure BIO-1c has been modified to incorporate CDFG's avoidance policy by, if possible, restricting construction from occur during burrowing owl nesting season (February 1 through August 31) if burrowing owl(s) are observed onsite during pre-construction surveys. The revised mitigation measure is also this Final EIR's Section 3, Errata.

MM BIO-1c If burrowing owl(s) are observed onsite during the pre-construction clearance survey, consultation with CDFG shall occur to determine the next appropriate steps. <u>If possible, construction should not occur during burrowing owl nesting season from February 1 through August 31.</u> Additional focused surveys may be warranted as determined by CDFG to determine the quantity and location of nesting/migrating burrowing owls. Areas currently occupied by burrowing owls shall be avoided for the duration of residing onsite and/or nesting period. If burrowing owls cannot be

avoided by the proposed project, implementation of Mitigation Measure BIO-1d shall be warranted to reduce any potential project-related impacts to less than significant.

In summary, with the modification to Mitigation Measure BIO-1c, the Draft EIR appropriately recognized the potential for adverse impacts to burrowing owl and included appropriate mitigation that incorporates practices outlined by the 2012 DFG Staff Report on Burrowing Owl Mitigation.

Response to DFG-1.9

The author stated that CNDDB records show occurrences of San Joaquin spearscale (*Atriplex joaquiniana*) and alkali milk-vetch (*Astragalus tener* var. *tener*) adjacent to the Grasslands site's footprint. The author recommended that focused floristic survey(s) throughout the Grasslands site be conducted by qualified personnel during the appropriate phenological stage of the aforementioned species. The author recommended use of the 2009 DFG Protocols for Surveying and Evaluating Impacts to Special-Status Native Plan Populations and Communities.

As noted in Draft EIR Table 3.4-1, San Joaquin spearscale typically occurs in seasonal alkali wetlands or alkali sink scrub in chenopod scrub, alkali meadow, and grasslands. In particular, in the Central Valley of California, it appears to be restricted to alkaline soils along the rims of alkaline basins and the edges of clay bottom vernal pools. While this species has been identified by the Yolo NHP within the McClellan Air Force Base Davis Communications Facility adjacent to Grasslands Park, it has not been observed within the project site and, furthermore, the project site does not contain vernal pools suitable for habitat by this species. As such, further surveys for the presence of San Joaquin spearscale are not necessary.

Also noted in Draft EIR Table 3.4-1, alkali milk-vetch typically occurs in alkali flats and flooded lands in alkali playas, grasslands, and vernal pools. Specifically, at the Yolo Grasslands Park site in Yolo County, it is found on the flood plains above the upper margins of vernal pools that contain Solano grass (*Tuctoria mucronata*) and Colusa grass (*Neostapfia colusiana*). These species were identified by ESA in 2005 for the Yolo Natural Heritage Program. All of the individuals of the species encountered onsite were located in areas that had been subjected to a prescribed burn in 2004 and which subsequently flooded briefly in February 2005. In two subsequent years, the same area burned due to uncontrolled fires and flooded during the winter, but only a few individuals were detected during the following springs, in contrast to the prescribed burn. While this species has been identified by the Yolo NHP as being located within certain vernal pool complexes of Grasslands Regional Park, it has not been observed within the project site, and furthermore, the project site does not contain vernal pools suitable for habitat by this species. As such, further surveys for the presence of alkali milk-vetch are not necessary.

Response to DFG-1.10

The author stated that the Yolo NHP Draft Species Accounts details the Grasslands site to be an existing refuge for the Northern harrier (*Circus cyaneus*), an SSC, and the grasshopper sparrow

(*Ammodramus savannarum*), also an SSC. The author recommended that the aforementioned species be included in Draft EIR Table 3.4-1 and an analysis be conducted on potential impacts, and, if necessary, appropriate mitigation included.

As noted on Draft EIR page 3.4-22, the open ruderal and grassland habitat found on the undeveloped parcel and surrounding trees within Grasslands Regional Park but not exclusively on the project site, may provide suitable nesting habitat for several ground and tree-nesting avian species known to occur in the area, this includes the Northern harrier (*Circus cyaneus*) and grasshopper sparrow (*Ammodramus savannarum*). Since the project site contains suitable nesting and foraging habitat for this and other tree and ground-nesting avian species, Mitigation Measure BIO-1e was deemed necessary to reduce potential impacts to a less than significant level during the construction phase to these avian species. Under this mitigation measure, a qualified biologist shall conduct a pre-construction survey for nesting migratory birds and raptors within all suitable habitats on the project site, and within 250 feet of construction areas for nesting song birds; within 500 feet of construction areas for nesting raptors, and within 0.5 mile for listed raptor species. The pre-construction survey shall be conducted within 30 days of ground-disturbing activities if construction occurs within the breeding season. If an active nest is discovered during the pre-construction survey, no construction activities must occur within 500 feet of the active nest. In addition, a biological monitor will be required to be onsite during the construction phase to ensure no direct or incidental take of the active nest occurs. If the biological monitor determines that construction activities will result in take of the active nest, then all construction activities must halt within the established buffer for the nest.

Response to DFG-1.11

The author expressed concern that bi-annual solar panel washing may significantly alter on-site hydrology resulting in unseasonably or unnaturally increased saturation of soils which, in turn, could affect plant communities and adjacent wetland ecosystems during a typical drying season.

Solar panel washing is expected to occur twice a year and use approximately 0.5 gallon per panel. The Grasslands site would contain 13,696 panels resulting in a total use of 6,848 gallons per wash cycle. The 6,848 gallons would be delivered by a contracted water service and used more-or-less evenly over the 21-acre solar panel array. The 6,848 gallons of water spread evenly over the 21-acre solar panel array results in approximately 326 gallons per acre. Because one inch of rain over one acre equals 27,154 gallons, the use of 326 gallons on each acre for panel washing would be equivalent to approximately one one-hundredth of an inch (1/100”) of rain. As such, bi-annual panel washing would add two one-hundredth of an inch (2/100”) of rain to the project site annually. This amount is not substantial enough to alter onsite hydrology and result in unseasonably or unnaturally increased saturation of soils, particularly in an area that receives more than 17 inches of annual precipitation. Panel washing water will be primarily absorbed by the ground directly surrounding the solar panels, which will be planted with native grasses. Furthermore, the project site will be graded so that it is continuous with existing ground levels surrounding the site thereby enabling existing drainage

patterns to be maintained to the extent feasible. . As such, it is not expected that panel washing could affect plant communities and adjacent wetland ecosystems during a typical drying season.

Response to DFG-1.12

The author provided closing comments and expressed support for the development of renewable energy resources.

No response is necessary.

Hi All,

Just a fyi. While we were poking around the Grassland site Paul and I saw some grasses of great interest. 1

We believe we saw some stalks and leftover glumes of purple needle grass Nassella pulchra it is obviously not a 100% but is was a perennial and it has the nice long glumes one would expect.

We saw a large amount of green and readily identifiable creeping wild rye (Leymus triticoides) where we all parked. Paul expects it would be throughout the site as we saw many green bunch grasses that had been munched.

I also have a specimen that may be blue wild rye (Elymus glaucus) or creeping wild rye. It is difficult to discern now as I didn't check to see if it was rhizomatous or taprooted. 2

Paul correct me if I am wrong as these were largely your observations.

I also saw much California poppies coming up (Eschscholtzia sp.), dove weed (Croton setigerus), hayfield tarweed (possibly Hemizonia congesta ssp. luzifolia) all readily identifiable and would have been present during the initial recon.

The combination of these species indicate an intact native bunch grass grassland witch may be rare within the county. The NCCP 2004-2005 and YNHP as well as the Manual of California Vegetation II should be consulted when addressing this site and the existing plant communities within. Early spring surveys will show what annuals may be present in the wetland area and later spring surveys may show the presence of an upland bunch grass community. 3

The DEIR does not list a single native species and no vegetation surveys were done, hopefully the response to comments will address this issue along with other issues mentioned in the letter DFG sent.

Please feel free to contact me with any questions or comments that may arise during any document preparation and survey planning. 4

Thanks,
Danielle

Danielle Roach, M.S.
Environmental Scientist
Renewable Energy Program
California Department of Fish and Game
7329 Silverado Trail
Napa, CA 94558

(707) 944-5571 voice
(707) 944-5563 fax

State Agencies

California Department of Fish and Game (DFG-2)

Response to DFG-2.1

The author provided general remarks indicating that staff members made note of plant species onsite during an onsite meeting with the Project Team.

Refer to Responses DFG-2.2 through DFG-2.4.

Response to DFG-2.2

The author indicated that during the field meeting, DFG staff observed some stalks and leftover glumes of purple needle grass (*Nassella pulchra*). In addition, DFG observed a large amount of green and readily identifiable wild rye (*Leymus triticoides*), *blue wild rye (*Elymus glaucus*)*, California poppies (*Eschscholtzia* sp.), dove weed (*Croton setigerus*), hayfield tarweed (*Hemizonia congesta*).

These species are consistent with the rehabilitation efforts undertaken by the County between 2007 and 2012. During the course of these rehabilitation efforts, perennial grass seed has been applied to the site based on recommendations from experienced grasslands managers utilizing species that are currently found onsite or known to grow in the region. Pre-seeding management measures such as grazing, mowing, and herbicide treatments have been implemented as a means of reducing non-native seed competition. The Draft EIR has been updated to reflect species observed onsite during the course of the October 26, 2012 field meeting, per DFG's comments. See this Final EIR's Section 3, Errata, for a discussion regarding vegetation species observed onsite.

Response to DFG-2.3

The author indicates that these species indicate an intact native bunch grass grassland which may be rare within the County. The author indicates that the NCCP 2004 to 2005 and Yolo NHP as well as the Manual of California Vegetation II should be consulted when addressing this site and the existing plant communities within and suggests that early spring surveys will show what annuals may be present in the wetland area and later spring surveys may show the presence of an upland bunch grass community.

With regard to species observed onsite, these species occurrences onsite are a result of efforts taken by the Yolo County Parks and Resources Department between 2007 and 2012 towards restoring Grasslands Regional Park to reflecting native grassland habitats. Perennial grass seed was conducted in 2007 and 2008. Seed mixes were based on recommendations from experienced grasslands managers utilizing species that are currently found on the site or known to grow in the region. The native grass species mix for upland species included blue wildrye (*Elymus glaucus*), wheatgrass (*Elymus trachycaulus*), creeping wildrye (*Leymus triticoides*), Onion grass (*Melica californica*), purple needlegrass (*Nassella pulchra*), and Meadow barley (*Hordeum brachyantherum*). In addition, for swales, such as that found on the project site, the native grass mix developed based on recommendations from experienced grasslands managers included blue wildrye (*Elymus glaucus*),

wheatgrass (*Elymus trachycaulus*), Creeping wildrye (*Leymus triticoides*), and Meadow barley (*Hordeum brachyantherum*). Based on the historical information developed from the Yolo County Parks and Resources Department's management of the site noting the composition of grass species onsite, the County will continue to coordinate with experienced grasslands managers to assure that post-project compositions remain consistent with pre-project grass species mixes historically used onsite.

Response to DFG-2.4

The author included general closing remarks. No response is necessary.

Terry Vernon
Deputy Director
Yolo County Department of General Services
120 W. Main Street, Suite C
Woodland, CA 95695

October 15, 2012

Mr. Vernon:

Putah Creek Council (established 1988), Yolo Basin Foundation (established 1990), and Center for Land Based Learning (established 2001) are strong, local proponents of place-based environmental education. For decades these organizations have been at the forefront of local environmental education, community stewardship of natural resources, and collaborative, balanced solutions to environmental challenges.

We applaud the concept of creating environmental education sites by the County.

However, we have a number of concerns:

1) before making a commitment to any nature center, a funding plan should be developed to sustain operations and maintenance. Programs will need to be funded including the hiring of staff to operate the center and run the programs. Long term funding by the County will be necessary to create and sustain meaningful programs. 1

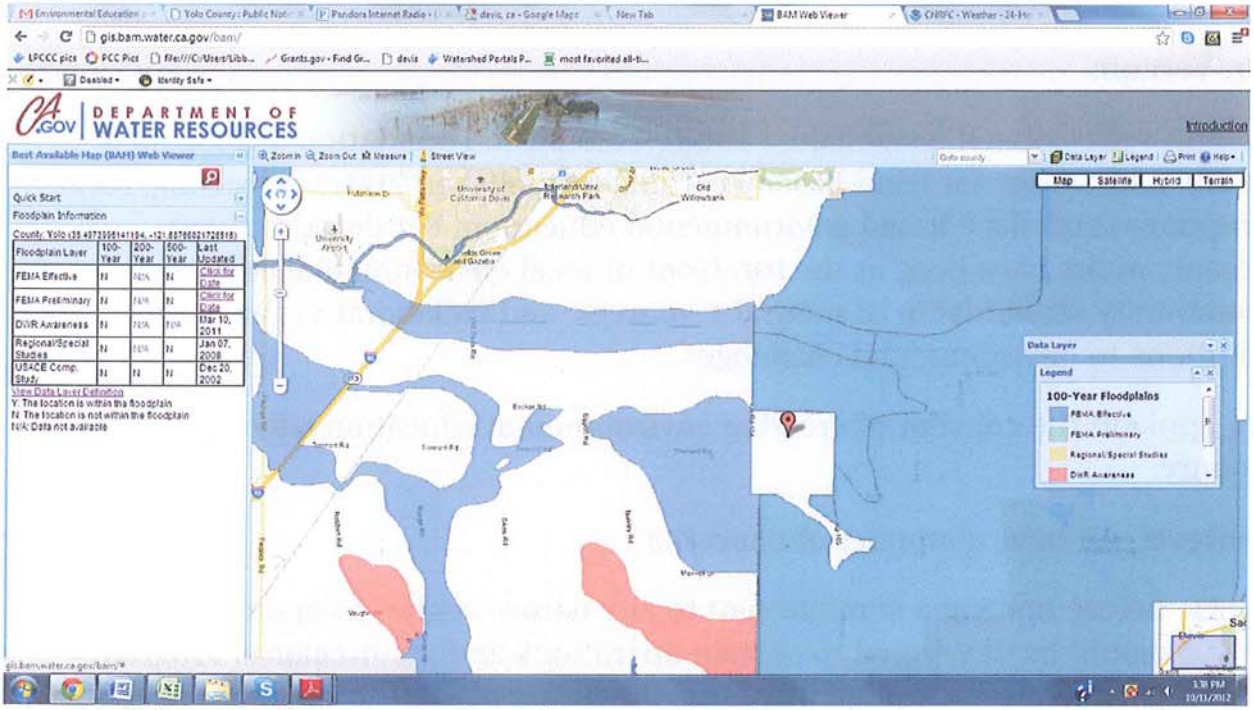
2) There are existing environmental education organizations, and facilities, located in and utilized by Yolo County residents. One of these, Explorit, recently closed due to insufficient operating funds. Yolo Basin Foundation (Davis), Cache Creek Nature Center (Woodland), and Center for Land Based Learning (Winters—in Solano but serving Yolo students) all provide environmental education facilities and field trips to local students. We recommend investing in partnerships to either further develop existing programs, or collaboratively developing new a venture. 2

3) While the number of field trips to the new centers are impressive, it is unclear that schools have agreed to provide buses and substitute teachers to make the trips possible, or if the County intends to pay for substitute teachers and busses. It often costs our organizations $500 for 3

a bus, and $115 for a substitute teacher per day students visit our facilities, as local schools have little or no funds for field trips.

3 CONT

4) Department of Water Resources' "Best Available Maps" website clearly shows that this parcel, while excluded from the floodplain is surrounded on all sides by floodplain. See screenshot below:



4

Any building on this site ought to be considered at risk of inundation, and this risk ought to be addressed before making an investment in structures.

A nature center should be a community-based effort. It is not enough to build a center without establishing the community needs and the means to sustain quality programs. Partnerships with existing programs should be investigated.

5

We are encouraged to see Yolo County's commitment to experiential, environmental education, and we look forward to continuing conversations on how we can collaborate on successful programs.

Thank you,

Libby Earthman
Executive Director
Putah Creek Council

Robin Kulakow
Executive Director
Yolo Basin Foundation

Mary Kimball
Executive Director
Center for Land Based Learning

Local Agencies

Putah Creek Council, Yolo Basin Foundation, and Center for Land Based Learning (PCC)

Response to PCC-1

The author suggested that a funding plan be developed for the Environmental Education and Sustainability Park to ensure funding for operations, maintenance, and staffing.

The purpose of CEQA is to disclose potential environmental impacts resulting from the proposed project and provide mitigation to reduce or eliminate those impacts. As stated in Section 15131 of the CEQA Guidelines, economic effects of a project shall not be treated as significant effects on the environment. Funding of the proposed project, in this case, would not be expected to result in any physical environmental impacts and is, therefore, beyond the purview of this Final EIR.

Response to PCC-2

The author listed several existing environmental education organizations and facilities in Yolo County and the surrounding area. The author recommended that Yolo County invest in partnerships to either further develop existing programs, or collaboratively develop new ventures.

One of the purposes of the Environmental Education and Sustainability Park is to fulfill the Yolo County Parks and Open Space Master Plan's goals (Goals 6 and 8) to provide a range of educational and recreational opportunities in partnership with other agencies, in this case, the Yolo County Department of Education. In this sense, the County is investing in a partnership to develop a new venture.

Response to PCC-3

The author stated that it is unclear if funding has been planned for the provision of school buses and substitute teachers to facilitate school field trips to the Environmental Education and Sustainability Park.

The purpose of CEQA is to disclose potential environmental impacts resulting from the proposed project and provide mitigation to reduce or eliminate those impacts. As stated in Section 15131 of the CEQA Guidelines, economic effects of a project shall not be treated as significant effects on the environment. Funding of the proposed project, in this case, would not be expected to result in any physical environmental impacts and is, therefore, beyond the purview of this Final EIR.

Response to PCC-4

The author stated that while the Grasslands site is not designated as being located within a floodplain it is surrounded on all sides by floodplains. As such, any building on the site would be considered at risk of inundation.

As discussed in Draft EIR Section 7.7.4, Structures within a 100-Year Flood Hazard Area, the Grasslands site is located outside of the 100-year floodplain in Flood Zone D. The Federal Emergency Management Agency (FEMA) defines Flood Zone D as an area in which flood hazards

are undetermined. Flooding on the Grasslands site is likely undetermined due to its former status as Federal land. The Grasslands site does contain the remnants of a former flood control channel of Putah Creek; however, Putah Creek no longer floods the area because flood control levees are now in place. Nonetheless, when taking in to consideration that lands surrounding the Grasslands site are all designated as Flood Zone A (100-year floodplain) by FEMA, there is the possibility that flooding could occur on the Grasslands site. However, because the Grasslands site is located in very close proximity to the edge of the 100-year floodplain, floodwater levels would not be expected to be extensive and would likely occur at levels between one and three feet.

The proposed project would include structural features, including a solar array, recreational trails, wildlife viewing platform, park host site, picnic facilities, and a 2,000-square-foot portable classroom building. The solar array would be positioned on vertical piers consisting of 5-inch-diameter steel pipes above the ground and would be elevated above potential flood levels to assure that all electrical components would not likely be substantially affected by minor flood flows. The recreational trails, wildlife viewing platform, and park host site would be similar to facilities that are currently located within Grasslands Regional Park and would likely withstand minor flooding should it occur. The proposed portable classroom building would be located on a foundation that would elevate it approximately three feet above ground level and, as such, would protect it against any potential floodwaters and inundation. Furthermore, installation of the portable classroom will take into account the potential for floodwaters to occur onsite. As such, while subject to potential floodwater inundation, structures on the Grasslands site would be minimally affected or designed to withstand floodwaters.

Response to PCC-5

The author reiterated that partnerships with existing programs should be investigated and expressed support for Yolo County's commitment to environmental education.

Refer to Response to PCC-2.

SECTION 3: ERRATA

The following are revisions to the Draft EIR. These revisions are minor modifications and clarifications to this document and do not change the significance of any of the environmental issue conclusions within the Draft EIR. The revisions are listed by page number. All additions to the text are underline (underline) and all deletions from the text are stricken (~~stricken~~). Consistent with CEQA Guidelines Section 15088.5, and as discussed in Section 1, Introduction, none of the revisions herein constitutes significant new information and, therefore, recirculation of the Draft EIR is not required.

SECTION 1: INTRODUCTION

Page 1-3, Table 1-1

A comment letter from the Central Valley Regional Water Quality Control Board on the Notice of Preparation (NOP) was inadvertently left out of Table 3-1. Reference to the NOP comment letter has been included in the table. All comments made in the letter were adequately addressed in the Draft EIR. The comment letter can be found in Appendix A of this Final EIR.

Table 3-1: NOP Comment Letters

Agency/Affiliation	Signatory	Date
Public Agencies		
Caltrans, District 3, Division of Planning and Local Assistance	Arthur Murray	July 30, 2012
Federal Emergency Management Agency	Gregor Blackburn	August 9, 2012
Central Valley Regional Water Quality Control Board	Trevor Cleak	August 10, 2012
Yolo County Resource Conservation District	Jeanette Wrysinski	August 14, 2012
Private Parties		
Friends of the Swainson's Hawk	Judith Lamare, President	July 26, 2012
SAIC	John Gerlach Jr.	August 1, 2012
Source: MBA 2012.		

SECTION 3.4: BIOLOGICAL RESOURCES

Page 3.4-1, Grasslands Site

Additional information has been added to the environmental setting description of the Grasslands site to better characterize onsite vegetation.

Grasslands Site

Michael Brandman Associates (MBA) conducted a reconnaissance-level field survey on the Grasslands site on July 23 and July 30, 2012. During the course of the survey, biologists walked transects of the site to assure 100-percent survey coverage of the site. The objective of the survey was to ascertain general site conditions and identify potentially suitable habitat areas for various sensitive plant and wildlife species. These field observations were recorded in a field notebook and are summarized in the following section.

The project site consists of 41 acres of undeveloped land within Assessor's Parcel Number (APN) 033-130-03 containing 156.49 acres in an unincorporated area of Yolo County approximately 2.5 miles south of the City of Davis's city limits. The Grasslands site is designated as Open Space (OS) by the Yolo County General Plan, and is within the Agricultural General (A-1) zoning classification. The land within the project site is generally characterized as open space, having been used in the past for grazing, and is vegetated with both native and non-native grasses and forbs as a result of Yolo County Parks and Resources Department restoration efforts that have taken place between 2007 and 2012. In particular, species observed included purple needle grass (*Nassella pulchra*), wild rye (*Leymus* sp.), California poppies (*Eschscholtzia* sp.), dove weed (*Croton setigerus*), hayfield tarweed (*Hemizonia congesta*), and several young oak trees (*Quercus* sp.) in the northwest corner of the site. No sign of nesting activity (e.g., white wash, feathers) was detected in or around the young trees. The project site is surrounded by County Road 35 and agricultural land to the north, Grasslands Regional Park to the east, Yolo Bowmen Archery Range and Sacramento Valley Soaring Society Flying Field to the south, and Mace Boulevard/County Road 104 and agricultural land to the west. Scattered rural farm residences and farming-related buildings occur within the general vicinity of the site and within the grounds of the Grasslands Regional Park; however, no structures occur on the actual site. The nearest rural residences occur approximately 250 feet to the southwest of the site (across the street on County Road 104). No existing developments occur within the boundaries of the site. A swale and drainage channel are located onsite. The swale is located above the elevation of the channel, as the channel has coarser textured soil, while the uplands has surface deposits of clay loams to clay textured soils that retain water. The channel was a former flood channel of Putah Creek and no longer supports wetlands, because of the flood control levees that keep Putah Creek from flooding the area. The clay soils in the swale pond during the rainy season from precipitation.

Page 3.4-14, Methodology

Additional information has been added to the Biological Resources section's methodology to better summarize previously reviewed reports and site visits.

The biological assessment performed herein included a review of previously performed work with or on behalf of the Yolo Natural Heritage Program including: work associated with the Yolo Endangered Species Vernal Pool Project; a 2011 Wetland Delineation completed by the Yolo Natural Heritage Program; the Calfed At-Risk Plant Species, Habitat Restoration and Recovery, and Non-Native Species Management; 1996 Special Status Species Monitoring Report MeClellan Air Force Base and Lincoln & Davis Communications Facilities 1996 Supplement; 1995 McClellan Air Force Base Wildlife Surveys Final Report; Yolo County Parks and Open Space Master Plan; Grasslands Regional Park Master Plan; Habitat Enhancement and Management for Swainson's Hawk and Burrowing Owl McClellan Air Force Base, Davis Communication Site; McClellan Air Force Base Natural Resource Management Plan; CALFED Ecosystem Restoration Program, Monitoring Reports; Yolo Grassland Park Burrowing Owl Habitat Management Plan; and McClellan Air Force Base Wildlife Surveys.

In addition, MBA reviewed work completed by the Yolo County Parks and Resources Department regarding restoration efforts between 2007 and 2012 as overseen by Gillies Robertson of the Yolo County Parks and Resources Department. Activities in the vernal pool areas of the project site by the County focused on perennial pepperweed control and annual hydrology and rare plant monitoring. Activities in the upland grasslands primarily focused on native grass planting (including blue wildrye (*Elymus glaucus*), wheatgrass (*Elymus trachycaulus*), Creeping wildrye (*Leymus triticoides*), Onion grass (*Melica californica*), Purple needlegrass (*Nassella pulchra*), Meadow barley (*Hordeum brachyantherum*), mowing, installation of artificial burrowing owl boxes, and herbicide treatments targeting starthistle in previously planted areas. Upland areas that were not previously planted were disked in preparation for native grass seeding and portions of this area were seeded. Vernal pool ponding depth and duration were recorded from November 2010 until June 2011 and verified with periodic photo point monitoring. The extent of ponding in the rare grass pools in the park was recorded in January and May 2011 by recording GPS data of each pool. This data was combined with previously collected hydrology survey data to create a composit map showing swales and vernal pools, the maximum extent of ponding of rare grass pools, and habitat of rare grasses within pools.

~~In addition, f~~Following a review of the existing studies and management of the park as well as communications with contacts from Yolo County Parks and Resources and the Yolo Natural Heritage Program, MBA Biologists, specializing in vernal pool ecology conducted a two-day survey to identify and confirm ~~describing~~ the wildlife habitat present (Mayer and

Laudenslayer 1988); ~~identifying~~ common plant and wildlife species observed; determine ~~determining~~ the potential presence of any special habitat features, such as waters of the U.S. or state, including wetlands; and identify~~ing~~ any linkages within the project site to important adjacent wildlife habitats. Habitat types were evaluated for their potential to support special-status plant and wildlife species and any other sensitive biological resources. A follow-up site visit with officials from CDFG and Yolo County Parks and Resources Department was conducted on October 26, 2012 to address agency concerns identified in the comments submitted October 15, 2012. During these site visits, no active burrowing owl burrows were observed.

In addition to a review of the previously completed studies, outlined above, the ~~The~~ following information sources were reviewed:

- The Davis, California USGS 7.5-minute topographic quadrangle (Davis)
- Aerial photography of the project site (Google Earth undated)
- A Natural Resource Conservation Service (NRCS) soils map of the project site (Soil Survey Staff undated)
- CDFG California Natural Diversity Data Base (CNDDB) records for the Davis, California 7.5-minute topographic quadrangle and the surrounding eight quadrangles (CNDDB 2012)
- CDFG California Wildlife Habitat Relationship System (CWHR) (CDFG 2012)
- U.S. Fish and Wildlife Service (USFWS) list of endangered and threatened species that may occur, or be affected by the project, in the Davis, California quadrangle (USFWS 2012)
- The California Native Plant Society (CNPS) online Inventory of Rare and Endangered Vascular Plants of California (CNPS 2012)

Pertinent literature includes the Jepson Manual, Higher Plants of California (Hickman 1993), Amphibian and Reptile Species of Special Concern in California (Jennings and Hayes 1994), California Birds: Their Status and Distribution (Small 1994), California Bird Species of Special Concern (Shuford and Gardali, eds. 2008), and Mammalian Species of Special Concern in California (Williams 1986).

Page 3.4-30, Mitigation Measure BIO-1b, Mitigation Measure BIO-1c, Mitigation Measure BIO-1c, Mitigation Measure BIO-1e

A site visit was conducted on October 26, 2012 with CDFG, Energy Resources Division and Yolo County Parks and Resources Department in order to adequately address CDFG comments submitted October 15, 2012. Based on these discussions, the following revisions have been made to the Biological Resources mitigation measures as follows.

MM BIO-1b Since suitable burrowing owl habitat occurs on the project site, and burrowing owls may migrate onto the site from the adjacent burrowing owl conservation area, ~~a pre-construction clearance survey~~ burrowing owl surveys shall be conducted pursuant to the 2012 CDFG Staff Report on Burrowing Owl Mitigation to determine if burrowing owls currently occupy the project site. Four survey visits shall be completed pursuant to ~~CDFG guidelines The pre-construction clearance survey shall be conducted within 14 days prior to ground-disturbing activities. Survey methodology shall be consistent with~~ the new California Department of Fish and Game 2012 Staff Report on Burrowing Owl Mitigation. ~~Since no suitable active burrows were discovered during the initial biological reconnaissance survey, the pre-construction survey shall consist of a one-day survey effort~~ The four surveys will be conducted within all suitable habitat and within 500 feet of the project site. If burrowing owls are observed onsite, Mitigation Measure BIO-1c shall be implemented to reduce any potential project impact.

MM BIO-1c If burrowing owl(s) are observed onsite during the pre-construction clearance survey, consultation with CDFG shall occur to determine the next appropriate steps. If possible, construction should not occur during burrowing owl nesting season from February 1 through August 31. Additional focused surveys may be warranted as determined by CDFG to determine the quantity and location of nesting/migrating burrowing owls. Areas currently occupied by burrowing owls shall be avoided for the duration of residing onsite and/or nesting period. If burrowing owls cannot be avoided by the proposed project, implementation of Mitigation Measure BIO-1d shall be warranted to reduce any potential project-related impacts to less than significant.

MM BIO-1e Pursuant to the Migratory Bird Treaty Act and California Department of Fish and Game Code, removal of any trees, shrubs, or any other potential nesting habitat shall be conducted outside of the avian nesting season. The nesting season generally extends from early February through August, but can vary slightly from year to year based upon seasonal weather conditions.

Construction generally occurs during the dry season in the spring and summer months (during nesting season) to avoid inclement weather. If construction is planned during the nesting season (between February and August), the County will be required to conduct pre-construction presence/absence surveys to determine if any birds or raptors are nesting within or adjacent to the project site.

~~A qualified biologist shall conduct a pre-construction survey for nesting migratory birds and raptors within all suitable habitat on the project site, and within 500 feet of the project site. The pre-construction survey shall be conducted within 30 days of ground-disturbing activities if construction occurs within the breeding season. If an active nest is discovered during the pre-construction survey, no construction activities should encroach within a 500-foot buffer from the active nest, until the nestlings have fledged. If construction activities must occur within 500 feet of the active nest, a biological monitor will be required to be onsite during the construction phase to ensure no direct or incidental take of the active nest occurs. If the biological monitor determines that construction activities will result in take of the active nest, then all construction activities must halt within the established buffer for the nest.~~

A qualified biologist shall conduct a pre-construction survey for nesting passerine migratory birds and tree- and ground-nesting raptors in all trees or ground squirrel burrows occurring within 250 feet of construction areas; within 500 feet of construction areas for nesting raptors, and within 0.5 mile for listed raptor species. Pre-construction surveys shall also be conducted prior to tree trimming or tree removal. These surveys shall be conducted within thirty (30) days of first ground disturbance if construction activities occur during the breeding season (1 February to 31 August).

Should nesting birds (such as burrowing owl, Swainson's hawk, and white-tailed kite) be detected on or within the above-designated buffers of the project site during the breeding season, a construction-free buffer shall be established around all active nests. A qualified biologist shall determine the appropriate buffer size based on the species and coordinate with CDFG to meet the sufficient buffer standard for active raptor nests. The buffer areas shall be enclosed with temporary fencing, and a biological monitor shall be present onsite to ensure that construction equipment and workers would not enter the enclosed buffer areas. Buffers shall remain in place for the duration of the breeding season or until young have fledged.

SECTION 9: REFERENCES

Page 9-1

In addition to the references sited in the Draft EIR, the following references were reviewed prior to conducting a site assessment of the project site and have been added to Section 9, References:

Albion Environmental, Inc. 2004. Yolo Grassland Park Burrowing Owl Habitat Management Plan, Final. September 2004. Unpublished Report.

Barbour, M., A. Solomesch, C. Witham, R. Hollan, R. MacDonald, S. Cilliers, G.A. Mollina, J. Buck, and J. Hillman. 2003. Vernal Pool Vegetation of California. Madroño, 50:129-146.

CALFED Ecosystem Restoration Program. CALFED At Risk Plant Species, Habitat Restoration and Recovery, and Non-Native Species Management ERP-02-P46. Final Conservation and Management Plan. 2005.

CH2M Hill. 1994. McClellan Air Force Base Natural Resource Management Plan. Prepared for McClellan Air Force Base, Delivery Order 7021.

Environmental Science Associates (ESA). 2004. Task 2 Baseline Conditions Report. CALFED Ecosystem Restoration Program Grant ERP 02-P46.

Environmental Science Associates (ESA). 2004. Task 3 Non-Native Invasive Plant Species Eradication Study Plan. CALFED Ecosystem Restoration Program Grant ERP 02-P46.

Environmental Science Associates (ESA). 2005. Task 3 Report on Findings of Experiments Implemented and Monitoring. Prepared for Yolo County Planning and Public Works Department.

Environmental Science Associates (ESA). 2005. Task 5 Monitoring and Adaptive Management Monitoring Report Preimplementation. Prepared for Yolo County Planning and Public Works Department.

WESCO. 1997. McClellan Air Force Base Wildlife Surveys: Final Report. Prepared for Jacobs Engineering Group by WESCO. Novato, California 1995.

Yolo County Parks and Resources Department. Project Report for February 15 2007 - April 15, 2012. 2012.

Appendix A:
Notice of Preparation Comment Letter

CALIFORNIA
Water Boards

EDMUND G. BROWN JR.
GOVERNOR

MATTHEW RODRIQUEZ
SECRETARY FOR
ENVIRONMENTAL PROTECTION

Central Valley Regional Water Quality Control Board

8.20.12
Clear
C

10 August 2012

RECEIVED
AUG 13 2012
STATE CLEARING HOUSE

Terry Vernon
Yolo County
Department of General Services
125 W. Main Street
Woodland, CA 95695

CERTIFIED MAIL
7011 2970 0003 8939 1767

COMMENTS TO NORTICE OF PREPARATION FOR THE DRAFT ENVIRONMENTAL IMPACT REPORT, ENVIRONMENTAL EDUCATION AND SUSTAINABILITY PARK PROJECT, SCH NO. 2012072038, YOLO COUNTY

Pursuant to the State Clearinghouse's 20 July 2012 request, the Central Valley Regional Water Quality Control Board (Central Valley Water Board) has reviewed the *Notice of Preparation for the Draft Environmental Impact Report* for the Environmental Education and Sustainability Park Project, located in Yolo County.

Our agency is delegated with the responsibility of protecting the quality of surface and groundwaters of the state; therefore our comments will address concerns surrounding those issues.

Construction Storm Water General Permit

Dischargers whose project disturb one or more acres of soil or where projects disturb less than one acre but are part of a larger common plan of development that in total disturbs one or more acres, are required to obtain coverage under the General Permit for Storm Water Discharges Associated with Construction Activities (Construction General Permit), Construction General Permit Order No. 2009-009-DWQ. Construction activity subject to this permit includes clearing, grading, grubbing, disturbances to the ground, such as stockpiling, or excavation, but does not include regular maintenance activities performed to restore the original line, grade, or capacity of the facility. The Construction General Permit requires the development and implementation of a Storm Water Pollution Prevention Plan (SWPPP).

For more information on the Construction General Permit, visit the State Water Resources Control Board website at:
http://www.waterboards.ca.gov/water_issues/programs/stormwater/constpermits.shtml.

Clean Water Act Section 401 Permit – Water Quality Certification

If an USACOE permit, or any other federal permit, is required for this project due to the disturbance of waters of the United States (such as streams and wetlands), then a Water Quality Certification must be obtained from the Central Valley Water Board prior to initiation of project activities. There are no waivers for 401 Water Quality Certifications.

Waste Discharge Requirements

If USACOE determines that only non-jurisdictional waters of the State (i.e., "non-federal" waters of the State) are present in the proposed project area, the proposed project will require a Waste Discharge Requirement (WDR) permit to be issued by Central Valley Water Board. Under the California Porter-Cologne Water Quality Control Act, discharges to all waters of the State, including all wetlands and other waters of the State including, but not limited to, isolated wetlands, are subject to State regulation.

For more information on the Water Quality Certification and WDR processes, visit the Central Valley Water Board website at:
http://www.waterboards.ca.gov/centralvalley/help/business_help/permit2.shtml.

If you have questions regarding these comments, please contact me at (916) 464-4684 or tcleak@waterboards.ca.gov.

Trevor Cleak
Environmental Scientist

cc: State Clearinghouse Unit, Governor's Office of Planning and Research, Sacramento