



FINDING OF NO SIGNIFICANT IMPACT

YOLO COUNTY GRASSLANDS REGIONAL PARK – PARTIAL LAND RELEASE

Former Davis Communications Annex
GSA № D-Calif-1023

FEDERAL LANDS TO PARKS PROGRAM

November 2012

Introduction

In accordance with the National Environmental Policy Act (NEPA), this Finding of No Significant Impact (FONSI) and supporting Environmental Assessment have been prepared for the Yolo County Department of General Services' requested Land Release transaction, for a portion of property located 3.5 miles from the City of Davis, California. This FONSI approves specifically the federal action to release 30 acres from the original public benefit conveyance, and does not address future utilization or development on the site (which is separately addressed by Yolo County, subject to CEQA). This FONSI decision document describes the rationale used in selecting the land release alternative for implementation, and provides an explanation of why it will have no significant effects on the human environment.

Yolo County originally received a 323-acre portion of the former Davis Communications Annex as a public benefit conveyance for public park and recreation purposes through the Federal Lands to Parks (FLP) Program in July 1973 (see attached map areas #1 and 2). The park, now known as Grasslands Regional Park, is located 3.5 miles southeast of the City of Davis at the southeast corner of County Road 104 and Road 35.

Since receiving the property, the County has only partially developed the land according to the NPS approved Program of Utilization, leaving much of the parkland undeveloped and therefore lacking accommodation for public access and recreational use of it. This is particularly the case for the northwest corner of the park. Due to a combination of lack of funds and the current configuration of the public use facilities, the area has languished. Over the years, the County has been informed about their non-compliance with the terms of the property transfer. On several occasions, GSA and NPS warned the County regarding possible reversion of the property due to its lack of utilization of the land according to the terms of the FLP conveyance. The County now requests that NPS release deed restrictions on a 30-acre portion of the northwest corner of the park (see attached map area #2) so that

it may construct a solar-powered electricity generating facility and education center. The proposal by the County addresses the County's capability to carry out its public park and recreation purposes and obligations at Grasslands Park, while meeting the County's need for an alternative energy source that would decrease the County's carbon footprint. Furthermore, it will also enable the County to accept and properly manage an adjoining 314-acre FLP transfer (see attached map area #3) that contains vernal pools, seasonal wetlands, and several threatened or endangered plant and animal species.

Legal Authority

The National Park Service's legal authority in this case derives from the Federal Property and Administrative Services Act of 1949 as amended (40 USC §550 *et seq.*), especially by the Federal Lands for Parks Act of 1970 (P.L. 91-485). This action is neither subject to NPS 2006 Management Policies that relate to units of the National Park System, nor to Director's Order #12 guidance that relates to the application of NEPA to decisions regarding management of units of the National Park System. Specifically, this Federal Lands to Parks Program does not fall under the NPS Organic Act, and analysis of impairment to national park values and resources is not required.

County Proposal and Federal Action

The County has requested that NPS release the currently non-conforming 30-acre portion of Grasslands Park (attached map area #2) from federal covenants requiring public park and recreation use so that the County may pursue its "green power" proposal to develop a 5-megawatt solar-powered electricity generating facility and education center on the site. The federal action is NPS's approval of the release of deed restrictions on the requested 30-acre portion of the park. The effect of NPS's action will be to allow the County of Yolo to subsequently negotiate with the United States General Services Administration for the purchase of the property through an escrow process for development of those 30 acres for its proposed construction of the solar project. This action does not require NPS evaluation of potential impacts as may occur through subsequent development of the released land, nor does it require NPS approval of that development - rather the County of Yolo will separately and independently evaluate this subsequent development of the solar project.

Purpose and Need

The purposes of the requested action are to concurrently meet the sustainability objectives of Yolo County to develop alternative energy generation, to address the utilization of a presently undeveloped 30-acre portion of Grasslands Park (map area #2), and to address management and operations needs for the entire Grasslands Park including that of an adjacent 314-acre addition (map area #3). The requested action meets the need for NPS and GSA to respond to the release request and land acceptance within the rules of their respective federal programs.

As stated in the EA, the NPS's 30-acre land release will enable Yolo County to develop a 5-megawatt (mw) photovoltaic solar array with educational components. The remaining 293 acres of the park

(map area #1 minus area #2) would continue to be used and managed by the County according to the program of utilization and the terms of the existing deed. The park would continue to be used for active and passive recreation (archery, model airplanes, and scenic trails), as well as provide for conservation of burrowing owl habitat, vernal pool conservation, and restoration areas. In this action, the NPS has the discretion to approve the release of a 30-acre portion of the Grasslands Park to ensure that public park and recreation purposes of the public benefit conveyance of surplus property are served.

Alternatives Considered

Two alternatives were identified and evaluated in the EA: either approval or non-approval of the County's request for abrogation of deed restrictions on 30 acres of FLP Program conveyed land.

Alternative 1

The No-action alternative would not allow the abrogation of deed conditions on the 30-acre parcel. The County would continue to be out of compliance on the achievement of their program of utilization for Grasslands Park and would still be required under the terms of the deed to fully develop the park according to the program of utilization, including the now underutilized 30-acre area. The County would not be able to develop its solar electricity generating facility at Grasslands Park, nor would it have the income derived from it. The adjoining 314-acre FLP transfer would continue in limbo and could be jeopardized due to the County's lack of capability to manage the park according to the terms of the deed and the associated Habitat Conservation Plan.

Alternative 2

Under the Action alternative, the NPS abrogates deed restrictions on the 30-acre portion and in turn allows the County of Yolo to negotiate through escrow with GSA for the purchase of the property. Under this alternative, 30 acres in the northwest corner of Grasslands Regional Park would be subject to a land release, while the remaining 293 acres adjacent to the site would continue to be utilized as a public park and for recreational uses. Under this alternative, the County of Yolo would be able to develop its 5-megawatt photovoltaic solar array in the released area. This would allow the County to use the area that is currently not utilized for its public park and recreation purpose for a needed solar power generating station and education project. The solar array and associated environmental education center would allow for increased education opportunities within the park, while providing a buffer area for the adjacent burrowing owl conservation easement and appropriate protective measures to ensure potential conflicts with the adjacent archery range are addressed.

In order to protect the remaining parkland subject to the public benefit conveyance deed for park and recreation use along with its constituent native habitat preservation and natural values, a restrictive covenant will be placed on the land released to the County with conditions that will ensure that:

- No sensitive natural resources are affected.

- Improvements would be located as to screen them from nearby roadways, trails, and other public areas in order to minimize impacts to the area's scenic values.
- Offsite stormwater discharge is minimized through use of Best Management Practices.

Other Alternatives Considered and Dismissed

Although the alternatives considered by the National Park Service are either approval or disapproval of the County's request, the County was required to evaluate alternative locations for the proposed solar generating and education facility. Yolo County considered alternate locations for a solar power generation and education facility and dismissed them from full analysis in the Environmental Assessment:

- 1) The Yolo County Central Landfill Alternative. A Photovoltaic facility and education center at this site was determined to have insufficient economic value based on a Financing Plan prepared by Government Financial Strategies, Inc. Economic infeasibility included the requirement of approximately \$1 million in infrastructure upgrades to provide an interconnection to PG&E facilities for a 2 MW PV facility. Infrastructure upgrade costs for a 5 MW PV facility and education facility, as preferred, would be in the order of \$4 to \$5 million. In addition to financial constraints associated with this rejected alternative, aesthetics and air quality (i.e. odors) issues associated with a location adjacent to the city landfill were also considered in conjunction with a desire to develop a unique education center for K-12 students to learn about environmental conservation and sustainability while utilizing a currently underutilized portion of Grasslands Regional Park. As such, the alternative landfill location was not pursued as it was not economically feasible, nor did it effectively meet education goals associated with Grasslands Regional Park and would not allow for the MW size required due to infrastructure limitations.
- 2) The utility interconnection point in the vicinity of Grasslands Park makes the area attractive for power generation purposes. The property across the street from the present park is in close proximity to the interconnection point, however it is prime farmland under a Williamson Act land use contract and the County's AG preservation ordinance for mitigation lands. The cost of acquisition would be high. For these reasons, this alternative was rejected.
- 3) Other County owned sites were evaluated for the criteria that they be near a utility interconnection point, of adequate size, in a suitable open environment, and capable of supporting the educational objectives of the project. No other sites were identified that met these criteria.

Environmentally Preferred Alternative

The Council on Environmental Quality (CEQ) Regulations implementing NEPA and the NPS NEPA guidelines require that “the alternative or alternatives which were considered to be environmentally preferable” be identified (CEQ Regulations, §1505.2). CEQ defines the environmentally preferred alternative as “the alternative that would promote the national environmental policy as expressed in NEPA §101.” As stated in section 101(b) of NEPA, it is the continuing responsibility of federal agencies to:

- Fulfill the responsibilities on each generation as trustee of the environment for succeeding generations;
- Assure for all Americans, safe, healthful, productive, and aesthetically and culturally pleasing surroundings;
- Attain the widest range of beneficial uses of the environment without degradation, risk to health or safety, or other undesirable and unintended consequences;
- Preserve important historic, cultural, and natural aspects of our national heritage, and maintain wherever possible, an environment which supports diversity and variety of individual choice;
- Achieve a balance between population and resource use which will permit high standards of living and a wide sharing of life’s amenities; and
- Enhance the quality of renewable resources and approach the maximum attainable recycling of depletable resources.

The release of deed restrictions on the 30-acre portion of the park will allow the County to pursue a solar electricity generating facility and education center that mirrors these criteria. The purpose and need for the County’s solar project is to emphasize natural resource protection, enhance the quality of renewable resources, as well as enhancing park visitor experience. Because the goals and objectives of the proposed project correlate with these criteria, analyzing which alternative best meets the project purpose and need would also determine which alternative is environmentally preferred. Using this analysis approach, it was determined that Alternative 2 is the environmentally preferred alternative. Because Alternative 1 (No Action) does not meet the project purpose and need, it is not the environmentally preferred alternative.

Public Involvement and Agency Coordination

Agency consultation between Yolo County, the National Park Service, and GSA was completed prior to the preparation of the EA to identify preliminary alternatives, issues, and concerns associated with the request to release deed restrictions on 30 acres of land to enable the County to construct a solar power generating and education facility on currently-unutilized park land.

Notice of Availability for this Environmental Assessment was published in the Sacramento Bee, a newspaper of general circulation within the greater Sacramento metropolitan area, on October 15, 2012 and posted on the Yolo County Park’s website. The EA was available for a 30-day public review period from October 15, 2012 through November 13, 2012. Reference copies were made

available at the Yolo County Department of General Services, the Mary L. Stephens Davis Branch Library, the NPS Regional Office in San Francisco, and online at Yolo County's government website.

In their written response to the EA (November 21, 2012), the California Department of Fish and Game (CDFG) endorsed the development of renewable energy projects which incorporate measures to protect native species and their habitats. The CDFG provided information related to protection of vernal pools and seasonal wetlands, Swainson's hawks, burrowing owls, and several native plants, which will be incorporated as mitigations and Best Management Practices in the Yolo County project.

Written comments on the EA received from the UC Davis Center For Plant Diversity (November 13, 2012), expressed support for the project if the budget savings provided by the project will be dedicated to the park. It is the expressed intention of the County to use savings and revenue generated by the project to support park maintenance and operations. The letter also raised concerns regarding a seasonal wetland swale on the site. This swale has been determined to be a non-jurisdictional seasonal wetland with no indication that it is a vernal pool or that it supports vernal pool habitat. In addition, there will be mitigation of the loss of the swale with its replacement on the greater Grasslands Park site, documentation for which is in the EIR for the solar project.

Melinda Dorin Bradbury submitted comments on behalf of the Friends of Swainson's Hawk (November 15, 2012). In general, Friends of the Swainson's Hawk supports development of renewable energy projects, including solar projects when they are developed in good locations, are consistent with existing land uses, and include avoidance and minimization measures that mitigate for project impacts. The group supports the comments submitted by the California Department of Fish and Game on the Draft EIR for the Environmental Education and Sustainability Park. Concerns raised by Friends of the Swainson's Hawk primarily focus on the Draft EIR's mitigation measures. Adequate mitigation measures to address the writer's stated concerns will be included in the Yolo County solar project and are documented in the County's EIR for the project.

Following public review of the EA, an errata was prepared as a technical attachment to the EA in order to document minor corrections and text clarification.

Why The Selected Alternative Will Not Have A Significant Effect On The Quality Of The Human Environment

The release of a 30-acre portion of Grasslands Regional Park will not have significant adverse effects on the human environment. The area is currently not in compliance with the County's program of utilization for the park because it has not had the capability to establish the planned trails and natural restoration that would accommodate public access and use. For this reason alone, NPS could request a partial reversion of 30-acres of the park to U.S. ownership for re-disposal by GSA on the grounds that the County has demonstrated that it either does not really need or is unable to manage the area for park purposes. The release of the 30-acre area, on the other hand, will help enable the County to manage the remaining Grasslands Park and the 314-acre addition according to the terms of the public

benefit conveyance deeds (as well as expand County resource stewardship measures to the latter parcel). The 30-acre release area does not contain any federally-listed threatened or endangered species, or any identified historical, cultural, or archeological resources.

The following criteria and factors defined in 40 CFR §1508.27 were used to further evaluate whether the land release would have a significant effect on the environment. Although this action does not require an assessment of potential impacts from the subsequent development of the land to be released, the following criteria were used to gauge potential impacts to the remaining parkland:

Impacts that may have both beneficial and adverse aspect and which balance may be beneficial, but that may still have significant adverse impacts that require analysis in an EIS.

The release of deed restrictions on the 30-acre parcel will have no adverse impacts. Whether taken individually or as a whole, the indirect impacts of the proposed release do not reach the level of significance warranting an EIS. The future benefits and impacts from the land release would occur due to Yolo County developing its 5-megawatt photovoltaic solar array and education center in the northwestern corner of the park. Temporary construction impacts would be mitigated through Best Management Practices incorporated into the proposed solar project to ensure any adverse impacts would be less than significant. Indirect impacts to water quality during the construction occurring as a result of the land release would be negligible and short term. Indirect impacts to the soundscape would be short term, moderate, and adverse and air quality impacts would be minor to moderate and short term during construction.

The solar project would also have long-term minor, adverse effects on visual resources; long term, moderate, beneficial effects on visitor experience; indirect long term, minor, adverse effects to biological resources; indirect long term, minor, adverse effects to cultural resources; and indirect long term, minor, adverse effects to geologic resources.

Degree of effect on Public Health or Safety.

There are no impacts to public health and safety as a result of the land release. Adverse impacts on Public Health and Safety as an indirect impact of the release consequent to construction of the solar project would be negligible and related to the short term use of hazardous materials such as fuels, oils, or other fluids as well as the potential to expose construction workers and the public to hazardous materials during ground-disturbing activities. Standard safety practices would be enforced at all times.

Unique characteristics of the geographic area such as proximity to historic or cultural resources, park lands, prime farmlands, wetlands, wild and scenic rivers, or ecologically critical areas.

The project area does not contain prime farmland, farmland of local or statewide importance or wild and scenic rivers. There would be no adverse impacts from the land release itself. Subsequently Yolo County developing its education center and 5-megawatt photovoltaic solar array in this 30-acre released portion of the park would have indirect temporary impacts during construction which would be mitigated, and Best Management Practices are incorporated into the proposed project to ensure any adverse impacts to cultural resources would be less than significant. Implementation of the Selected

Alternative would not compromise any known cultural resources. In addition, the adjacent vicinity contains habitat for a number of sensitive species including burrowing owl, white-tailed kite, Swainson's hawk, and a number of sensitive plant species. Through the implementation of project design measures, construction resulting from the land release would result in indirect long-term, minimal impacts to sensitive species habitat.

Degree to which effects on the quality of the human environment are likely to be highly controversial.
The proposed actions have not generated public controversy and are not likely to be controversial in implementation.

Degree to which the possible effects on the quality of the human environment are highly uncertain or involve unique or unknown risks.

The potential impacts are well defined and analyzed in the EA (and in Yolo County's EIR for the solar project itself) and regulatory agencies have concurred with the impact assessment for topics under their jurisdiction through consultation. The degree or possibility that the effects on the human environment will be highly uncertain or will involve unique or unknown risks is remote.

Degree to which the action may establish a precedent for future actions with significant effects or represents a decision in principle about a future consideration.

The mechanism used for the land release is an established process which has been used by the NPS previously for various initiatives. The subject land release will not establish a precedent for future actions with significant effects at the site or general vicinity, and does not represent a decision in principle about a future consideration which requires preparation of an EIS. Future actions taken by Yolo County will proceed independently of this project and will receive a separate CEQA environmental analysis.

Whether the action is related to other actions with individually insignificant but cumulatively significant impacts.

The EA considered the cumulative impacts of the land release with several past, present, and ongoing future projects and the analysis for all impact topics indicated that the Selected Alternative could result in minimal and not collectively significant cumulative adverse effects. The selected action, when examined cumulatively with other actions in the project vicinity, will not result in cumulatively significant adverse impacts.

Degree to which the action may adversely affect districts, sites, highways, structures, or objects listed on a National Register of Historic Places or may cause loss or destruction of significant scientific, cultural, or historic resources.

The release of deed restrictions on the 30-acre portion of Grasslands Regional Park will have no adverse effect on properties listed on the National Register of Historic Places or on significant scientific, cultural, or historic resources. The EA found that the solar project will not significantly and adversely affect any known cultural resource. The proposed project is a land release and would not cause the loss or destruction of significant scientific, cultural or historical resources. In addition, indirect impacts occurring as a result of education center construction would be temporary or would

otherwise be mitigated. Best Management Practices are incorporated into the proposed solar project to ensure any adverse impacts to cultural resources would be less than significant.

Degree to which the action may adversely affect an endangered or threatened species or its critical habitat.

The release of deed restrictions on the 30-acre portion of Grasslands Regional Park will have no adverse effect on endangered or threatened species or its critical habitat. Subsequently there may be indirect effects due to the construction of the solar project. The biological assessment performed by Michael Brandman Associates 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 McClellan 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, 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 was reviewed. Activities in the vernal pool areas of the greater park area 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 were 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 composite map showing swales and vernal pools, the maximum extent of ponding of rare grass pools, and habitat of rare grasses within pools.

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, 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; determining the potential presence of any special habitat features, such as waters of the U.S. or state, including wetlands; and identifying 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 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 (CNDDDB) records for the Davis, California 7.5-minute topographic quadrangle and the surrounding eight quadrangles (CNDDDB 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)

The remaining 293 acres adjacent to the site would continue to be utilized in its existing state for conservation of burrowing owls; as vernal pool conservation and restoration areas; and for active and passive recreation (archery, model airplanes, and scenic trails). As a result of the release of the 30 acres of Grasslands Regional Park to Yolo County, indirect negative impacts to special-status species could be expected, however with the implementation of Best Management Practices and through project design, the subsequent development of the released acreage is not expected to result in significant adverse impacts to habitat.

Whether the action threatens a violation of federal, State, or local environmental protection law.

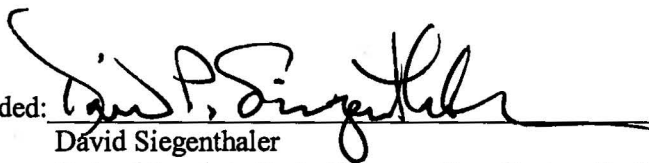
Releasing the requested 30-acre area from its present deed restrictions would not violate any federal, state, or local environmental protection laws. Assessment of the property release has been performed pursuant to NEPA, which requires compliance with all environmental protection laws and regulations.

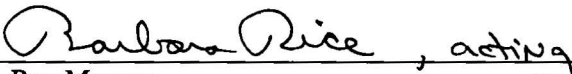
Conclusion


The selected action does not constitute a major federal action that normally requires preparation of an Environmental Impact Statement (EIS). The NPS has determined that there are no significant direct, indirect, or cumulative effects on public health or safety, sites listed on the National Register of Historic Places, or other unique characteristics of the region. The selected alternative is neither scientifically nor publicly controversial. Implementation of the selected alternative will not involve

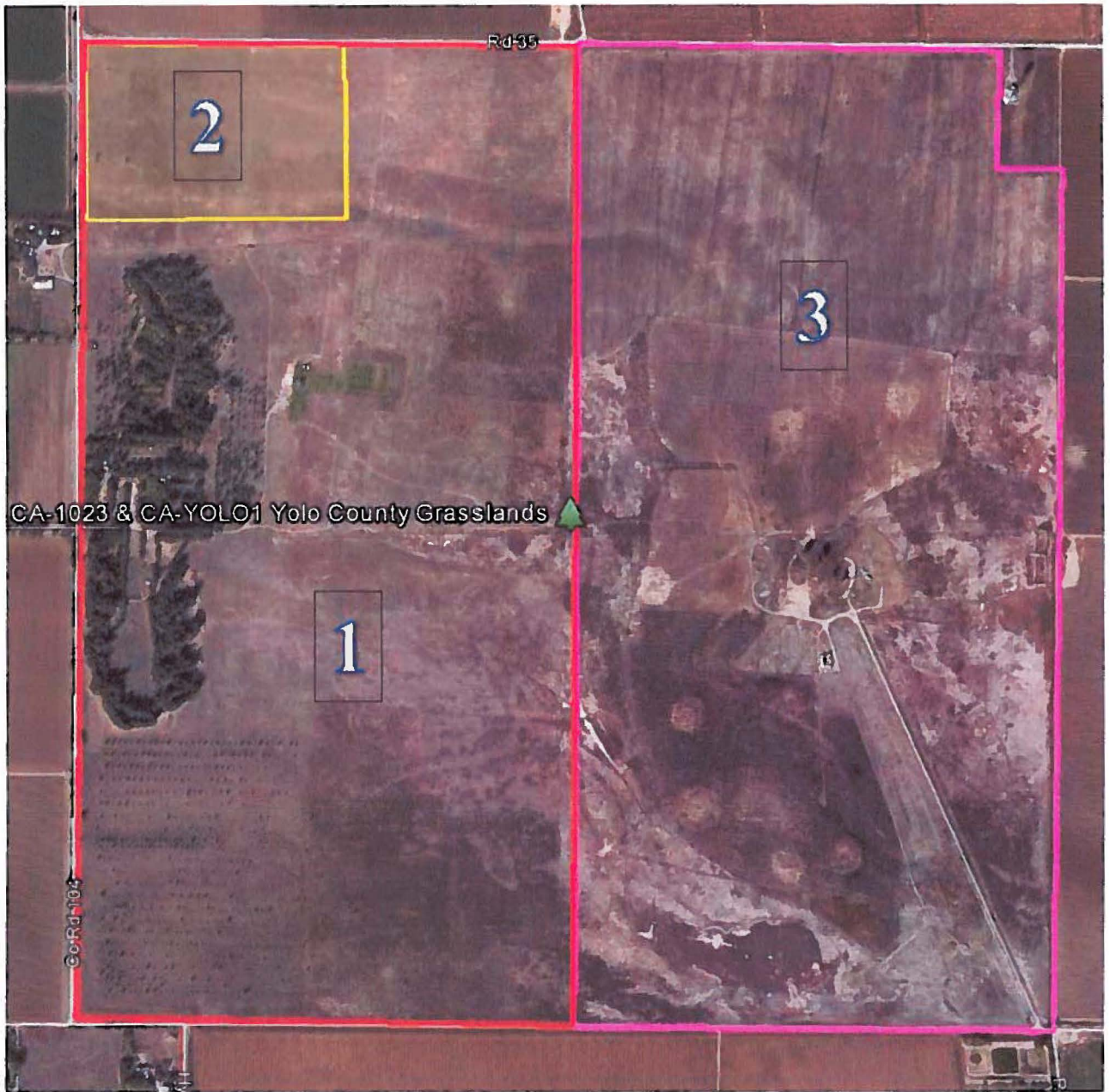
unique or unknown risks or violate any federal, state, or local law. The 30 acres to be released are in an area where the County has been incapable of fulfilling its original program of utilization or subsequent master plans to achieve its purpose for public park and recreational use. While the selected alternative may result in the non-recreational utilization of approximately 30 acres of open-space park resources by enabling Yolo County to develop a photovoltaic solar array and education center, the remaining parkland will not be significantly or adversely impacted by the release of those 30 acres. Further, stewardship of the remaining parkland will be enhanced by the mitigation actions taken thereon to increase wildlife habitat and native vegetation, as well as improved visitor access and use facilities, and the park will be increased by the County's legal acceptance of the adjoining 314-acre Federal Lands to Parks Program transfer for which the County made application in 2008. Implementation of the selected alternative is not precedent-setting nor will it automatically trigger other actions which may require environmental impact statements.

Based on the foregoing, it has been determined that NPS's release of deed restrictions on the subject 30 acre parcel is not a major federal action which will significantly affect the quality of the human environment, and thus an EIS will not be prepared.

Recommended:  11/21/2012
Date
David Siegenthaler
Federal Lands to Parks Program Coordinator, Pacific West Region

Concur:  , acting 11/27/12
Date
Ray Murray
Partnership Programs Chief, Pacific West Region

Approved:  11/27/12
Date
for Christine S. Lehnertz
Regional Director, Pacific West Region



**Yolo County Grasslands Regional Park
Partial Land Release**

Numbered Areas:

1. Original 323-acre FLP public benefit conveyance to Yolo County (includes area 2)
2. 30-acre portion of area #1 to be released for the solar project
3. 314-acre FLP public benefit conveyance to be added to Grasslands Regional Park