

February 24, 2000

Bob Wolcott
Senior Planner
City of Davis

RECEIVED
FEB 24 2000
City of Davis
Planning & Building

Re: General Plan Update

I am writing regarding the City of Davis' General Plan Update and EIR.

My training is in biology, both at the Bachelors and Doctorate level. My current work is in the role of science in land-use decision-making at the University of California, Davis, Department of Environmental Science and Policy.

Alternative 1 would have the least environmental impact among the 5 alternatives described. Although the GP build-out plans (Alts. 2 and 3) would permit more housing to meet the theoretical housing need, they would result in construction on the Mace Retail (interior) site and Covell Center site, resulting in significant and avoidable impacts on wildlife and other resources. The EIR addresses the impacts of developing these sites in terms of the wildlife that use the sites (e.g., 5H-10 to 5H-12). These impacts are avoidable in Alternative 1, making it the reasonable choice for the City in terms of minimizing environmental impact to the maximum extent practicable. Alts 2 and 3 fail to mitigate these impacts because of the generally poor mitigation practices available for the impacted species.

30-1

Specific Comments:

Update:

1) Policy LU A.1 (p. 67) Rezoning to increased density "may be approved only if such rezoning would not adversely impact the character of the existing neighborhood." This restriction is too open to interpretation and is too vague. Resistance from neighbors is likely and would be permitted under this policy. An alternative solution is to have city-wide urban planning that spreads the load evenly, in terms of "densification", which would over-ride NIMBY considerations.

2) Policy LU 1.2 (p. 78, urban limit line) Action b: This action addresses designation of open space and ag zoning "beyond proposed urban development". Proposed by whom? Is this beyond the land speculation boundary, the city actual or zoned urban edge? The urban limit line should be at the edge of the city, established by easement or condemnation and filled with greenbelt. Otherwise, it loses its meaning and does no actually function to limit urbanization.

30-2

3) Goal MOB 3 and policies/standards/actions (pp. 118-123) There is no mention in this section of how to actually increase bicycle use outside of the core and campus areas. Examples of approaches are: a) bike lockers at destinations, b) more and new bike lanes, c) city bikes for loan/borrowing, d) subsidies at fiscal level the city subsidizes car travel (infrastructure, safety,

etc.), e) auto-free downtown and neighborhood centers, and f) reduced and limited (handicap and elderly) parking to reduce car trips and increase biking.

4) Goal Housing 3 (p. 169) The standard “to the extent feasible” is too vague to allow for the maintenance of affordability in housing. Please amend this standard to say “to the extent allowing gross profitability to the housing developer”.

4) Sec. V, Chapter 9, Parks: There is no obvious justification for the inclusion of the Mace Ranch District Park when we already have large parks in area (Slide Hill, Mace Ranch Neighborhood Park, La Palaya Park). If anywhere, the park should be located on Russell near Pole Line to serve the under-served “old East Davis”. A simple geographic analysis of the city would tell where the optimal locations are. North Davis (north of Covell) is even worse off than Mace Ranch is claimed to be with only Northstar Park, Covell Park, and Hacienda Park.

5) Goal POS 1 (pp. 218-219) Consider adding action that explicitly state that the city will retain wildlife and wildlife habitat where they are found on city owned and controlled properties.

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cont.

6) Goals POS 4 & 5 (pp. 228 & 229) Rather than “respecting” and “giving attention to” the presence of wildlife and wildlife habitat in park and proposed park areas, these features should drive the decision-making for these parcels. Given that wildlife habitat (for certain species) in generally short supply in our area, a standard for action should be: “Where wildlife are present in parks and open spaces owned or controlled by the city, these lands will be retained and enhanced as wildlife habitat open space lands.”

7) Goal HAB 1 (pp. 266-) “Replacement of habitat” as mitigation for development activities is generally regarded as ineffective for many wildlife species (e.g., burrowing owl, vernal pool species). This standard is not suitable for this goal and policy area, which supposedly is intended to address preservation, restoration, and enhancement of wildlife habitat. A more reasonable standard, in terms of actual conservation, would be “Where wildlife habitat is present in areas proposed for development, the city will pursue zoning, condemnation, acquisition, and annexation alternatives that retain the habitat and, where possible, enhance it.”

EIR:

1) p. 5H-12 The information about the natural resources and wildlife on the Mace Ranch Interior Site is out of date and inaccurate. It shows the paucity of the data used to determine the likely environmental impacts of the proposed activities under the GP Update. There have been burrowing owls in the vicinity of and on the retail site for last few years. This was confirmed in a recent report by the same consulting company, Jones and Stokes in a report to the City, prior to the finalization of the EIR. The presence of nesting burrowing owls is a significant feature and to not include it within the EIR and its cumulative effects analysis brings into question the accuracy of this analysis.

30-3

2) p. 6-17 The Mace Ranch school, park, and retail development would have significant and avoidable impact to the species of concern, burrowing owl. This is not recognized or analyzed in

30-4

the EIR, which precludes an accurate assessment of the cumulative effects and avoidability of the impacts. Other alts. could have been developed that put the elementary school on the Signature site, allowed retail somewhere else, etc. if this information had been recognized.

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cont.

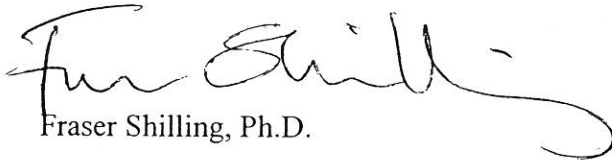
3) BIO 2.1 (mitigation measure) This is too loosely defined and will not capture the true mitigation needs for all of the species of concern and that have management considerations in the GP Update and EIR. These measures do not describe actions for particular species and are therefore impossible to assess, in terms of effectiveness. This needs to be fleshed out in the final draft to be close to acceptable.

30-5

In general the mitigation offered for impacted species of concern and listed species is "off-site". This is functionally illegitimate for many species impacted or potentially impacted by the GP (e.g., burrowing owls). Although the EIR claims to assess impacts to the natural resources of the GP, since it does not address the efficacy of the mitigation procedures, it does not actually address true impact. Citing CDFG mitigation requirements, or declaration of practices as NS or LS at a regional scale does not mean that the impacts are actually and functionally mitigated. This is a fundamental flaw of the GP Update and EIR. There is no way to truly and accurately assess the success or likely success of the mitigation measures for special management species. Since the GP Update will have these impacts under Alts 2, 3, 4, and 5, the EIR should conduct a full analysis of these impacts.

30-6

Thank you for the opportunity to comment



Fraser Shilling, Ph.D.

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Letter 30: Fraser Shilling, Ph.D. - February 24, 2000

- 30-1 The commenter's opinion is noted. Alternative 1 simply describes the existing condition in the city with no further development. Because of existing development agreement and other entitlements, it is not legally feasible to "freeze" the city as described in Alternative 1. Some development will proceed, even if no further entitlements are granted. This alternative simply establishes a baseline from which impacts of other alternatives can be measured. Such information is useful and necessary to discuss the range of impacts under various alternatives being considered under the General Plan update.
- 30-2 These comments pertain to the General Plan and not the EIR. Important issues are raised by commenter. These will be addressed during final deliberations on the General Plan update.
- 30-3 The presence of Swainson's Hawk and Burrowing Owls on the Mace Ranch site is disclosed in the discussion of biological resources relative to Alternatives 3, 4, and 5 (pages 5H-37 through 5H-39) in the draft EIR. Detailed site study is not required as part of a programmatic EIR. Independently, and in accordance with general direction suggested in Biological Mitigation Measure (Bio 2.1) the city has initiated an Environmental Impact Report studying active and passive park alternatives for the Mace Ranch Park site. One variation of the passive park alternative includes study of the adjacent school site and retail site. Site specific impacts and mitigation will be developed through EIR process that is underway. The General Plan EIR contains an appropriate level of analysis and mitigation to ensure proper study occurs in subsequent environmental analysis.
- 30-4* See response 30-3. These alternatives are being studied in the site specific EIR that is being initiated. It should be noted that there may be legal constraints with alternatives suggested by the commenter. The Mace Ranch retail site and elementary school site were entitled under the Mace Ranch Development Agreement. While an agreement mutually acceptable to the city and school district to address impacts of Burrowing Owls may be feasible, it was not appropriate to consider such alternatives through the programmatic level General Plan EIR.
- 30-5 The mitigation measure establishes procedures for addressing sensitive habitats and species of special concern. The parameters of the mitigation are necessarily broad to be flexible to address the many variables that may exist relative to a particular site. While avoidance may be feasible in some cases, relocation may or other measures may be necessary in other situations. It is not prudent for the city to impose mitigation that is so inflexible as to preclude creative solutions to site specific situations. There may be situations where the city will have to balance between habitat considerations and other benefits to the community. The CEQA process recognizes that not all decisions will result in the environmentally superior alternative.
- 30-6 See Master Response C.

CEQA requires that the lead agency identify and adopt feasible mitigation measures that will avoid or reduce the project's potential significant impacts. The proposed mitigation, including that incorporated into the General Plan update, is feasible (i.e., it can be successfully accomplished within a reasonable period of time).

CEQA identifies potential impacts and feasible mitigation measures. It does not take the place of the Endangered Species Act and similar laws and regulations that protect special-status species. All site-specific development that may impact special-status species will continue to be evaluated on the basis of those laws and regulations. All site-specific mitigation will be required to comply with those laws and regulations by the involved state and federal regulatory agencies.

The mitigation offered is not all "off-site". General Plan policies for the preservation of open-space and habitat, and avoidance of sensitive resources, within development areas will occur within the planning area (see Goal HAB 1 and its attendant policies and actions). Mitigation will also occur as a result of retention of areas surrounding the City in agriculture, as shown on the General Plan land use map. Off-site mitigation may be approved where avoidance is not feasible (see Standard HAB 1.1b, as amended by Mitigation Measure BIO-2.1). This will occur only with the approval of DFG, U.S. Fish and Wildlife Service, or other involved regulatory agency. Accordingly, any off-site mitigation must meet all state and federal regulations for mitigation activities.

K. Shawn Smallwood, Ph.D.
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March 11, 2000

City of Davis
Planning & Building

Bob Wolcott, Senior Planner
Davis Planning and Building Department
23 Russell Blvd.
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Re: **Draft Program EIR for the City of Davis General Plan Update and Project EIR for establishment of a new Junior High School (January 2000)**

Dear Mr. Wolcott,

I wish to take this opportunity to provide comments on the Draft Program EIR for the City of Davis General Plan Update and Project EIR for establishment of a new Junior High School. I appreciate this opportunity and I have attempted to be constructive with my comments.

Lack of Full Disclosure

An important requirement of EIRs under CEQA is full disclosure of relevant information. The Draft Program EIR for the City of Davis General Plan Update and Project EIR for establishment of a new Junior High School (Hereafter referred to as the DEIR) did not fully disclose relevant information regarding the project areas, especially the area proposed for the Covell Center project. I issued comments on the DEIR for the Covell Center project in 1997 (see Final EIR for the Covell Center Project, Responses to Comments, letters 56 and 87). I also wrote about this site and its proposed conversion to Covell Center in the Flatlander (Oct./Nov. 1997 issue). Furthermore, some of the ecological values of the site are mapped in Smallwood et al. (1998b).

The land proposed for Covell Center is one of the most ecologically valuable parcels remaining undeveloped in the Valley portion of Yolo County (see my comments submitted to the record of the Covell Center Project EIR). Converting it to houses, a school site, or other structures would result in habitat loss and take of Swainson's Hawks, Burrowing Owls, White-tailed Kites, and multiple other special status species. At the time of the NOP of the Covell Center EIR, this parcel was inhabited by Burrowing Owls and White-tailed Kites, and Swainson's Hawks regularly foraged over it. The City of Davis's consulting firm, Jones & Stokes, claimed in the DEIR that these species were not present.

Within a few months after the FEIR was issued, the owners of this parcel issued large amounts of anti-coagulant rodenticides to eliminate the ground squirrels, which construct burrows used by Burrowing Owls. This poisoning campaign continued for two full months. The poisoned baits were sloppily applied, often spilling out of the PVC that is typically used to protect non-target species of wildlife from the poisoned baits (only ground squirrels and other small mammals are intended to enter the PVC, in which the bait is available). I observed crows and coyotes consuming the baits. (During that time period, there was a rash of coyote fatalities along Covell/Mace Blvd., totaling about five or six that I knew about. I speculate that these coyotes were poisoned and disoriented, which made them vulnerable to vehicle-strike.) After the two months of poisoning, the land owners used a tractor blade to destroy all the ground squirrel burrows, working so close to the fence of the railroad right-of-way that they actually damaged the fence in multiple locations. The next fall, most of the parcel was laser-planed, including the low-lying area on the west side where waterfowl used to aggregate during the winter. This DEIR should disclose the environmental conditions that existed prior to the land owner's methodical destruction of habitat of multiple special status species.

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This DEIR should also fully disclose the existence of the abandoned Davis Landfill along the northern edge of this parcel (see my comments submitted to the record of the Covell Center Project DEIR). Proposing a school for this site is unimaginable in the absence of a thorough and competent sampling program for contaminants in the air, soil, and groundwater. This Davis Landfill was shut down in 1975, when many hazardous waste facilities across the US were shut down because they could not comply with the implementation of the Resource Conservation and Recovery Act (Smallwood et al. 1998a). The old Davis Landfill was used for burning World War II surplus munitions from 1945 until 1969. It received 300,000 tons of municipal waste between 1969 and 1975. During all this time, the bottom of the Landfill had never been lined to prevent leaching. Upon closure, the typical two feet of soil was used to cap the Landfill, and this cap has since been perforated by constant occupation of ground squirrels. A plume of vinyl chloride, a known carcinogen, extended in the groundwater 1000' to the south-southeast of the Landfill, or under much of the parcel proposed as Covell Center. This situation should be disclosed in the DEIR, and no school should be considered for this site until the City of Davis conducts appropriate sampling and monitoring, and if needed, cleans the site up.

31-2

Smallwood et al. (1998b) mapped some of the ecological values at all of the sites discussed in this DEIR. This paper has been available to the City of Davis and their consultants for two years, and the methods and data have been available at the County of Yolo for five years. Even if the City of Davis and their consultants chose to not use these documents and data for a particular reason, this DEIR still should have disclosed their availability to the public. This DEIR should also disclose the arguments made against the Yolo County HCP. For example, Smallwood et al. (1998b) pointed out how it was inappropriate to use Swainson's Hawk foraging habitat as the umbrella to mitigate for the take of all 29 special status species "covered" in this HCP. Also, the proposed mitigation is ineffective for most of the species "covered" (Tables 1 and 2), it does not consider the symbiotic relationships between many of the covered species and burrowing mammals such as pocket gophers and ground squirrels (Table 2), and it does not comply with the HCP Handbook nor key passages of the Endangered Species Act (Smallwood 2000, Smallwood et al. 1999).

31-3

The DEIR could be more Informative

An important criterion for EIRs under CEQA is for them to be informative. This DEIR could be more informative. For example, on page 5H-2, the DEIR listed "nature preserves" in and near the planning area. These included the UC Davis Arboretum, the Hunt-Wesson/Yolo Audubon Society Hawk-Owl Reserve, the North and West Davis Ponds, the Davis Wetlands demonstration project of the Wastewater Pollution Control plan, and the Vic Fazio Yolo Wildlife Area in the Yolo Bypass. Although these sites might be labeled "Preserves," there is not much that is natural about them. The UC Davis Arboretum is a plant museum with an artificial water body. The Hunt-Wesson/Yolo Audubon Society Hawk-Owl Reserve is artificially fertilized with Hunt-Wesson's wastewater, which is likely already discontinued as a result of the Hunt-Wesson Plant closure. The Hawk-Owl Reserve is unnatural. The North and West Davis Ponds were artificially constructed and receive the City of Davis's street runoff, including all the oils, battery acids, and dog and cat feces, etc. My backyard faces North Davis Pond, thus I monitor its wildlife every day that I'm home. In nearly four years, the only special status wildlife species that I've seen there is White-tailed Kite, which is not "covered" by the Yolo County HCP. White-tailed Kites occasionally fly over North Davis Pond when en-route from their foraging areas on Covell Center to roost trees in town. Constructed ponds rarely preserve much of the nature that used to be associated with natural ponds. The Davis Wetlands demonstration project of the Wastewater Pollution Control plan is a sewage system contoured to look like waterfowl habitat – it is not natural. The Yolo Bypass is a flood control structure, which is a frequently inundated deathtrap for burrowing animals – animals that are required as prey or providers of habitat for many special status species of Yolo County. These "nature preserves" are intended for human waste, sewage, and flood management, but are the only

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places we allow wildlife to survive. This DEIR should inform the public about the degree to which wildlife and their (our) ecosystem in Yolo County are in desperate condition. Seemingly local impacts on wildlife are often regional impacts.

31-4 cont.

The description of the agricultural fields in the planning area (page 5H-7) could have been more informative. These areas produce more than "row and grain crops." UC Davis and Yolo County Farm Advisors are available to assist with the description of agriculture in the DEIR planning area, as well as with the full range and amounts of pesticides used, what these pesticides mean to human health and the health of wildlife, and with the manner in which wildlife use the agricultural fields in this area. The City of Davis and their consultants could be more informative by conveying research results reported in Smallwood and Geng (1993), Smallwood (1995, 1997), Smallwood et al. (1996), Erichsen et al. (1996), and many others readily available in Shields Library.

31-5

According to the DEIR (page 5H-12), raptor species other than Swainson's Hawks are unlikely to use the Signature property. I've seen Northern Harriers out there often, as well as at the Sutter-Davis Hospital site, where again, the DEIR (page 5H-13) claims that only Burrowing Owls and Swainson's Hawks have been observed there. The DEIR also makes no mention of the vernal pools at the Sutter-Davis Hospital site that were mapped by EIP Associates while preparing the Yolo County HCP. This site also appears suitable for western spadefoot toads and California tiger salamanders, but the DEIR made no mention of the possible occurrences of these species.

31-6

The DEIR makes many assessments of species' presence on the various sites considered, but I did not see any description of when the consultants visited these sites, how long they were there, how many times they were there, nor how they surveyed the areas. Until these reconnaissance surveys are thoroughly described, their results are not informative.

Impacts assessment

The impacts assessments on pages 5H-20 to 5H-43 are flawed due to erroneous descriptions of species occurrences, as described previously. The mitigation measures described on pages 5H-27 to 5H-29 would not reduce the impacts to *less than significant*, because (1) surveying and mapping of biological resource prior to their take does not qualify as "mitigation," and (2) the Bio-2.1 Additional Biological Resource Policy is insufficiently specific for the planning sites considered in this DEIR. This DEIR essentially defers the formulation of the mitigation of impacts to a later date, or a series of later dates, which is not acceptable under CEQA.

31-7

The DEIR presented no quantification of impacts resulting from the various project alternatives. Quantification of certain impacts would be rather easy to accomplish, such as the projected acreage of various important vegetation complexes and soil types projected to be converted, and the approximate number of individuals and demographic units of various species that would be taken due to land conversions. Without quantified impacts assessments, how is the City of Davis going to implement mitigation measures that are roughly proportional to the impacts (§15126.4)?

School site alternatives

None of the proposed school site alternatives are appropriate. The Signature Site and Shriners Alternative are on a major commuter road, and would present safety risks that are too great. The Mace Ranch Alternative is too small. The Covell Alternative is too risky with its inadequately characterized hazardous waste contamination from the abandoned Davis Landfill. The Willowbank Alternative is too far away to be practical for most families in Davis. In my opinion, the City of Davis has allowed houses and fast food restaurants to be built at all the appropriate junior high school sites, which would have been

31-8

in east Davis or south Davis. Also, this DEIR defers the formulation of the mitigation of biological impacts to a later date, which is not acceptable under CEQA.

31-8 cont.

As described previously, this DEIR does not address the hazardous substance issue at Covell Center (see pages 6-19 and 6-20). Until ample sampling and monitoring proves otherwise, children attending a junior high school at this site would be exposed to vinyl chloride and other hazardous substances occurring in all environmental media due to the process known as soil bioturbation (Smallwood et al. 1998a).

Cumulative Impacts

The cumulative impacts assessment were not reasonable for the proposed project alternatives involving build-out. The proposed mitigation will not alleviate the local cumulative impacts to less than significant, because there will be little or no habitat remaining in the Davis Planning area should one of the build-out alternatives be adopted. The assessment of regional cumulative effects is based on the wording of the Yolo County General Plan, the Yolo County Area General Plan, the Woodland General Plan, the West Sacramento General Plan, the Winters General Plan, the Solano County General Plan, the Dixon General Plan, the University of California at Davis Long Range Development Plan, and the Sacramento Area Council of Governments Regional Projections. These Plans state their intentions to conserve agricultural land and habitat areas, to vigorously mitigate for unavoidable impacts, and so on. However, the actions of the associated governing bodies are different. For example, the Turn of the Century project violates the Woodland General Plan in multiple ways (see my comment on to the City of Woodland regarding the DEIR of this project), yet the City of Woodland appears supportive of the project. This DEIR should honestly address the land conversion trends in the region, rather than referring to the well-intentioned language of the region's general plans.

31-9

I disagree that, because the major public viewing places (I-80 and SR 113) would not be in view of much of the land conversion, the impacts on aesthetics would be less than significant for Alternatives 2, 3, and 4, just. The DEIR does not mention the other major public viewing places, which is where we live. The aesthetic values would be severely degraded by Alternatives 2, 3, and 4 for many people in Davis, as indicated by the recent passage of Measure J.

31-10

The cumulative impacts discussed for biological resources took up two short paragraphs on page 7-14, and were entirely inadequate and uninformative. Provisions for greenbelt areas and preservation areas within the region's general plans will not render the City's contribution of impacts to less than considerable and less than significant. Greenbelts are not used by most of the special status species in Yolo County, nor are they used by most species of wildlife. The preservation areas referred to in this DEIR are contaminated, artificial, and certainly inadequate in spatial extent to offset the potential losses of habitat described in this DEIR. Yolo County has numerous special status species, and too many extirpated species, because of the cumulative impacts that have already occurred. This DEIR is unreasonable in considering the City's actions to be insignificant to the cumulative impacts and effects of the region.

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Preferred Alternative

I prefer Alternative 1, the No-Project Alternative.

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Conclusions

I am disappointed with this DEIR. In a town with a great number of skilled people, and a great amount of data, I would have expected a first-rate EIR. This one appeared to present a biased viewpoint,

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and in doing so, it did not disclose a lot of relevant information. Its conclusions are unsound regarding impacts to biological resources and the effectiveness of the proposed mitigation measures. Its treatment of cumulative effects is simplistic. I recommend that this DEIR be rewritten. If Jones and Stokes cannot get the job done properly, then I recommend that the City of Davis hire some other consultants. I'll be willing to bet that students at UC Davis could do a decent job at preparing the EIR, and that they would jump at the opportunity and at low cost to the City.

31-13 cont.

References

- Erichsen, A.L., K.S. Smallwood, A.M. Commandatore, D.M. Fry, and B. Wilson. 1996. White-tailed Kite movement and nesting patterns in an agricultural landscape. Pages 166-176 in D.M. Bird, D.E. Varland, and J.J. Negro, eds., *Raptors in human landscapes*. Academic Press, London.
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- Smallwood, K.S., J. Beyea and M. Morrison. 1999. Using the best scientific data for endangered species conservation. *Environmental Management* 24:421-435.
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- Smallwood, K.S., B.J. Nakamoto, and S. Geng. 1996. Association analysis of raptors on an agricultural landscape. Pages 177-190 in D.M. Bird, D.E. Varland, and J.J. Negro, eds., *Raptors in human landscapes*. Academic Press, London.
- Smallwood, K.S., B. Wilcox, R. Leidy, and K. Yarris. 1998b. An Indicator of ecological integrity across large areas: a case study in Yolo County, California. *Environmental Management* 22: 947-958.

Sincerely,



Shawn Smallwood, Ph.D.

Attachments: Last Grab of Yolo's Land and Water, Oct./Nov. 1997 Flatlander
Davis Visions, October 1998 Flatlander
Letter 56, Covell Center Project DEIR
Letter 87, Covell Center Project DEIR

Table 1. Benefits to species offered by proposed and chosen mitigation designs for the Yolo County HCP. Benefits were based on associations between the species and the proposed mitigation designs. Associations are denoted by: -- = not relevant, ? = unknown, 0 = no, 1 = yes, and 2 = strong preference.

Common and Species Names	Mitigation includes:	
	Easements on agricultural land for continued farming	Easements or habitat enhancement in Yolo Basin
Heckard's peppergrass <i>Lepidium latipes</i> var. <i>heckardii</i>	0	0
brittlescale <i>Atriplex depressa</i>	0	0
San Joaquin saltbush <i>Atriplex joaquiniana</i>	0	0
alkali milkvetch <i>Astragalus tener</i> var. <i>tener</i>	0	0
palmate bird's-beak <i>Cordylanthus palmatus</i>	0	0
colusa grass <i>Neostrophia colusana</i>	0	0
Crampton's tuctoria <i>Tuctoria mucronata</i>	0	?
conservancy fairy shrimp <i>Branchinecta conservatio</i>	0	?
longhorn fairy shrimp <i>Branchinecta longiantenna</i>	0	?
vernal pool fairy shrimp <i>Branchinecta lynchi</i>	0	?
vernal pool tadpole shrimp <i>Lepidurus packardii</i>	0	0
valley longhorn elderberry beetle <i>Desmocerus californicus dimorphus</i>	0	0
California tiger salamander <i>Ambystoma californiense</i>	0	0
western spadefoot toad <i>Scaphiopus hammondi</i>	0	0
northwestern pond turtle <i>Clemmys marmorata marmorata</i>	0	0
giant garter snake <i>Thamnophis gigas</i>	0	2
double-crested cormorant <i>Phalacrocorax auritus</i>	1	2
white-faced ibis <i>Plegadis chihi</i>	0	0
Cooper's hawk <i>Accipiter cooperii</i>	2	0
Swainson's hawk <i>Buteo swainsoni</i>	2	1
northern harrier <i>Circus cyaneus</i>	1	1
greater sandhill crane <i>Grus canadensis tabida</i>	0	0
western yellow-billed cuckoo <i>Coccyzus americanus occidentalis</i>	1	0
short-eared owl <i>Asio flammeus</i>	0	0
western burrowing owl <i>Athene cuniculana hypugea</i>	0	0
bank swallow <i>Riparia riparia</i>	1	0
loggerhead shrike <i>Lanius ludovicianus</i>	0	?
tricolored blackbird <i>Agelaius tricolor</i>	0	0
California yellow warbler <i>Dendroica petechia brewsteri</i>	0	0

Table 2. Summary of relevant species' associations with vegetation complexes and mitigation designs detailed for species included in the Yolo County HCP.

Mitigation proposed under Yolo County HCP (29 species considered)	Number of species that will		
	Not use it	Use it	Use it intensely
Easements for continued agricultural production	23 (79%)	4 (14%)	2 (7%)
Easement or habitat enhancement in Yolo Bypass	20 (69%)	2 (7%)	2 (7%)
	Number of species that rely on burrows or burrowing animals:		
	Not at all	Somewhat	A great deal
(22 animal species considered)	11 (50%)	3 (14%)	8 (36%)

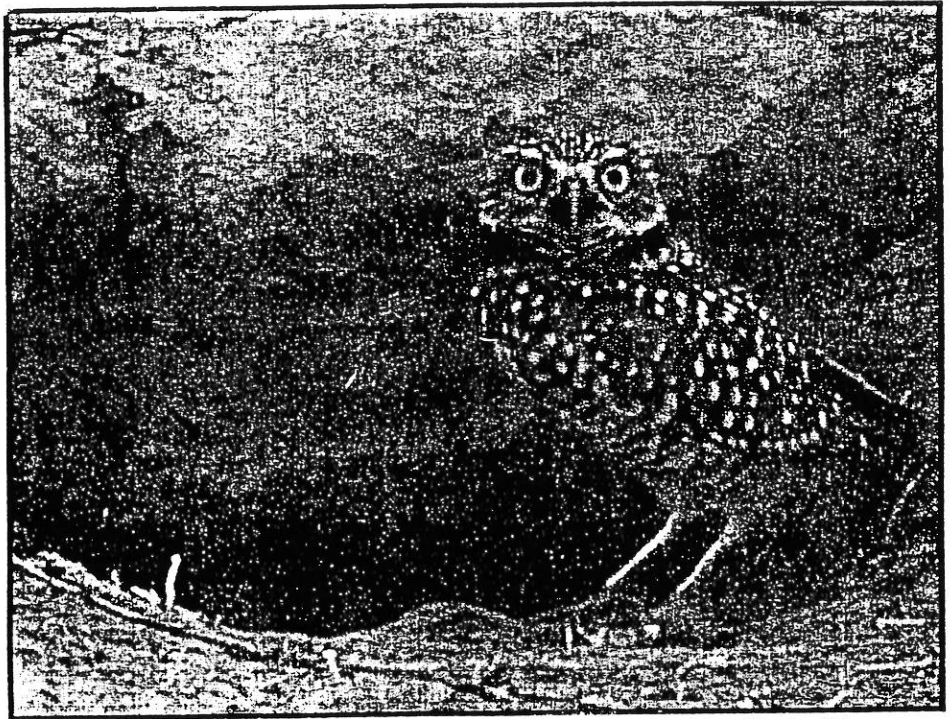
ATTACHMENTS TO LETTER 31

Last Grab of Yolo's Land and Water

The missing connection between science and the Endangered Species Act glares brightly in Yolo County.

By ~ K. Shawn Smallwood, Ph.D.

Until recently, the land that became Yolo County supported a greater diversity and a much greater biomass of animal and plant species, the distributions of which were influenced by the hydrology and the soils. These soils were laid down by many thousands of years of sediment deposition from stream flows out of the western foothills. The nature of the surface soil at any one location depended on the sediment's origin, underlying soils, ground elevation, topography, and the time and weathering since deposition. Rare soils, such as those of alkali flats and sinks (e.g., southeast of Woodland), supported a specialized flora, and some soils were prone to support wetland vegetation complexes. The diversity of life and the rarity of life-forms on this landscape was linked to the hydrology and the distribution of diverse soils. Humans exerted relatively low impact on this landscape and its biodiversity for about 15,000 years, then we radically changed it during the last 150 years.



Burrowing Owl (*Athene cunicularia*) Photographed by R. A. Sievers

Today we have an alarming list of species that are legally rare or locally extirpated due to land conversions to agriculture, mining, and residential, commercial and industrial developments. My current purpose is to describe the reasons for species declines due to recent land conversions, despite 25 years of the Endangered Species Act (ESA)—the strongest environmental legislation ever passed by government, having received only 4 nay votes combined by the 1973 House of Representatives and the U.S. Senate. In so doing, I will use three in-progress environmental planning documents as local examples of how the ESA is being misapplied so as to hasten the decline of Yolo County's rare species, its agricultural heritage, and its quality of life. 3-198

Soil to Dirt

Dirt is what remains of soil drained of life. By definition, soil has a significant living component, and since the beginning, terrestrial life has depended on the creation and maintenance of soil. Organisms send out their roots and excavate tunnels into the ground, thereby mixing underlying raw materials with atmospheric chemicals and organic matter to form humus and soil. All terrestrial life depends on this process, and we support our human populations by exploiting this process for agricultural products. The global human population gets about 95% of its food from soils, the most suitable of which comprises only 11% of the Earth's terrestrial surface. This soil, including that in Yolo County, provides for the human population and its economies.

Soil, however, can be turned back to dirt easy enough. Simply build houses on soil, or pave it over, and it will convert to useless dirt. Some agricultural practices will also convert soil to dirt. Any doubters of this possibility ought to visit the former agricultural lands of some extinct civilizations, or modern Ethiopia. Soil must be treated carefully, for this life-giving medium is vulnerable to degradation caused by human land use practices.

Left alone, soil will support complex ecological associations of plants, animals, fungi, and other types of organisms. For example, sandy and loamy soils and certain complexes of overlying vegetation attract pocket gophers and ground squirrels, which then construct burrows that benefit vegetation, symbiotic organisms that share these burrows, and predatory animals. Soils at the margins of agriculture can support the burrows of these fossorial species, and these soils comprise the majority of the remnant habitat patches used by Yolo County's legally rare species.

Dirt to Rarity

Many of the legally rare animal species in Yolo County rely on burrowing rodents as creators of habitat and as prey, but pocket gophers and ground squirrels are mostly restricted to the extreme margins of existence—along roadsides, railroad tracks, canals, streams, and in fallow fields and machine yards. (Gophers also thrive in alfalfa.) Gopher and ground squirrel burrows in these remnant, unmanaged soils provide shelter for the remaining California tiger salamanders, western spadefoot toads, burrowing owls, giant garter snakes, and likely some of the

legally rare arthropod species. One or both of these burrowing rodent species are prey for Swainson's hawk, short-eared owl, greater sandhill cranes, northern harrier, white-tailed kite, great blue heron, great egret, black-crowned night heron, golden eagle, ferruginous hawk, prairie falcon, merlin, long-eared owl, badger, and possibly ringtail. These species are legally rare or locally extinct in Yolo County because almost no unmanaged soil remains, and gophers and ground squirrels are abated [poisoned] throughout the County.

Habitat fragmentation is the greatest pressure on burrowing animals and their de-

To not include burrowing animals in mitigation or conservation plans is to deny the keystone ecological role they play for many of the legally rare species in Yolo County.

pendent legally rare species. Habitat fragmentation is the reduction in spatial extent of habitat area and the increasing isolation of the remaining habitat patches. It is the principal threat to most biological species, and is central to the modern biological extinction crisis. Suitable soils for burrowing animals have been fragmented by modern agriculture and land development to very narrow margins along roads, canal banks, some streams, and fallow fields. Alfalfa supports Swainson's hawks and other legally rare species that prey on pocket gophers. However, gopher abatement in alfalfa, and gopher and ground squirrel abatement elsewhere in the County, add to the pressure of habitat fragmentation, which jeopardizes the likelihood of survival

the keystone ecological role they play for many of the legally rare species in Yolo County. I have yet to see an Environmental Assessment (EA), Environmental Impact Report (EIR), or an Habitat Conservation Plan (HCP) that addressed this linkage between legally rare species, burrowing animals, and unmanaged, suitable soils. Given that these environmental planning documents consistently fall far short of using modern scientific standards, I am not surprised that fundamental ecological relationships have been ignored.

The Endangered Species Act

The language in the ESA is clear enough. It calls for use of the best available scientific information in concluding whether a proposed project will reduce the likelihood of survival and recovery of species in the wild, and whether the supporting ecosystem will be conserved (here "conserved" means that all methods were used to recover the threatened and endangered species to the point where the ESA was no longer needed). Therefore, the approval of any HCP, EIR, or EA by the US Fish and Wildlife Service (USFWS) should be contingent on whether the scientific foundation of the plan passed independent scientific review.

Scientists rely on independent review to maintain and improve their effectiveness and credibility. Independent review is a critical practice for assuring use of the best scientific information — it helps the quality of the information. The stakes are much higher for environmental planning documents than for non-applied scientific documents, however, because environmental planning documents can lead to irreversible changes in land use and soil conditions. EAs, EIRs, and HCPs lacking independent scientific review also lack foundation on the best scientific information, and therefore risk making a mockery of science, the law, and the public trust.

Independent scientific review is critical for assuring the environmental consultants and the USFWS appropriately: (1) designated critical habitats; (2) performed risk assessments for survival and recovery of the species to be taken under the incidental take permit (ITP); (3) performed an ecosystem assessment at larger than the project area; (4) performed uncertainty analyses for these first 3 estimates; (5) established scientific monitoring guidelines; (6) detailed adaptive management practices that are linked to the monitoring thresholds; and (7) referenced source information and available data.

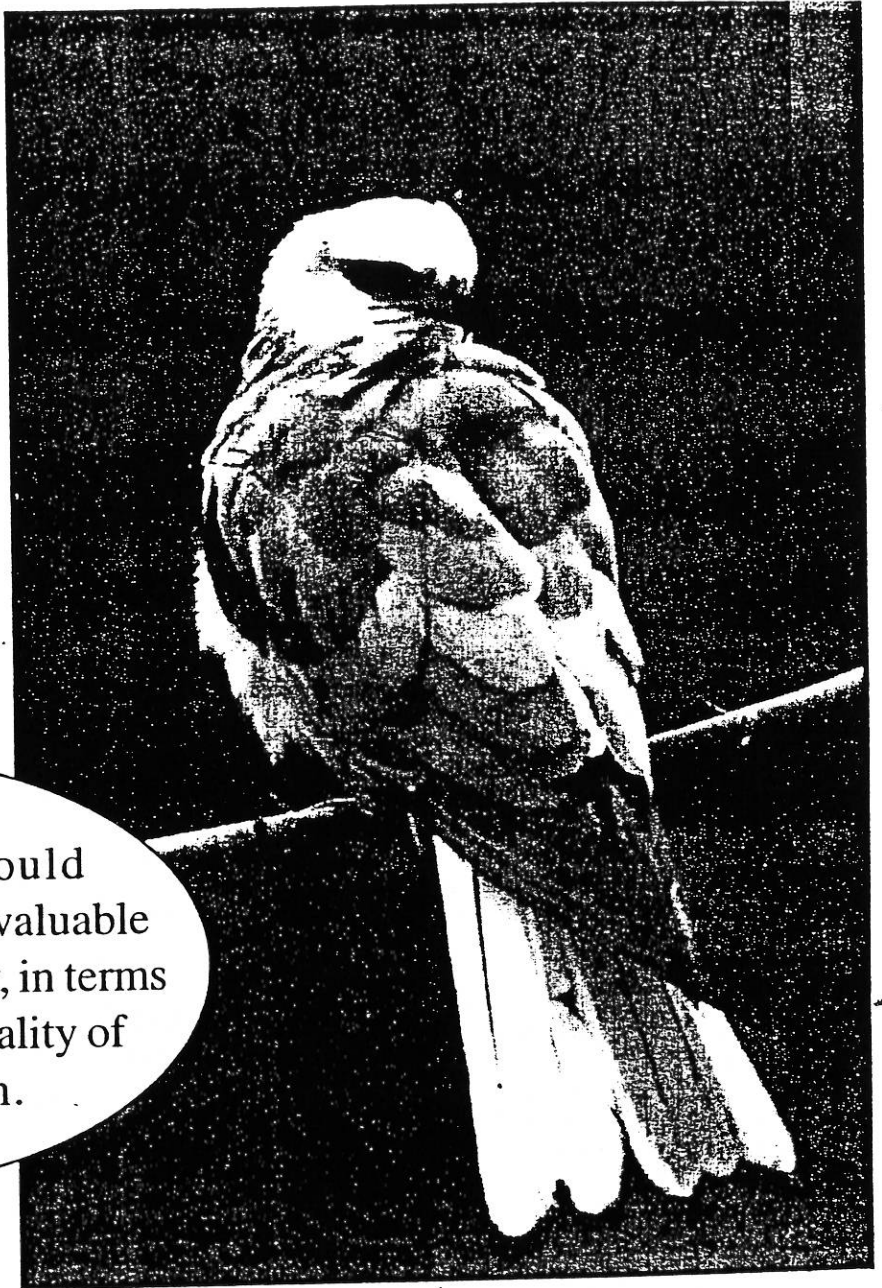
Environmental consultants and the USFWS staff biologists should not provide the independent scientific reviews, because

(continued on page 16)

Science and the Endangered Species Act (continued)

~Shawn K. Smallwood

Covell Center would
destroy one of the most valuable
land areas in Yolo County, in terms
of the existing functionality of
the ecosystem.



White Tailed Kite ~ Photo by D. N. Fry

these people can be biased by their employers. Independent scientific reviewers must have no financial conflict of interest in the proposed project.

Without independent scientific review and these other scientific standards, environmental documents are not compliant with the ESA. I have yet to read an HCP, EIR, or EA that adheres to these standards, so I have yet to read one that complies with the ESA. Several local examples follow.

Yolo County HCP

The Yolo County HCP is the most ambitious local environmental document. But don't expect conservation from the Habitat Conservation Plan. The HCP is a mitigation plan, despite its name. This tricky name ought to give the game away, but I'll describe more of what is going on with this and other HCPs.

According to the latest draft of the Yolo County HCP, the incidental take permit applicants would be compliant with the ESA while taking habitat of 29 legally rare species during construction activities on more than 14,000 acres for the next 20 years, although no acreage limit was actually set. These permit applicants would pay only \$2,600 per acre, and they would receive their permits much more quickly and without worry as to how their mitigation fees will be spent. They would benefit from an application of the ESA that has grown to involve 19 million acres in several hundred plans during just the last few years across the US. This huge push for HCPs merits another red flag, especially because they are voluntarily funded by the wealthiest developers.

The HCP's use of key phrases such as ecosystem management, regional planning, and adaptive management, drew my attention and eagerness to work on an HCP. Employed by EIP Associates, the environmental consulting firm contracted to develop the HCP, I developed the scientific foundation for selecting habitat mitigation sites to be protected or restored. These sites were prioritized by their contribution to ecosystem function from the collective perspective of the 29 species to be covered by the ITP. My approach was lauded by the USFWS and California Department of Fish and Game as the model for all future HCPs. It was reviewed favorably by five of my prominent peers in the scientific disciplines of ecology and conservation biology. It was conceptually approved by the governments of Yolo County and most of the cities, perhaps because they thought the HCP was scientifically sound.

After I left EIP Associates, my site selection protocol was replaced by a ridiculous mitigation protocol that misapplied scientific terms I brought to the plan and misrep-

HCP was presented to the public as if it were founded on my scientific work. The final draft HCP called for (1) enhancing habitat on land already in public domain, and (2) paying farmers to continue farming in the same manner as before. Behind the scenes, the habitat enhancement was being targeted for the new Yolo Bypass Wildlife Area, where flood waters periodically inundate the entire Bypass and any "enhancements" to the Wildlife Area. In other words, the Yolo County HCP would allow developers to take more than 14,000 acres during the next 20 years without any mitigation for the habitat lost to 29 legally rare species, as well as to many other species.

ment was the strongest aspect of the HCP I had worked on prior to its unfortunate conversion, lacked the most critical data of all — the soils data.

I was not allowed to use the soils data, which were available to us at the time. I was reminded that I was not being paid to conduct a rigorous scientific study. However, the condition of the soil is almost everything to the likelihood of survival and recovery of many of the species to be covered by the ITP. The 7 plant species specialize on rare soils. Previous land use practices have further pressured these species, and planned development will likely cause most of these species to go extinct in Yolo

Table 1: Covell Center

Measured Indicator using GIS	Value	Significance
Variety index — number of vegetation types	5	top 4% of land units in Yolo Co.
Habitat occurrence index	27	top 11% of land units
Habitat use index — use by target species	38	top 1% of land units
Area index — contiguity with other land units	3	top 37% of land units
Connectivity index — level of connectedness	8	top 8.6% & highest possible value
Ecological Integrity — degree to which functional parts of ecosystem are intact	88	top 1% of land units
Conservation Opportunity — Combination of ecological integrity, restoration opportunity, and collateral values	68	top 3% of land units

Even had my scientific work been used to provide more than just legitimacy to the HCP, it needed much more work to meet modern scientific standards and compliance with the ESA. No risk assessment had been performed, and uncertainty analysis was never performed for any aspect of the plan (no ground truth was performed for the vegetation maps). Critical habitat was never designated for any of the 29 species. Only habitat associations were described and used for the original mitigation site-selection protocol. EIP Associates provided no scientific monitoring plan nor credible adaptive-

County. The development occurring along Road 102 southeast of Woodland will seal the fate of these rare plants that survive on the alkali soils. Transplantation of the plants will not succeed.

Most of the animals to be covered by the HCP/ITP depend on soils that are suitable for vernal pools and animal burrowing. Agricultural land uses have already reduced the extent of these suitable soils to the margins of existence. Development under the HCP will permanently take some more suitable soils and will further isolate patches of what remains. The ecosystem assessment of the Yolo County HCP remains grossly inadequate without including soils.

The Yolo County HCP, like so many other HCPs, fails to comply with the ESA. Constructing waterfowl ponds in the Yolo Bypass and paying farmers to continue growing their crops will not mitigate the permanent take of soils by developers. The USFWS continues to promote this HCP despite its failures. No wonder the ESA has failed to conserve the most vulnerable of America's biological heritage.

Covell Center

One of the largest patches of unmanaged soil, and one of the best connected of such soil patches to riparian areas, is the land between F Street and Road 02 north of Covell Boulevard. During the first few days of August, 1997, I videotaped a pair of burrowing owls on the property, and I photographed multiple western spadefoot toads using ground squirrel burrows nearby. The land has long been used by foraging Swainson's hawks, and sometimes this species nests there. White-tailed kites nested there this year and had done so in the past. I have seen loggerhead shrikes on this land, as well as ferruginous hawks, Cooper's hawks, black-crowned night herons, great blue herons, and great egrets. Additionally, Jones & Stokes Associates reported evidence of valley elderberry longhorn beetles.

Jones & Stokes Associates, which is the environmental consulting firm that prepared the EIR, claimed to have found no sign of burrowing owl on the Project site during surveys in 1989 and 1996. I know of three burrowing owl nests that occurred on the Project site during spring and summer of 1997, and more likely occurred elsewhere on the site. Jones & Stokes Associates found more holes of Valley elderberry longhorn beetle (VELB) in the trunk of a lone elderberry bush, but they did not mention that VELB can also inhabit the trunks of other woody plant species, as well. Jones & Stokes Associates claim that the Project site offers poor habitat conditions for giant garter snake. Based on my review of the giant garter snake literature, I disagree. The channelized slough on the Project site has the water flow regime and bank and vegetation conditions that are suitable for giant garter snake. The March 1997 Draft EIR for the Covell Center Project was not based on adequate field reconnaissance, let alone any scientifically defensible sampling program.

One criterion for determining environmental impact of the Project was whether the Project will interfere with the movement of any resident wildlife species (Draft EIR, page 12-11). Another criterion was whether the Project would cause the deterioration of existing wildlife habitat. The Draft EIR then concludes that if the developer participates with the Yolo County HCP or mitigates by replacing habitat acreage, the impacts will be less-than-significant. If Jones & Stokes Associates had relied on more of the support material for the Yolo County HCP, they would have seen that the impacts are going to be highly significant. If they had read the Final Draft Implementation document for the HCP, which they cited at the end of the current draft EIR, then they would have seen that the Yolo County HCP provides phony mitigation.

most valuable land uses in terms of the existing functionality of the ecosystem. In developing the biological foundation of the HCP, I used available wildlife and land use data, vegetation maps that I constructed, and modern scientific methods to rate square-mile land units for ecosystem functionality. I worked with the County Planning Department and their Geographic Information System (GIS) to construct maps of ecological integrity, restoration opportunity, collateral values, and conservation opportunity. These maps were known to Jones & Stokes Associates, and summarized the best scientific information available. The results of this scientific assessment agreed with my personal observations that serious environmental impacts will result from the development of Covell Center.

The land proposed for development of Covell Center is one of the last remaining areas supporting valuable habitat to multiple legally rare species. It is well-connected to other such lands, and also is sufficiently large in area to support the legally rare species (Table 1). It is for this reason I was pressured to change the HCP maps, so as not to disrupt the good relationship between the City of Davis and John Whitcombe (the developer behind Covell Center). A city planner visited my office in Sacramento three times, insisting that I change the ratings mapped at Covell Center and the area just north of what is now Davis Sutter-West Hospital. EIP Associates also pressured me to change the ratings. Of course, I refused to change the ratings, because these changes would have been fraudulent. Anyway, EIP Associates eventually washed out the visual depiction of the highly rated land units by collapsing my six categories of ratings values into three.

Table 1. Habitat value ratings for the square-mile land unit proposed as Covell Center. These ratings were made specifically for the legally rare species in Yolo County, and the approach was peer-reviewed by leading scientists. Soil types and condition was not considered.

The proposed mitigation for the take of legally rare species habitat is grossly inadequate. Use of the Yolo County HCP would result in no mitigation, whatsoever. Replacement acreage is not likely to be found in Yolo County, especially with all the landscape attributes identified for the Covell Center Project land, which is identified in the Biological Resources report of the Yolo County HCP and reproduced to some extent in Table 1. The artificial ponds that are proposed to be constructed within a matrix of housing and commercial enterprise will almost certainly fail to support any of the legally rare species listed above. Swainson's hawks that nest in trees within the city of Davis will lose an important foraging area nearby their nests, which might be sufficient to terminate Swainson's hawk nesting within town. For some reason, Jones & Stokes Associates has failed to make use of

study. Without considering these documents and the larger-scale ecological context within which the Project site occurs, the mitigation remains grossly inadequate.

Supplemental Water Purchase Program

I carefully reviewed the 1996 Draft Program EIR for the State Water Project Supplemental Water Purchase Program (SWPP), which concludes impacts to biota and communities due to the transfer of "surplus" water from Yolo County and other northern California counties. This Program would ship surface water, and ground water from some locations, to southern California. Governor Pete Wilson directed the Department of Water Resources (DWR) to develop this Program, which I believe is viewed as the last big hurdle to overcome before the final development push in southern California. The greatest concentration of HCPs in the US are under development in southern California, thereby getting the ESA regulatory hurdle out of the way for upwards of 75 years and for up to 85 species in a single ITP. The only hindrance to the final push is the availability of water — our water.

This EIR was so badly flawed that I found its release to the public astonishing. The EIR's conclusions that the SWPP will have no significant environmental impacts lack scientific foundation and common sense. To come to these conclusions, those who prepared the EIR could not have applied the scientific standards appropriate for compliance with the ESA, let alone other environmental laws and regulations.

Because the appropriate scientific standards were not applied to the EIR, the EIR's conclusions regarding impacts to wetlands, wildlife and fish are not credible. The assessments of impacts due to the SWPP will require more than the seven small paragraphs for wetlands, the five paragraphs for wildlife, and the presentation of stream flow trends for fish. The species accounts presented in Appendix B of the EIR apparently stood alone, lacking any connection to the assessment of impacts in the EIR. The species accounts were very cursory, frequently inaccurate, and lacked suitable referencing to sources of information. The EIR's conclusions cannot be defended on scientific grounds, nor can they meet the standards of the National Research Council (National Research Council, 1986, Ecological knowledge and environmental problem-solving: concepts and case studies, National Academy Press, Washington, D.C.) or for scientific expert testimony in US courts (William Daubert, et ux., et al., *Petitioners v. Merrell Dow Pharmaceuticals, Inc.*, No. 92-102, Supreme Court of the United States). The EIR's conclusions consist of unsubstantiated opinions, lack collection of baseline data, and lack any



Northern Harrier Photograph by Fred K. Truslow

California streams, ponds, lakes, and estuaries serve as the circulatory system for California's biota (e.g., Smallwood, K.S. and E.L. Fitzhugh, 1995, *Biological Conservation* 7, pp. 251-9; Smallwood, K.S., B.J. Nakamoto, and S. Geng, 1996, pp. 177-90 in D.M. Bird, D.E. Varland, and J.J. Negro, eds., *Raptors in human landscapes*, Academic Press, London). The San Joaquin Delta is especially important to the distribution and abundance of many species native to California. These species in the Delta and in streams and water bodies elsewhere are familiar with a Mediterranean climate, in which water flows during summer and fall reduce naturally, thereby exposing mud flats and previously inundated banks. This seasonal cycle of wetting and drying is critical to the reproduction and foraging of many plant and animal species. For example, species of shorebirds specialize on the exposed streambeds due to the natural reduction of stream flow during summer and fall. Some of these species are legally rare and will be "taken" due to the proposed SWPP. Common sense and scientific research experience suggest that the impacts of the SWPP to plant and animal life would be very significant, and would be observable well beyond the affected riparian zones around the streams carrying the "surplus" water, but only had the EIR included a monitoring plan. Water is the most important resource to California's plant and animal life, and proposed alterations in its use, distribution and flow regimes must be taken more seriously

Additional cause for concern is the EIR's use of the terms "could" and "could be" for assessing possible environmental impacts due to the SWPP. The possible impacts deserve greater honesty in the EIR's conclusions. They also need greater scientific rigor, including uncertainty analysis. Similarly, the use of the terms "could" and "could be" in describing practices to avoid impacts need to be replaced with "shall" and "shall be" before the proposed avoidance practices can be taken seriously. Also, the alternative of implementing water conservation practices needs to be seriously considered—not dismissed with undue cause.

Furthermore, the EIR should not have been prepared by the same agency that will approve the project. Not only does the current EIR appear to have been influenced by a conflict of interest, but those who prepared it were either incapable of conducting rudimentary scientific analysis or they were prevented from doing so by their employers. Whatever the cause, California's Department of Water Resources failed to meet the minimum scientific standards required of this EIR.

Conclusions

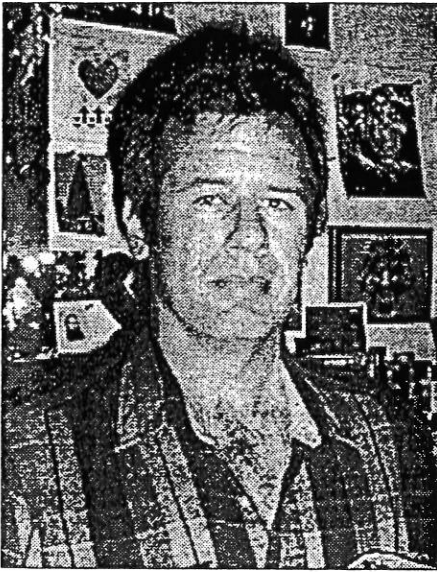
The ESA has been failing because it has been grossly misapplied. The most fundamental scientific steps have yet to be taken, including independent scientific review and critical habitat designation. The distribution of water and suitable soils determine the distribution and status of the legally rare

no role in the recent HCP and EIRs I have reviewed. Soils are being ignored in the same county where the University of California at Davis maintains a large agronomy department, and where numerous ecologists, wildlife biologists, botanists and conservation biologists conduct their scientific research. **The missing connection between science and the ESA glares brightly in Yolo County.**

Yolo County farmers also have been left out of ESA planning. Farmers were intentionally left off the HCP steering committee until late in the process, which is the same trick used to make late-participating environmentalists feel fortunate to salvage a small part of the environment through their negotiations. Also, economic analyses of these plans fail to consider the long-term impacts to the community due to loss of arable soils. Environmentalists and farmers are simply thrown a few bones to chew on.

As the global human population continues to grow, the 95% of the food that we get from agricultural soils comprising 11% of Earth's terrestrial surface area will be in greater demand. The immediate financial gains to land developers and local governments will be trivial compared to the long-term loss of our agricultural soils. These examples of environmental documents I presented herein not only undermine the ESA, but they permit the biological sterilization of Yolo County and the destruction of our future in agriculture. Such use of the ESA threatens future Yolo County citizens with a lower quality of life and a boring environment. Many of those creating ESA planning and compliance documents are getting rich by our ruin.





by Shawn Smallwood

DAVIS



Local Davis residents recently had the opportunity to contribute to a vision for the city during a forum entitled "Davis in Transition: Visions for the Future," emceed by Desmond Jolly (the keynote address by Rev. Jim Kitchens was in the *May Flatlander*). I attended the first two hours, and was pleased with the progress I observed. Many people in our community are concerned about urban sprawl, diminishing water quality, funding for open space, the conditions of our primary and secondary schools, and the growing acrimony among those who debate these issues in public. Why is it that Davis is going the way of other Valley towns in terms of sprawl, traffic volume, light pollution, crowded classrooms, and other attributes that diminish the quality of our lives?

I suggest a simple answer, but one that does not follow from the ecologist's usual temptation to blame all these problems on over-population. My simple answer is that public officials hear disproportionately from one small segment of our population - developers, aggregate miners, and others who want to make lots of money by using or abusing important natural resources. The Davis City Council and the Yolo County Supervisors hear from those wanting to make huge profits from our resources, whereas they hear very little from the vast majority of us who lack such economic interests. Davis city planning is driven by developer proposals, when it should be driven by a vision of Davis provided by the majority of its citizens.

Our elected policy makers are bom-

barred by developer proposals, such as Covell Center, the Northwest Quadrant, and the Yolo County Habitat Conservation Plan, which really is a mitigation plan designed to fast-track nearly 15,000 acres of development in Yolo County. Our City Council also consults with planners who are often biased toward developer proposals, perhaps because new developments are more interesting planning work than maintaining the existing city. Recently, quite a few Davis citizens realized that just about every development proposal was getting approved by the City Council - Wildhorse, Mace Ranch, Aggie Village, Northstar, South Davis. The reactions of these citizens were often laden with emotion, and the emotional tone of their collective voice grew as they faced the absurd arguments and decisions made by our once-trusted policy makers and their city planners.

Experiencing such frustration firsthand, I recently exercised my legal right to comment on the Environmental Impact Report for the proposed Covell Center project. I donated a lot of time to assess the Covell Center EIR for its likely impacts on multiple legally rare species, on ecosystem functioning, and on exposure risks to the new residents due to the leakage of hazardous materials from the old Davis landfill. The City of Davis adamantly defended all of their conclusions in the EIR, no matter how flawed or risky to the public. Along with the other professionals representing various areas of expertise, the comments I provided were dismissed rather than used to improve or reconsider the Covell Center project.

Our long-term inattentiveness to Davis City politics allowed those seeking profit from our resources to develop an unhealthy relationship with our government

Our system of government works in the manner intended only when we citizens participate in it and remain vigilant. Our vigilance would go a long way toward reducing the current inequity in our representation. We can provide the pressure needed to maintain the developer influence at reasonable levels. Desmond Jolly's forum provided a healthy, meaningful way to provide this citizen vigilance. In my opinion, Davis is way overdue for initiating a formal process to decide which of our city's qualities are important to us and how to protect or restore them.

Defining our Vision

The first step toward realizing and maintaining the qualities we seek in Davis is to identify a clear vision for Davis into the future. Without a vision of how we would like to experience Davis in 10, 20 or 40 years from now, then how can we possibly debate our issues in a rational manner? Without a vision, what does it mean for a developer to mitigate for the resources taken by the project? Without a vision, our city planners and their political bosses will seek only to meet minimum statutes for compliance made legal by people who don't live in Davis, but rather in Sacramento and Washington, D.C.

An effective way to identify a vision is to go through formal processes like the one provided by Desmond Jolly. A vision for Davis is also being sought by recently formed citizen groups known as Towne Davis and Citizens for Responsible Planning. Jim Leonard is promoting methods he thinks will be effective for creating an urban limit line. Bob Milbrodt has an idea on how to encourage farmer

vision. Our entire city should be involved in some way.

We should never expect to reach a consensus on all aspects of our collective vision, because we all have unique perspectives and wants. However, we are similar enough to get close to consensus on a town vision. We need to identify those natural and cultural resources that we value the most, and we need to describe the conditions we would like these resources to be in now and sometime in the future. Should we expect our Davis city planners to do this for us? Our local and out-of-town developers?

Assessing our Resources

Once a citizen-based vision is articulated, we can begin a formal process for assessing the conditions of our resources and the means by which to achieve our goals. I propose a process I helped

develop during an international workshop dedicated to more effectively bring knowledge from the ecological sciences to policy makers. My process is nearly as simple as I will present in the following text. As far as I am aware, nothing like this simple process is being pursued in our city, let alone in most other US cities.

Using the ecological indicators approach, the vision is referred to as the idealized state of the ecosystem within the political boundaries of our choosing. An ecosystem is a conceptualized compartmentalization of its constituent energy, water, and nutrient resources, including the landscape and biota through which its resources flow and are stored. Our use of the term ecosystem included this simplified, conventional definition, but it also acknowledged humans and their cultural resources as part of the ecosystem. Conceptualizing the ecosystem within political boundaries is the only way to develop meaningful policy relevant to protecting or improving its functionality.

Consistent with the scientific use of the term ecosystem, the next step of the process involves our listing the types of resources comprising the ecosystem, their functional roles in the ecosystem, and their values to us. Our defining the ecosystem from a human-centrist point of view is reasonable because, after all, we are part of it, and in the Davis area, we control it to a great extent. The resources within our politically bounded ecosystem then need to be prioritized in their importance to us because we will need to manage them on a limited budget (or to cease management of them).

We then assess the condition of each of the listed resources. So if we list our resources within the Davis Sphere of Influence (a legal boundary created by the City of Davis and Yolo County) as surface water, groundwater, the lower atmosphere, soils, natural vegetation, wildlife, open

area, libraries and so on, then we need to assess the current conditions of each. Are the current conditions of our priority resources acceptable to us now? Would they be acceptable in the Davis we envision in the future?

In our next step, we would assess our priority resources for their sensitivity and

vulnerability to pressures from other parts of the ecosystem. These pressures would derive from the system drivers, such as immigration to Davis, University of California student enrollment, the loading of pesticides and synthetic fertilizers on agricultural lands as well as residential yards and greenbelts, accumulation of hazardous materials in landfills and other dump sites, the proportion of Davisites commuting to work out of town, and so on. Of course, to assess the threats from these system drivers, we also need to identify and assess the effects of their controllers, such as regulations and their enforcement, the agricultural market and changing consumer demand (including a growing international demand), incentives for using public transportation, carpooling, and so on.

Finally, given our system drivers and their controlling factors, are the ways we are currently managing our resources tolerable for achieving our idealized state — our vision for Davis? The consequences of our current and proposed future actions need to be explicitly stated and acknowledged with respect to our envisioned state. The planning process I propose is methodical and directed to achieving our goals, whatever they are. It would infuse Davis politics with rational debate of issues that we define.

The Data and the Skills are Available

Currently, Davis has no formal vision other than the General Plan, which really is an attempt to contain the rates of loss and degradation of our resources. Davis monitors the condition of some of its resources, but mostly according to minimum statutes imposed by state and federal government agencies rather than our own. There appears to be no formal process for determining whether our resource management policies are tolerable for achieving an idealized state, let alone for remaining within regulatory guidelines.

Some Davis citizens have told me there is nothing we can do to control urban sprawl, the loss of farmland, the degradation of our water and air qualities, and so on, because people want to move here and we can't tell them to stay away. Some politicians claim we have a legal obliga-

tion to take some of the development pressure off our Valley neighbors. If these people are correct, then we might as well write our epitaph and lie down, because our way of life and our ability to live healthfully will soon be gone. I believe we can assert ourselves in a much more effective manner.

I submit that we in Davis can develop a vision and an effective plan to achieve that vision. Our town is full of talent and appropriate skills. The environmental data, such as soils, natural vegetation, land use, hydrology, and groundwater attributes are mapped in digital form and available on computers administered by very capable people at the County of Yolo and the University of California, Davis. Taxpayers paid for all these data and their preparation. Why in the world don't we use these data to decide the fate of our town? Obviously, we can't leave our vision for Davis to elected officials, career-minded planners and developers. Reasonable planning can only follow a clear vision and an effective process applied to high quality data.

I have already used some of these data to assess land units across Yolo County for their ecological integrity, or the degree to which the functional parts of the ecosystem are still intact. This assessment was reviewed favorably by other academic scientists and will soon be published. The process works. However, my assessment of ecological integrity was a limited exercise compared to the one I recommend for Davis. I suggest existing citizens groups lead the process and request support from our elected officials to really plan the future of Davis.

Ecologist, biologist, and Sac State professor Shawn Smallwood disappears for 4 day weekends to the farthest reaches of northeastern California, braving personal extinction when he comes across marijuana patches (he has been fired upon). His track count for carnivores has been a regular trek, measuring the same transects for the last fourteen years. "The carnivore count is down this year. I'm not sure why," reported Shawn. (The project is currently in search of an new funding source for year fifteen.) Shawn kindly submitted this visioning process for a more ecologically sane Davis to The Flatlander. Shawn's email is puma@davis.com

by Pam Nieberg



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As a continuation of the "Davis In Transition" Workshop held April 25 at Village Homes Community Center, a group consisting of participants in that workshop and others who have joined since has been meeting to continue the dialog begun that day. The Davis Visioning Group is discussing many issues that affect Davis, how the city and county respond to the issues, and the effects of these actions on the community. Goals of the group are to formulate a vision of Davis for the future, establish fruitful communication between the citizens and the city and county governments, and to motivate neighborhood action and participation in the process of shaping our future.

The original workshop grew out of continued frustration on the part of the many citizens in dealings with the city and the perception that the voice of the people was not being heard. The failure of Measure I woke the city up to this dissatisfaction, and precipitated a number of neighborhood meetings designed to bring the decision-makers and the public together to hear the people's views on the city. Citizens were encouraged to express their opinions regarding the city and to speak with the City Council and city staff regarding neighborhood issues and concerns. From this process evolved the idea of a workshop designed to provide a venue for people to express what they like and dislike about Davis, to begin to formulate a vision of what they want their city to be, and how they can participate in this transition.

Some of the questions considered at the first workshop were, "Why are we here?" "What do we like/dislike about Davis and Why?" "What do we value and how do we ensure our shared values?" and "What are the next steps?" Common themes which evolved from this and subsequent follow-up meetings were to keep our small-town atmosphere; continue and strengthen our slow growth policies; preserve our agricultural land, wildlife habitat, and open space; promote a sense of community, freedom of expression, and diversity; provide a means for the citizens to be involved in the city government and the community; and to preserve the quality of life in Davis as a sustainable community. Participants generated ideas for activities to pursue to accomplish these goals. Some of these ideas were to create a network that will follow up on these themes, create and agree on a vision for Davis, create a process for involving all Davis citizens in the visioning process and which will lead to on-going interactions between citizens, neighborhoods, and the city.

As a result of this initial process, a group of citizens calling itself the Davis Visioning Group is meeting regularly to define goals, to utilize resources to help us understand the governmental, developmental, and environmental problems we face in Davis and Yolo County, and to find ways to be effective in participating in policy formation. Ultimately, this core group envisions acting as a sort of "clearing house" for problems facing the community and possibly a liaison between neighborhood councils and the city and county governments.



The Davis Visioning Group has developed a mission statement for sustaining our quality of life as a community. The purpose of the group is to take responsible, informed, and effective actions to assure that the public initiative for slow growth and the quality of life values expressed by citizen in various public forums are implemented through the City's and County's General plans, programs, and policies. These values are to enhance, maintain and protect green space (including farm land, habitat, recreational sites, and open space), conservation programs (air, water, energy and resource use), community events and facilities, public transportation (including bike and foot path systems, bus service), diversity with a balance of affordable housing in all neighborhoods and a diverse economic base, and to preserve our small town character. The Visioning Group seeks to establish reciprocal partnerships with the university, county, and regional governments in order to facilitate our ability to implement our ideas for the future of Davis.

The Davis Visioning Group is still in its embryonic stages; we encourage participation of the entire community in developing a vision for our future; it is essential for all citizens to participate proactively in the decision-making process to ensure that local and regional governments are responsive to our quality of life issues. We welcome your support, ideas, rants, or anything you have to offer. Join us at our regular meetings on the first and third Mondays of the month. For more information about the Davis Visioning Group, please call Pam Nieberg at 756-6856.

Pam Nieberg is a Staff Research Associate in the Avian Sciences and Environmental Toxicology Departments. She is the Coordinator of the Davis Visioning Group, and Treasurer of the Davis Chapter of the Alliance For Democracy, and a member of the Frontier Fertilizer

RECEIVED

K. Shawn Smallwood, PhD
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APR 18 1997

City of Davis
Planning & Building

April 18, 1997

Heidi Tschudin, Planning Consultant
Davis Planning and Building Department
23 Russell Blvd.
Davis, CA 95616

Re: Covell Center Project, Draft EIR, March, 1997

Dear Ms. Tschudin,

I wish to take this opportunity to provide comments on the Draft EIR for the Covell Center Project. I am a research ecologist with extensive experience in large-area planning and scientific studies of wildlife in Yolo County. The land proposed for the Covell Center Project also occurs at the beginning of my 128-mile survey transect for wildlife, which I have surveyed intensively since the beginning of 1990. I have published several papers from this survey effort, including two peer-reviewed papers on Swainson's hawk and one on white-tailed kite. The land proposed for Covell Center has contributed significantly to my survey results, including many observations of Swainson's hawk and white-tailed kite. Additionally, I have published 40 professional papers and I have presented research results to scientific audiences all over the world.

1

Based on my research results and opportunistic observations of the Project land, I am opposed to the proposed development of Covell Center. One important reason for my opposition is the environmental damage the project will cause. The land between F Street and Road 102 and north of Covell Boulevard supports Swainson's hawk, which is listed by the State of California as a Threatened species, and which is also protected by the federal Migratory Bird Treaty Act. On this land, I have also seen State-listed Species of Special Concern, including the burrowing owl, white-tailed kite, Cooper's hawk, northern harrier, and loggerhead shrike. I've seen the Ferruginous hawk on the site, which is a federally listed species of concern. Many other species of wildlife occur there, and it remains unknown due to lack of sampling whether the California tiger salamander occurs there, nor western spadefoot toad, four species of fairy shrimp, Valley elderberry longhorn beetle, and other species that are legally rare.

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Jones & Stokes Associates claim to have not discovered any sign of burrowing owl on the Project site during surveys in 1989 and 1996. I have known of two burrowing owl nests on the Project site for several months, and I believe that it is highly likely there are more nest sites. Jones & Stokes Associates found bore holes of Valley elderberry longhorn beetle (VELB) in the trunk of a lone elderberry bush, but they did not mention that VELB can also inhabit the trunks of other woody plant species, as well. Jones & Stokes Associates claim that the Project site offers poor habitat conditions for giant garter snake. Based on my review of the giant garter snake literature, I disagree with their claim. The channelized slough on the Project site has the water flow regime and bank and vegetation conditions that are quite suitable for giant garter snake. The March 1977 Draft EIR for the Covell Center Project was not based on adequate field reconnaissance, let alone any scientifically defensible sampling program.

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One criterion for determining environmental impact of the Project was whether the Project will interfere with the movement of any resident wildlife species (Draft EIR, page 12-11). Another criterion was whether the Project would cause the deterioration of existing wildlife habitat. The Draft EIR then concludes that if the developer participates with the Yolo County HCP or mitigates by replacing habitat acreage, the impacts will be less-than-significant. If Jones & Stokes Associates had relied on more of the support material for the Yolo County HCP, they would have seen that the impacts are going to be highly significant. If they had read the Final Draft Implementation document for the HCP, which they cited at the end of the current draft EIR, then they would have seen that the Yolo County HCP provides phony mitigation. I will address these issues in the remainder of my comment letter, and I attach my Op-Ed I recently had published in the Davis Enterprise .

7

Covell Center would destroy one of the most valuable land areas in Yolo County, in terms of the existing functionality of the ecosystem. I was employed by EIP Associates to develop the biological foundation for the Yolo County HCP. I worked with the County and their Geographic Information System (GIS) to construct maps of ecological integrity, restoration opportunity, collateral values, and conservation opportunity. I used available wildlife and land use data, vegetation maps that I constructed, and state-of-the-art scientific methods to rate square-mile land units for ecosystem functionality from the perspective of the 29 legally rare species. This methodology was peer-reviewed by five of the leading ecologists and conservation biologists in the US. They thought it was an excellent scientific study, and the California Department of Fish and Game and the US Fish and Wildlife Service hailed the approach as the model for future HCPs. Therefore, the best scientific information and my own personal observations indicate serious environmental impacts will result from the development of Covell Center.

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The land proposed for development of Covell Center is one of the last remaining areas that supports valuable habitat to multiple legally rare species. It is well-connected to other such lands, and also is sufficiently large in area to support the legally rare species (Table 1). It is for this reason I was pressured to change the HCP maps, so as not to disrupt the good relationship between John Whitcomb and the City of Davis. Of course, I refused to change the maps, and now I am using them in the manner that was feared by those who pressured me to commit fraud.

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The proposed mitigation for the take of legally rare species habitat is grossly inadequate. Use of the Yolo County HCP would result in no mitigation, whatsoever. Replacement acreage is not likely to be found in Yolo County, especially with all the landscape attributes identified for the Covell Center Project land, which is identified in the Biological Resources report of the Yolo County HCP and reproduced to some extent in Table 1. The artificial ponds that are proposed to be constructed within a matrix of housing and commercial enterprise will almost certainly fail to support any of the legally rare species listed above, except perhaps nest trees for the white-tailed kite. Swainson's hawks that nest in trees within the city of Davis will lose an important foraging area nearby their nests, which might be sufficient to terminate Swainson's hawk nesting within town. For some reason, Jones & Stokes Associates has failed to make use of the support documents for the Yolo County HCP, including the text that describes my study. Without considering these documents and the larger-scale ecological context within which the Project site occurs, the mitigation remains grossly inadequate.

10

Table 1. Habitat value ratings for the square-mile land unit proposed as Covell Center. These ratings were made specifically for the legally rare species in Yolo County, and the approach was peer-reviewed by leading scientists.


Measured Indicator using GIS	Value	Significance
Variety index -- number of vegetation types	5	top 4% of land units in Yolo Co.
Habitat occurrence index	27	top 11% of land units
Habitat use index -- use by target species	38	top 1% of land units
Area index -- contiguity with other land units	3	top 37% of land units
Connectivity index -- level of connectedness	8	top 8.6% & highest possible value
Ecological Integrity -- degree to which functional parts of ecosystem are intact	88	top 1% of land units
Conservation Opportunity -- Combination of ecological integrity, restoration opportunity, and collateral values	68	top 3% of land units

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I strongly recommend that the City of Davis not permit the Covell Center Project. Furthermore, given the scientific evidence of high ecological value, I recommend that this land area north of Covell Boulevard and between F Street and Road 102 not be considered for any future development. The loss of that land for wildlife would unlikely be replaced or mitigated adequately due to the landscape context in which it occurs.

12

Sincerely,


Shawn Smallwood, PhD

Attachment to Comment Letter for the Draft EIR, Covell Center Project:

Op-Ed to the Davis Enterprise Regarding the Yolo County HCP

Shawn Smallwood, PhD

The increasing pace of growth in Davis and in other parts of Yolo County inspired one of the most ambitious environmental mitigation plans ever – the Yolo County Habitat Conservation Plan (HCP). The Yolo County HCP has been under preparation during the past six years or so by EIP Associates, an environmental planning and consulting firm. After great expense, the Yolo County HCP is on the verge of implementation.

I worked for EIP on a critical part of the HCP during 1994 and 1995, and am a named author of the Final Draft Yolo County HCP. EIP hired me after my nine years of PhD and post-graduate research at UC Davis, all of which was highly relevant to the HCP. When I left EIP in autumn of 1995, I thought this HCP was on its way to unprecedented success. However, I changed my view of the HCP when I read the Final Draft, just after it received resistance from the Davis City Council.

Should the Davis City Council have been concerned about the Yolo County HCP? You better believe it! The fate of Yolo County's agricultural and natural heritage hinges largely on the fate of the HCP. The HCP radically changes the environmental take permit process, pursuant to the Endangered Species Act (ESA), and it does so for the next 20 years. Such a plan is legally obliged to be founded on the best science available, and the Yolo County HCP was until I left EIP.

The HCP Goals

The Yolo County HCP was intended to mitigate for 29 legally rare species. Some of these species are not now listed as threatened or endangered, but we included them in anticipation they will be listed in the near future (pending political decisions). By planning for 29 species, the Yolo County HCP was one of the most ambitious plans in the US. Additionally, I was tasked with developing an assessment that would: (1) achieve no-net-loss in both biological and agricultural values; (2) identify the sites in Yolo County where the mitigation would have the biggest bang for the buck in terms of conserving the legally rare plants and animals; (3) clearly define the assessment variables so they are easily measured for monitoring the effectiveness of the mitigation; and (4) enable every land owner in Yolo County to conceivably participate in the mitigation. According to the US Fish and Wildlife Service HCP guidelines, my assessment needed to be sufficiently rigorous to test scientific hypotheses related to the conservation strategies and their biological objectives.

To establish measurable criteria with all the conditions to meet my challenge, I developed an indicators approach based on ecological and conservation principles. I chose to focus on scientific principles so that my indices would be more robust to the quickly changing theory in ecology and conservation biology, but I also incorporated local values expressed by agency biologists and the public. I measured the degree to which the functioning parts of Yolo County's ecosystem are intact, as well as their potential for restoration. These measures, along with the potential to extend the functional size of a protected area, to acquire additional conservation funds, and to increase the aesthetic value of the Yolo County landscape (collateral values), were combined to measure the conservation opportunity of land units throughout the County where mitigation can be most beneficial.

The indicators I produced were conducive to scientific hypothesis testing. They were mapped using a Geographic Information System (GIS) and expert technical assistance in the Yolo County Planning and Community Development Department. The indicators were easy to measure and highly suitable for low-cost monitoring to assess whether the HCP mitigation was indeed improving ecosystem functionality for 29 legally rare species. I suggested incentives to encourage owners of the high opportunity lands to participate, but otherwise every land owner could participate.

My HCP approach was reviewed very favorably by five of the world's leading ecologists and conservation biologists. It was well-received by scientists and planners at two professional meetings and hailed by the participating agency biologists as the model for all future HCPs. My indicators maps received no protest from the audiences at public meetings. My approach was ambitious, but it was accepted by leading scientists, the public, and policy-makers elsewhere. However, it was removed from the HCP implementation after I left EIP, although the Final Draft HCP claims to be founded on my scientific study and it even claims to have passed review by my capable peers.

The planners who own and operate EIP Associates have taken over the science. Now the Yolo County HCP claims to mitigate for Swainson's hawk foraging habitat, which supposedly will also mitigate for all 29 species. The decision to mitigate for lost Swainson's hawk foraging habitat, such as alfalfa, post-harvest tomato residue, road verges, and fallow fields, has little basis from the scientific study. This study found the nesting habitat to be more limiting, as well as the ability of prey species to disperse across the landscape. I reject the claim in the Final Draft HCP that Swainson's hawk foraging habitat lost to development will be the greatest impact to the 29 legally rare species. I reject the claim that Swainson's hawk can serve as the "umbrella" for the other 28 species, meaning that any mitigation benefiting Swainson's hawk will also benefit the other 28 species. Hogwash!

I know from personal experience and available data that planned development in the City Spheres of Influence *will* take habitat of Swainson's hawk, northern harrier, western burrowing owl, and loggerhead shrike. It will likely take habitat of California tiger salamander, western spadefoot toad, giant garter snake, Cooper's hawk, Conservancy fairy shrimp, longhorn fairy shrimp, vernal pool fairy shrimp, and valley elderberry longhorn beetle. Only six of these species require permitting under the Federal Endangered Species Act, and Swainson's hawk is not one of them. No reconnaissance surveys were conducted during HCP development to assess the impacts on the six Federally listed species, nor for any of the other species. Such surveys are required for conventional mitigation pursuant to the Endangered Species Act. We do not know whether the areas to be developed currently support the giant garter snake, the elderberry beetle, nor the fairy shrimp.

The Missing Science

The HCP implementation will involve purchase of easements for farmers to continue growing crops that can serve as foraging habitat for Swainson's hawk. Of course, the farmers would do this anyway as their normal business practice. For the other 28 species to benefit from this mitigation, they will have to grab on to the wings of the Swainson's hawk, and hold on tight. Some of the implementation tools developed from the scientific study are floating in the Final Draft HCP (e.g., Table 6-4), but are disconnected to the real implementation beyond their availability as conceptual tools for the HCP Land Manager.

The other HCP implementation strategy involves habitat enhancement on land already publicly held. This strategy is said to maximize collateral value of the mitigation, presumably because it keeps the mitigation out of the way of farmers. The use of the term "collateral values" in the Final Draft HCP

is a perversion of the way I defined it for the landscape study. The reader of the Final Draft HCP might get the impression that my analysis resulted in the map of collateral values shown in Figure 5-3. However, I had nothing to do with that map nor with EIP's misuse of the term.

The Final Draft HCP might also mislead the reader into thinking my study was responsible for the conclusion that the ecosystem of Yolo County is functioning properly (pages 2-34 and 2-35). Quite the opposite is true – the ecosystem is highly dysfunctional, and is plagued with species extinctions, floods, groundwater contamination and depletion, highly altered streamflows that are stressful to aquatic life, and severe habitat fragmentation. The ecological space that can support native plants and animals is highly restricted to residual patches along some reaches of stream channels. Currently, there remains little habitat left to enhance, but I have remained optimistic that great improvements can be made with no harm to agriculture. EIP Associates should not have used my scientific study to legitimize their conclusion that the ecosystem in Yolo County is already hunky-dory.

The site suitability criteria based on my study were replaced by site suitability guidelines in Table 6-1 of the Final Draft HCP. These new site suitability criteria contradict those derived from the study. They are also too vague and based on little understanding of ecology and agriculture.

The Yolo County HCP commits scientific fraud and provides phony mitigation. The HCP purports to mitigate every acre lost by protecting or enhancing another acre of Swainson's hawk foraging habitat. But the acreage gained was already Swainson's hawk foraging habitat! The mitigation for Swainson's hawk really does not exist, and it does not meet the Endangered Species Act regulatory requirements for the other 28 species. The HCP does nothing to mitigate for the impacts to wildlife and rare plants doomed by the projected loss of at least 14,000 acres of prime agricultural land. The so-called acreage replacement falls far short of the US Fish and Wildlife Service HCP guidelines for monitoring, which state "Monitoring must be sufficient to detect trends in species populations in the plan area..." (page 3-27). Regardless of this shortfall, the US Fish and Wildlife Service informed me that they regard acreage replacement as sufficient for monitoring. I wonder why the USFWS HCP guidelines were ever written?

The peer review I obtained for the landscape study is no longer relevant to the Final Draft HCP, beyond its misuse. Without the landscape study as part of the implementation, many of the claims made in the Final Draft HCP are false. Mike Horton of the US Fish and Wildlife Service agreed with me on this point, and he agreed with me that given the outcome of the HCP, the HCP was not needed. However, Horton justified his willingness to look past the falsehoods and sign the HCP on the grounds that the real impacts to the legally rare species will be covered by the "larger HCP" that his agency hopes will be developed to mitigate for the proposed new cities on the Yolo County landscape outside the current City Spheres of Influence. A larger HCP?

My scientific work was used to legitimize the HCP implementation, but then it was removed by non-scientists who run EIP Associates. They claim it is still there. The mitigation I see in the Final Draft Yolo County HCP will provide much worse protection for the 29 legally rare species than conventional project-by-project mitigation. I hope the people of Davis will take a good, hard look at this plan. I hope they will insist on its repair or reject it.

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NOV 10 1997

City of Davis
Planning - Building
November 10, 1997

K. Shawn Smallwood, PhD
109 Luz Place
Davis, CA 95616

Heidi Tschudin, Planning Consultant
Davis Planning and Building Department
23 Russell Blvd.
Davis, CA 95616

Re: Supplemental Information for use with the Draft EIR for the Covell Center Project (September 1997)

Dear Ms. Tschudin,

I wish to take this opportunity to provide comments on the Supplemental Information for use with the Draft EIR for the Covell Center Project, as well as the Draft EIR itself. Under the section headed "Vegetation, Wildlife, and Wetland Resources," the supplemental information did not satisfy my concerns, which were explained in my comment letter of April 18, 1997. This supplemental information included further explanation of the environmental laws under which the Covell Center Project would comply, but this explanation was too vague and confusing for the public to make meaningful comments. Will the take permit applicants participate with the Yolo County HCP? Is the project intended to comply with the California Endangered Species Act? Is it intended to comply with the California Environmental Quality Act? In my opinion, these questions should be the ones most clearly answered in the EIR documentation. How can the public provide serious, meaningful comments on the proposed project without knowing which statutes the take permit applicant thinks to be applicable?

1

If the Covell Center Project is intended to participate with the Yolo County HCP, then I object for the reasons I stated in my comment letter of April 18. I also object for the reasons I will now explain. The Yolo County HCP is being prepared by the regulatory agency, which is a serious conflict of interest, and one that will get much exposure when the HCP is presented to the public. The US Fish and Wildlife Service is misusing public funds by writing a mitigation plan they are supposed to be regulating. Because the regulator is preparing the HCP, the public will be forced to risk insulting the regulator with their comments, rather than simply attempting to convince the regulator that the take permit applicant(s) needs to make constructive changes to the HCP. The US Fish and Wildlife Service has fouled the process in an effort to provide favor for the wealthiest developers.

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This conflict of interest has already become a problem for the Natomas Basin HCP, which has been rewritten by the US Fish and Wildlife Service. The Natomas Basin HCP provides flawed mitigation for 32 species, 8 of which have never occurred in the Natomas Basin due to range restrictions. The Natomas Basin HCP is also worded in such a way as to give the Sacramento County Supervisors and myself the impression that the US Fish and Wildlife Service is simply interested in acquiring land, rather than conserving species. These same problems, and more, are very likely to be faced by the citizens of Yolo County when the US Fish and Wildlife Service presents the Yolo County HCP to the public.

The Covell Center Project should not participate with the Yolo County HCP because the mitigation of the HCP will mismatch the mitigation needed for the species likely to be taken by the Covell Center Project. Table 1 shows the 29 "covered" species under the Yolo County HCP, their general habitat associations, and the effectiveness of the proposed mitigation. At best, fewer than half the species (12 out of 29) will be mitigated to any degree at all using the Yolo County HCP approach. Protecting land or enhancing habitat in the Yolo Bypass will be meaningful to only 24% of the "covered" species. I must add that the Yolo County HCP does not mitigate for the loss of ecosystem functionality due to the proposed

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take, nor does the continued production of any one of the agricultural rotations assure the survival and potential recovery of any of the "covered" species. In other words, just because a species will use a particular crop or the Yolo Bypass Wildlife Reserve, this use alone in no way comprises all the use of the landscape that is required of the species for its survival and potential recovery.

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(con't)

Table 2 shows the species listed in Tables 12-1 and 12-2 of the Covell Center Project EIR, and how well they will be mitigated using the proposed approaches. Two of the species are not even "covered" by the Yolo County HCP. Only 38% of the species will benefit at all from the mitigation proposed for the Yolo County HCP, and none will benefit from the creation of duck ponds akin to the one constructed as mitigation for Northstar (along F St. and Anderson). The reason for the mitigation ineffectiveness in the Yolo County HCP and the Covell Center Project is the lack of consideration given to the importance of burrowing animals and their burrows to many of the legally rare species in Yolo County (Tables 1 and 2). Wetlands for waterfowl are unsuitable for burrowing animals, and so many of the legally rare species will not use the type of pond constructed for the Northstar mitigation nor the Yolo County Bypass. I have enclosed my recent article in the Flatlander to help the permit applicant(s), the environmental consultants, and the City of Davis to understand this relationship between burrowing and the legally rare species in Yolo County. I also submit all the comments made in my Flatlander article as part of the record of comments made on the proposed Covell Center Project.

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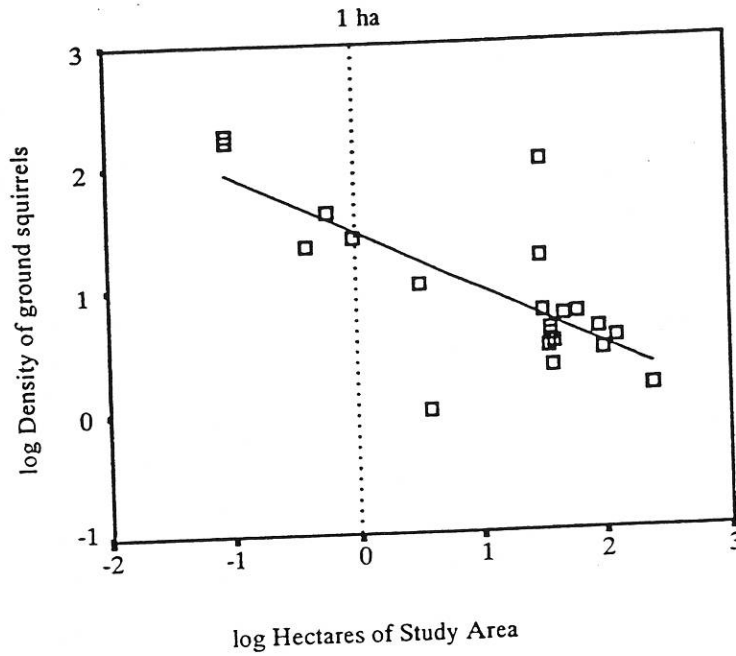
Besides detailing inadequate mitigation planning for the proposed Covell Center Project, the EIR and its supplementary information failed to address the human health risks due to the likely on-going releases of hazardous materials from the old Davis Landfill site immediately north of the proposed Covell Center site. The old landfill contains VOCs (including vinyl chloride), pesticides and PCBs, metals, nitrates, and other potentially toxic materials (Dames and Moore 1997). These materials were likely covered with only 0.6 m (2 feet) of soil overfill, which is the typical overfill depth and which is less than adequate for excluding burrowing animals from the waste profile. The site also offers burrowing animals ample vertical and lateral edge. These conditions, and the soil overfill itself, attract burrowing animals, which occupy such sites at higher densities than occur most elsewhere (Smallwood 1996, Smallwood et al., accepted). Below, I estimate the release rates of buried wastes from the landfill due to animal burrowing. These release estimates are crude due to my time constraints, but they should inform of the magnitude of potential risk when living downwind of the old Davis Landfill.

Walking by the old Davis Landfill, I could see that ground squirrels presently occupy most if not all of the soil overfill. Based on my wildlife surveys, which extend north along Road 102, I can say with certainty that ground squirrels have occurred on the old Davis Landfill since 1990. They probably occupied the site since its establishment. Pocket gophers likely also occupy the site, as well as California voles, deer mice, and other species of burrowing animals. I estimated release rates of buried wastes due to the typical burrowing habits of ground squirrels and pocket gophers, but I ignored the other burrowing animal species for lack of time. The first step in making such estimates is to estimate density. Then density is multiplied by the burrow volume estimated to be excavated from various depth horizons.

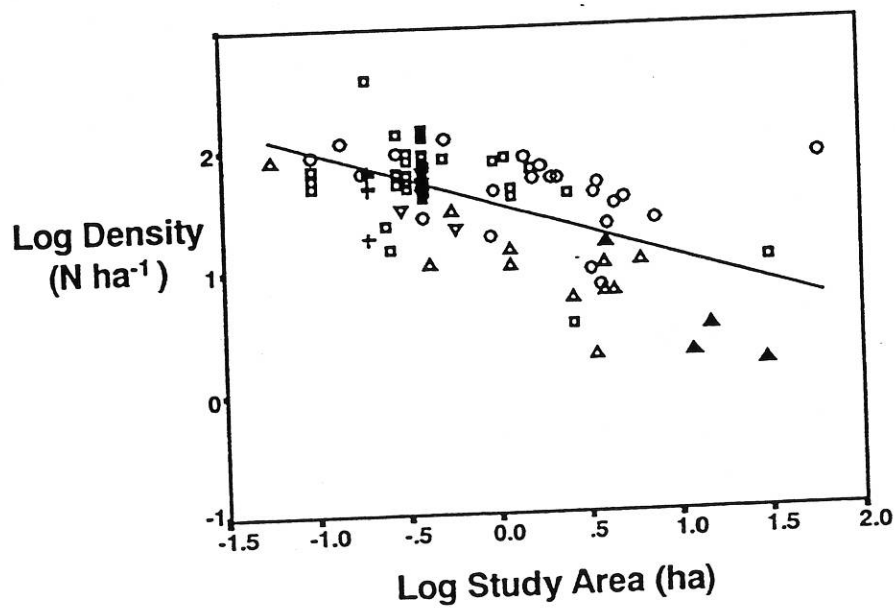
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I collected density estimates of California ground squirrels (*Spermophilus beecheyi*) from the scientific literature (Fitch 1948, Grinnell & Dixon 1919, Storer et al. 1944, Evans & Holdenried 1943, Gashwiler 1970), so that I could estimate the average spatial intensity of ground squirrel burrowing. This estimate can represent the burrowing that is likely to occur on the soil overfill of the old Davis Landfill. Actual estimates would be preferred, but I have not yet counted ground squirrel burrows on the site. Using scientifically accepted methods to scale density estimates (Smallwood and Schonewald 1996), ground squirrel density at the average hectare was estimated to be 28 ha⁻¹, and pocket gopher density was estimated at 30 ha⁻¹.

$\log \text{Density of ground squirrels} = 1.444 - 0.470 \log \text{Study area},$
 $R^2 = 0.54, \text{Root MSE} = 0.45, df = 1, 21, P < 0.0001.$



$\log \text{Density of pocket gophers} = 1.54 - 0.45 \log \text{Study area},$
 $R^2 = 0.38, \text{Root MSE} = 0.35, df = 1, 92, P < 0.0001.$



These density estimates were used to estimate spatial intensities of burrowing (Table 3), based on attributes summarized in Smallwood (1996), and consisting of information collected largely from Grinnell and Dixon (1919), Alcorn (1940), Fitch (1948), Miller (1948), Miller (1957), Rongstad (1965), Bandoli (1981), Hunter (1981), Hakonson *et al.* (1982), Reichman *et al.* (1982), Reynolds and Laundre (1988), Cox (1990), and Black and Montgomery (1991). Table 3 shows that ground squirrels can be expected to excavate 2.4 to 2.9 m³ ha⁻¹ yr⁻¹ from the soil overfill and 1.7 to 2 m³ ha⁻¹ yr⁻¹ from the waste profile during the early years of site occupancy. Pocket gophers can be expected to have excavated 1.5 to 3.9 m³ ha⁻¹ yr⁻¹ from the soil overfill and 2.1 to 5.6 m³ ha⁻¹ yr⁻¹ from the waste profile. These estimates amount to totals of 49 to 85 m³ yr⁻¹ from the soil overfill and 48 to 95 m³ yr⁻¹ from the waste profile across the 31 acre site. Should half the excavated materials be suspended in wind, and should half the excavated materials be comprised of particle sizes less or equal to the diameter of sand grains, then 24 to 47 m³ yr⁻¹ would be carried in the wind into the Covell Center Project area, where some of it would have already settled on the ground surface.


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(con't)

Of course, this burrowing activity would erode the soil overfill as wind and rainfall entrain excavated soil and waste materials. I lacked the time to estimate the change in excavation rates of the waste as the years pass since establishment of the site, but my experience with similar release estimates suggests the rate would have increased significantly by now. As this overfill is eroded away, gases will also escape the landfill, and much of them will blow in the dominant wind direction toward the proposed Covell Center Project. During the 22 years since the landfill was deactivated, at least 1,056 to 2,090 m³ of buried waste was likely excavated from the landfill by gophers and ground squirrels. Given the typical compacted landfill waste density of 705 kg m⁻³, this amount of excavation would have moved 820 to 1,624 tons, or 0.27% to 0.54% of the original waste inventory deposited in the landfill between 1969 and 1975. The fraction entrained in wind or rainfall runoff, and the fraction deposited on the proposed Covell Center Project site, remains unknown. However, I would not recommend that any people live, play or work on the proposed Covell Center Project site until adequate above-ground sampling and cleanup has been conducted, and until the waste in the landfill has been secured.

In summary, I do not think the supplementary information added anything useful to the "Vegetation, Wildlife, and Wetland Resources" section of the Covell Center Project EIR. The proposed mitigation remains grossly inadequate; the land protections and proposed habitat construction bears little on the habitat needs of the species to be taken (incidentally or otherwise). The Project will have profoundly negative consequences for the wildlife, plants, and ecosystem functionality in Yolo County. Furthermore, the likely releases of hazardous materials from the old Davis Landfill due to animal burrowing renders the construction of homes, commercial business, and play fields for children too risky. Without thoroughly sampling the atmosphere and topsoil downwind of the old Davis Landfill, approving the Covell Center Project would be irresponsible.

6

Sincerely,


Shawn Smallwood, Ph.D.

Enclosure: Last Grab for Yolo's Land and Water

Table 1. Associations between species to be covered by the Yolo County HCP incidental take permit and vegetation complexes and mitigation designs, where associations are denoted by -- as not relevant, 0 = no, and 1 = yes.

Species	Status ^a	Depends on animal burrows or burrowing animals	Association			Proposed mitigation consists of easement or title for continued use of:						
			Riparian	Wetland	Upland	Reserve in Yolo Bypass	Alfalfa crops	Rice	Orchards and Vineyards	All		
Conservancy fairy shrimp <i>Branchinecta conservatio</i>	FE	0	0	1	0	0	0	0	0	0	0	0
Longhorn fairy shrimp <i>Branchinecta longiantenna</i>	FE	0	0	1	0	0	0	0	0	0	0	0
Vernal pool fairy shrimp <i>Branchinecta lynchi</i>	FT	0	0	1	0	0	0	0	0	0	0	0
Vernal pool tadpole shrimp <i>Lepidurus packardii</i>	FE	0	0	1	0	0	0	0	0	0	0	0
Valley elderberry longhorn beetle <i>Desmocerus californicus dimorphus</i>	FT	0	1	0	1	0	0	0	0	0	0	0
California tiger salamander <i>Ambystoma californiense</i>	FC, CSC	1	1	1	1	0	0	0	0	0	0	0
Western spadefoot toad <i>Scaphiopus hammondi</i>	FC, CSC	1	1	1	1	0	0	0	0	0	0	0
Northwestern pond turtle <i>Clemmys marmorata marmorata</i>	CSC	1	1	1	1	1	0	0	0	0	0	1
Giant garter snake <i>Thamnophis gigas</i>	FT, CT	1	1	1	1	0	0	0	1	0	0	1
Double-crested cormorant <i>Phalacrocorax auritus</i>	CSC	0	1	1	0	1	0	0	0	0	0	1
White-faced ibis <i>Plegadis chii</i>	FC, CSC	1	0	1	0	1	1	0	0	0	0	0
Cooper's hawk <i>Accipiter cooperii</i>	CSC	0	1	1	1	0	0	0	0	0	0	0
Swainson's hawk <i>Buteo swainsoni</i>	CT	1	1	0	1	0	1	1	1	0	0	1
Northern harrier <i>Circus cyaneus</i>	CSC	1	0	1	1	1	1	1	1	0	0	1
Greater sandhill crane <i>Grus canadensis tubida</i>	CT	1	0	1	1	1	1	1	1	0	0	1
Western yellow-billed cuckoo <i>Coccyzus americanus occidentalis</i>	0	0	1	0	0	0	0	0	0	0	1	1
Short-eared owl <i>Asio flammeus</i>	CE	1	0	0	1	1	1	1	1	0	0	1
Western burrowing owl <i>Athene cunicularia</i>	CSC	1	0	0	1	0	0	0	0	0	0	0
Bank swallow <i>Riparia riparia</i>	CSC	0	1	1	1	1	1	1	1	1	1	1
Loggerhead shrike <i>Lanius ludovicianus</i>	CT	0	1	0	1	0	1	1	1	0	0	1
Tri-colored blackbird <i>Agelaius tricolor</i>	CSC	0	1	1	1	0	1	1	0	0	0	1
California yellow warbler <i>Dendroica petechia brewsteri</i>	FC, CSC	0	1	1	1	0	1	1	0	0	0	1
	CSC	--	1	0	0	0	0	0	0	0	0	0

Heckard's peppergrass <i>Lepidium latipes</i> var. <i>heckardii</i>	CNPS 1B	0	1	1	0	0	0	0	0	0	0	0	0
Brittlescale <i>Atriplex depressa</i>	CNPS 1B	0	0	1	0	0	0	0	0	0	0	0	0
San Joaquin saltbush <i>Atriplex joaquiniana</i>	FC	0	0	1	0	0	0	0	0	0	0	0	0
Alkali milkvetch <i>Astragalus tener</i> var. <i>tener</i>	CNPS 1B	0	1	1	0	0	0	0	0	0	0	0	0
Palmate-bracted bird's beak <i>Cordylanthus palmatus</i>	FE, CE	0	1	0	0	0	0	0	0	0	0	0	0
Colusa grass <i>Neostapfia colusana</i>	FT	0	1	0	0	0	0	0	0	0	0	0	0
Crampton's tuctoria <i>Tuctoria mucronata</i>	PT, CE	0	1	1	0	0	0	0	0	0	0	0	0
Total number of species with value of '1'		10	20	19	7	8	6	6	2	2	12		

a FE = Federal Endangered, FT = Federal threatened, FC = Federal candidate for listing, CE = California Endangered, CT = California threatened, CFP = California Fully Protected, CSC = California Department of Fish and Game listing of California Species of Concern, CNPS = California Native Plant Society, other code is Natural Diversity Data Base.

Table 2. Associations between species to be covered by the Yolo County HCP incidental take permit and vegetation complexes and mitigation designs, where associations are denoted by -- as not relevant, 0 = no, and 1 = yes.

Species	Status ^a	Depends on animal burrows or burrowing animals	Association			Proposed non-HCP mitigation consists of:	
			Riparian	Wetland	Upland	On-site wetland like that used for mitigation of the Northstar Project	Yolo County HCP
Conservancy fairy shrimp <i>Branchinecta conservatio</i>	FE	0	0	1	0	0	0
Vernal pool fairy shrimp <i>Branchinecta lynchi</i>	FT	0	0	1	0	0	0
Vernal pool tadpole shrimp <i>Lepidurus packardii</i>	FE	0	0	1	0	0	0
Valley elderberry longhorn beetle <i>Desmocerus californicus dimorphus</i>	FT, CT	1	1	1	1	0	1
Giant garter snake <i>Thamnophis gigas</i>	CFP	1	1	1	1	0	not covered
White-tailed kite <i>Elanus leucurus</i>	CT	1	0	0	1	0	1
Swainson's hawk <i>Buteo swainsoni</i>	FC, CSC	1	0	0	1	0	not covered
Ferruginous hawk <i>Buteo regalis</i>	CSC	1	0	0	1	0	1
Western burrowing owl <i>Athene cunicularia</i>	CSC	1	0	0	1	0	1
Short-eared owl <i>Asio flammeus</i>	CSC	1	0	0	1	0	1
Tri-colored blackbird <i>Agelaius tricolor</i>	FC, CSC	0	1	1	1	0	0
Brittlescale <i>Atriplex depressa</i>	CNPS 1B	--	0	0	0	0	0
San Joaquin saltbush <i>Atriplex joaquiniana</i>	FC	--	0	0	0	0	0
Total number of species with value of '1'		6	5	6	10	0	5

^a FE = Federal Endangered, FT = Federal threatened, FC = Federal candidate for listing, CE = California Endangered, CT = California threatened, CFP = California Fully Protected, CSC = California Department of Fish and Game listing of California Species of Concern, CNPS = California Native Plant Society, other code is Natural Diversity Data Base.

Table 3. Burrow attributes used to estimate volume of soil likely to be excavated from the soil overfill and waste profile of the old Davis Landfill.

Burrow attribute	<i>Spermophilus</i> spp. Ground squirrels	Geomyidae Pocket gophers	<i>S. beecheyi</i>	<i>Thomomys bottae</i>
Max Burrow depth (m)	1.96	>3.56	1.96	2
Mean Burrow depth (m)	0.81 ± 0.52	1.17 ± 0.78	0.98 (0.46-1.96)	0.1574 (0.1075-0.31)
Tunnel length (m)	1.57 ± 1.32	95.2 ± 53.2	10.83 (1.54-42.46)	60.63 ± 30
Tunnel cross-sectional area (m ² x 10 ⁻³)	8.4 ± 9	7.2 ± 6	12.1	3.2 ± 0.9
Chamber volume (m ³ x 10 ⁻³)	7.4 ± 7.6	11 ± 11.7	0.044 (0.009-0.016)	0.205
Mean m ³ soil volume brought to surface per burrow, calculated from tunnel dimensions ^a	0.021	0.697	0.175	
Mean m ³ soil volume brought to surface per burrow, according to published estimates	0.139 ± 0.134	0.90 ± 0.50	0.147 (0.029-0.504)	0.53 ± 0.24
Mean m ³ ha ⁻¹ yr ⁻¹ of soil brought to surface as product of density and tunnel-derived calculation or reported means	0.588 to 3.89	20.9 to 27	4.12 to 4.9	6.15 to 15.9
Percent of burrow in top 10 cm	12.6			6
Percent of burrow in 11-20 cm	23.5			45
Percent of burrow in 21-30 cm	14.3			7
Percent of burrow in 31-50 cm	8.6			7
Percent of burrow in 51-100 cm	21.7			15
Percent of burrow in 101-200 cm	19.4			20
Volume excavated from top 10 cm, m ³ ha ⁻¹ yr ⁻¹	0.074 to 0.490	2.633 to 3.4	0.519 to 0.617	0.369 to 0.954
Volume excavated from 11-20 cm, m ³ ha ⁻¹ yr ⁻¹	0.138 to 0.914	4.912 to 6.345	0.968 to 1.15	0.277 to 0.716
Volume excavated from 21-30 cm, m ³ ha ⁻¹ yr ⁻¹	0.084 to 0.556	2.99 to 3.861	0.589 to 0.7	0.431 to 1.113
Volume excavated from 31-50 cm, m ³ ha ⁻¹ yr ⁻¹	0.051 to 0.335	1.797 to 2.322	0.354 to 0.421	0.431 to 1.113
Volume excavated from 51-100 cm, m ³ ha ⁻¹ yr ⁻¹	0.128 to 0.844	4.535 to 5.859	0.894 to 1.063	0.923 to 2.385
Volume excavated from 101-200 cm, m ³ ha ⁻¹ yr ⁻¹	0.114 to 0.755	4.055 to 5.238	0.799 to 0.951	1.23 to 3.18

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MAR 13 2000

City of Davis
Planning & Building

March 11, 2000

K. Shawn Smallwood, Ph.D.
109 Larz Place
Davis, CA 95616

Bob Wolcott, Senior Planner
Davis Planning and Building Department
23 Russell Blvd.
Davis, CA 95616

Re: **General Plan Update** (November 1999)

Dear Mr. Wolcott,

I wish to take this opportunity to provide comments on the General Plan Update. I appreciate this opportunity and I have attempted to be constructive with my comments.

The first sentence of page 265 should be changed to "No areas exist in Davis with pristine biological conditions ..." Also, irrigation and drainage ditches are not "natural areas" (second sentence), and neither are the "ponds." The sensitive plant and animal species in the area, which are listed in Appendix D, were identified from the Yolo County HCP. This was a mistake, because the Yolo County HCP only identified a short "target species" list for coverage under an incidental take permit. Many sensitive species were not included on this list, including Valley Oak ant, ancient ant, California horned lizard, San Joaquin whipsnake, great blue heron, great egret, snowy egret, Aleutian Canada goose, sharp-shinned hawk, ferruginous hawk, white-tailed kite, southern bald eagle, osprey, prairie falcon, merlin, western snowy plover, mountain plover, black tern, California gull, long-eared owl, Vaux's swift, black swift, little yellow flycatcher, purple martin, least Bell's vireo, and Pacific Townsend's bat (see Table 2 in Yolo County Habitat Conservation Plan Biological Resources Report, 1995).

The paragraph regarding the Yolo County HCP on page 265 is misleading, and should be rewritten more accurately or dropped from the General Plan update. The Yolo County HCP is a mitigation plan that would fast-track land conversions for a net loss of habitat of special status and other plant and animal species. The mitigation measures are inappropriate for the types of species being taken; that is, upland species, or species requiring upland conditions as well as aquatic conditions, would be mitigated for their take with easements in the Yolo Bypass, where there is no upland condition, and with easements on agricultural land, where most of these species derive no benefit. Please see my article in the Oct./Nov. 1997 issue of the Flannery, my comments on the Covell Center DEIR (in the administrative record of the City of Davis), and my professional publications (Smallwood et al. 1998, Smallwood et al. 1999, Smallwood 2000).

The natural areas described on page 266 are not natural, so the wording should be changed. As I pointed out in my comment on the DEIR for the General Plan Update, except for the UC Davis Putah Creek Reserve, these areas are contaminated and intended for sewage, hazardous waste and floodwater management. They do not offer enhanced habitat values for wildlife. Wildlife use these areas because these are the only areas available to many for nesting and cover. The effects of the contaminants on wildlife in these areas remains unknown because the City of Davis has conducted no sampling or monitoring of wildlife and whether they are exhibiting toxicological effects. I am pleased, however, that the abandoned Davis Landfill is no longer included as a "natural area," and the sign that used to identify this site as a "Davis ecological reserve" has been taken down.

Under the section **Goals, Policies and Actions**, I recommend replacing the term "preserve" with "protect" or "reserve" where appropriate. The term "preserve" means to keep in a static condition, which

31-14

is inappropriate for natural systems and wildlife, and which is no longer the term of choice in the field of conservation biology. I recommend that Action i. be rewritten accordingly: "Maintain and improve upon the inventory and map of locations of habitats of special status species within the Davis Planning Area that was developed for the HCP and published in Environmental Management 22:947-958." I recommend that Action j. be rewritten accordingly: "Pursue opportunities for the acquisition of wildlife habitat and natural resource areas, using the map described under i. as a guide to priority order of acquisition sites."

31-14
cont.

Chapter 15 includes a map of agricultural soil classifications, including a hatched area classified as "Excluded areas - submerged or other limitations." Why not classify this soil for what it really is? It is the abandoned Davis Landfill. It is contaminated soil.

The section on Hazardous Materials on pages 303 and 304 should include a map of the 8 hazardous materials sites. I saw no indication that the abandoned Davis Landfill was one of the 8 sites identified in the General Plan Update. I don't see how the City of Davis is supposed to plan informatively without knowing where the hazardous materials sites are located.

The section on Air Quality on pages 313 and 314 includes no mention of wood stoves as a local source of air pollution. Most of the new homes in Davis have been built with wood stoves, which together are emitting large amounts of fine-particulate smoke in Davis during fall and winter. New homes could only exacerbate the problem. There is no discussion in the General Plan Update or its DEIR of the possible effects of this wood stove smoke on human health or the health of wildlife species.

31-14


The Community participation section on pages 330 and 331 describes means by which citizens can participate with Davis planning issues in a reactive manner. The only proactive Action is d., "Develop a neighborhood outreach/liaison program coordinated by the City to proactively address neighborhood issues." I recommend that the General Plan Update be more progressive and more cohesive in its proactive planning approach. I also recommend that the General Plan Update include a clearly articulated vision for Davis, formulated by the people of Davis. The General Plan Visions on pages 39 to 42 are a start, although I do not know from the General Plan Update who formulated these vision statements. I recommend that the General Plan Update adopt an approach to planning that is similar to the one I described in the October 1998 issue of the Flatlander. The vision ought to be expressed in map form, laying out exactly where the people of Davis agree that certain land use changes ought to take place, exactly where open space ought to be protected, and exactly where natural resources ought to be restored or enhanced.

31-14
cont.

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Sincerely,


Shawn Smallwood, Ph.D.

Letter 31: K. Shawn Smallwood, Ph.D. - March 11, 2000

31-1 Comments noted. The draft EIR discloses the general biological value of the Covell site (see discussion beginning on page 5H-10). When compared to the discussions of other sites within the General Plan update, the Covell site is apparent. This is a program EIR and is general in its discussion of site-specific resources. At such time as a specific project may be submitted to the City for consideration, additional environmental analysis will be prepared, including consideration of past environmental analyses prepared for the site.

With regard to past activities on the Covell site intended to reduce its habitat and species, General Plan Standard HAB 1.1n specifically provides that: "Agricultural use or plowing of a site does not eliminate the probability of sensitive resources". This will ensure that such activities are not ignored.

31-2* The information is acknowledged. The discussion of the land use impacts (page 6-19) and reasons for rejecting the Covell site (page 6-23) will be revised as modifications to include a brief discussion of the old Davis landfill.

As discussed in the draft EIR (see page 6-3), state law prohibits the acquisition of a potential school site absent an assessment of its possible contamination by hazardous materials or wastes. No contaminated site may be used for a school unless it is satisfactorily cleaned up in accordance with the requirements of the Department of Toxic Substances Control. For the reasons described on page 6-22, the Covell alternative is not the proposed site for the new junior high school. A modification to page 6-23 will mention the proximity of the old Davis landfill site.

31-3. This is a program EIR intended to provide an overview of the potential impacts of the General Plan update. Accordingly, it provides a general description of the Covell Center site and its ecological values in keeping with the assessment of other alternative sites in the draft EIR. Prior to consideration of any specific development proposal on the site, the City will require additional site-specific analysis, including consideration of past environmental analyses prepared for the site. There is no intention to shortchange the analysis of individual projects.

The commenter has provided extensive arguments against adoption of the Yolo County HCP in his comments. However, the consideration of whether to adopt the Yolo County HCP is not a part of the General Plan update. The HCP is discussed in general on page 5H-17 as part of the regulatory setting within which development under the General Plan might occur.

31-4* The general discussion of the planning area setting (page 5H-2) will be revised to highlight the change in the historic landscape. See the modification to page 5H-2.

31-5 See Master Response C.

31-6 This information is noted. Open fields can provide habitats and foraging areas for a variety of species. The program EIR provides general information about the species that may occur in the Davis area and examples of occurrences. Lists of animals and plants potentially within the planning area were included in Appendix E of the draft EIR. The EIR is not intended to provide site-specific details. Additional studies will be required when specific development projects are proposed for consideration. See also Master Response C.

31-7 See Master Response C.

The program EIR is not intended to provide project-level detail. As specific projects with detailed development plans are proposed, additional project-level analysis will be undertaken. Impacts will be more specific and mitigation measures will be made more detailed pursuant to state and federal law. Standard HAB 1.1b will require that development comply with state and federal laws relative to habitat.

31-8 This is the opinion of the commenter. This is a program EIR and its mitigation measures provide a framework for more specific measures to be prepared to meet specific regulatory requirements such as the Endangered Species Act. As site-specific projects are proposed, and detailed development proposals are examined, additional environmental analysis will be required, including more specific mitigation measures.

The DJUSD prepared a list of potentially suitable school sites in the planning area based on their siting criteria. These alternatives were used as the basis for the school site alternatives in the draft EIR.

31-9 This is the opinion of the commenter. As illustrated on Figure 3-1b of the draft EIR, the Planning Area of Davis extends well beyond the City's boundaries. None of the alternatives would result in the elimination of all or nearly all of the habitat within this area. The lands outside the City limits (or prospective limits in the cases of Alternatives 4 and 5) are generally designated for agricultural use rather than development. Yolo County and the City share the responsibility for protecting these lands through similar policies and the pass-through agreement discussed on page 5B-6. Although each alternative rests at a different spot on the spectrum of compact growth versus sprawl, none proposes discontinuous growth patterns or extensive expansions of the City limits. All contain policies protective of the belt of agricultural lands surrounding the City and requiring open space areas within new developments.

31-10 Comment noted. Alternatives 2, 3, and 4 basically provide for infill adjoining existing development within the City. The EIR assumes that this pattern of development, particularly where it is not highly visible to the travelling public, will have a reduced aesthetic impact on the community. This is not to say that development will not have an aesthetic effect. The EIR concludes that for most of the alternatives the effects will not be significant.

- 31-11 Comment noted. The cumulative loss of agricultural land reduces the areas available for habitat. However, if all local General Plan policies are carried out and land use development in Davis conforms to the mitigation measures identified in the draft EIR, the City's contribution to this effect will be less than significant.
- 31-12 The opinion of the commenter is noted. See also the response to Comment 30-1.
- 31-13 The opinion of the commenter is noted. The EIR attempts to present an objective analysis of the project and its potential impacts at a programmatic level. CEQA does not require an EIR to provide detailed technical data, and the CEQA Guidelines specifically provide that an EIR should be written in plain language. An EIR is not intended to replace or provide compliance with the state or federal Endangered Species Acts.
- 31-14 See Master Response A.
- 31-15 Comment noted. The air analysis that was conducted for the City of Davis General Plan update did include emission estimates for wood stoves and fireplaces. Estimates of area source emissions were made using the URBEMIS7G model. For each alternative, the following assumptions regarding wood stoves and fireplaces were used:
- Wood Stoves – 25 percent of all residential units would have and operate wood stoves, and each of them would burn one cord of wood per year. The analysis also assumed that 50 percent of the wood stoves would be catalytic and 50 percent would be noncatalytic.
 - Fireplaces – 10 percent of all residential units would have fireplaces and each of them would burn one cord per year.

Ultimately, the air quality analysis and the resulting description of air quality impacts assume that for each 100 residential units, 35 cords of wood would be burned per year (25 cords in wood stoves and 10 cords in fireplaces).

Attachments 1 through 4 to Letter 32 are provided for information, and do not comment directly on the adequacy of the draft EIR. Therefore, no additional response is required.

3/12/00

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Re: Draft Environmental Impact Report for the City of Davis General Plan Update

It would seem that in addressing the impact of various development proposals called for under the existing General Plan / Specific Plans or for new peripheral proposals at Oeste and DTC, the EIR assumes that development will / must happen in the same old way—that the automobile must be accommodated much as it is today and that current building codes and design standards are fixed.

Often, the analysis suggests that the choice is between development with “significant and unavoidable” impacts on roadways, pedestrian and bicycles and transit services *or* no development—that the new situation would be “unmitigatable.”

I would suggest that the conflict between the larger vision of the General Plan and development proposals rests *in part* with the failure to envision mitigations that are truly hallmarks of a “green” or sustainable community, i.e., mitigations that are truly consistent with the spirit of the General Plan. The General Plan invites us to think imaginatively and yet many of the mitigations suggest a kind of intellectual bankruptcy, i.e., they advise us that we could of course *do something that the General Plan says not to do—so, of course, we wouldn't want to do those things; therefore, if we're going to develop will either have to (1) suffer (i.e., do the mitiactions suggested) or (2) suffer (become the kind of city we would not wish to live in). Take your choice.*

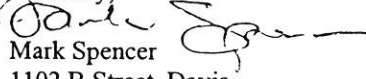
Given development pressures—that some of these proposals may be inevitable—the analysis obviously sets up momentum for the eventual abandonment of the larger vision of the General Plan. Should development happen, the EIR often only makes feeble suggestions as to how the impacts might be lessened, rather than bold ones that might actually make the development much more compatible with the General Plan.

For example: Nishi might be developed and designed without the automobile in mind, i.e., with transit and pedestrian and bicycle access only—no private automobile access, no streets in the usual sense. This would certainly be feasible if Nishi were to become student housing (granted this is not an option under the current Specific Plan). With the construction of the Putah Creek Bike Path with its undercrossing of both I-80 and the railroad, a bicycle paradigm is easy to envision at Nishi—and obviously the impact on Richards traffic is minimized. The point is that the “significant and unavoidable” impacts cited in the EIR would—under such a design mitigation—be reduced significantly. N'est-ce pas? The EIR mentions that view sheds are automatically and significantly impacted by peripheral development, and yet there is no discussion that I could find that suggested buildings on the edge of town go down and not up (below grade construction), or that residential developments require full basements, that could be converted to living space—rather than the current practice of adding a second story.

There are of course a thousand such possibilities left unexplored by the EIR. —And to argue that they are “infeasible” is both untrue and “unbacked” by the analysis. For instance, does the EIR cite the agricultural price/value of peripheral land (pre-speculative) and the value/price of the land upon development? Feasibility might be partly defined by the gap between the two. The Nishi mitigation cited above would lower the infrastructure costs to the developer, making development more feasible, for example.

Essentially, I find the EIR needs more work. The analysis in the area of mitigations is inadequate and sets up unnecessarily inconsistencies with the General Plan.

Sincerely,


 Mark Spencer
 1102 B Street, Davis
 753-5416

32-1

Letter 32: Mark Spencer - March 12, 2000

32-1 The purpose of the EIR is to examine the potential impacts of development as proposed under the General Plan update. As a program EIR, it is necessarily general in its approach. As future projects are considered, and the City applies the goals, policies, and actions in the General Plan update, additional environmental review will be undertaken of those projects and their potential impacts will be identified.

The EIR does not limit the ability of the City to follow “green” or “sustainable” avenues for future development. The choice of direction is open, the EIR simply examines that direction and identifies potential adverse effects.



Sutter Davis
Hospital
A Sutter Health Affiliate

2000 Sutter Place
P.O. Box 1617
Davis, CA 95617-1617
(530) 756-6440

13 March 2000

Bob Wolcott, Senior Planner
City of Davis Planning Department
23 Russell Blvd
Davis, CA 95616

Subject: Comments on General Plan Draft EIR

Dear Mr. Wolcott:

We have reviewed the Draft EIR and would like to have clarification on the following issues:

- 1. Land Use: The EIR describes the Sutter Davis Hospital land use alternative as "public/semi public use for additional hospital campus expansion." We find that description as somewhat vague and want to ensure that potential uses such as office buildings; medical research and laboratories; skilled nursing; specialty care – Alzheimer's, adult day care; diagnostics; and the like are properly analyzed by the EIR. 33-1
 - 2. Water Supply: We did not see where the EIR recognized the increased water supply reliability that will be provided to the entire Sutter Davis property by the new water storage tank in the northwest corner of our property. This should be mentioned. 33-2
 - 3. Biological Resources: Please remove the wording on page 5H-13 that refers to a "freshwater marsh at the northwestern edge of the site." No such marsh exists. We find the reference to "Covell Drain" confusing. No defined drain exists on the 20-acre site. The "Covell Drain" referenced in the ESA document is located along Covell Blvd. This entire section needs to be revised. 33-3
- We take exception to the finding of "Significance" in Table 5H-1 regarding wetlands and riparian habitats (Impacts BIO-4 and BIO-5). The site was actively farmed for many years and does not contain either wetlands or riparian habitats, to the best of our knowledge. A survey completed last year in conjunction with the City's water storage project specifically states that jurisdictional wetlands do not exist on the site. 33-4

With respect to Special Status species, please be aware that Sutter Davis Hospital has previously paid the mitigation fee to the County of Yolo for our entire property, including the 20 acres, which is the subject of the EIR. We also note that the EIR appears to not recognize the mitigation program for Swainson Hawk Habitat with California Fish & Game that is currently and has been in effect for a number of years. Also, the above-mentioned City water storage project includes a burrowing owl habitat area.

33-5

Finally, we must also take exception to the wording on page 5H-38 that "significant impacts to special status plant species are likely to occur" at this site. The EIR has not documented that such species exist, it only speculates. "May occur" is perhaps the correct wording.

4. Urban Reserve: While not an EIR comment per se, we assume any staff reports to the Planning Commission and City Council will make note of General Plan Policy LU E.8: "Give priority to development on lands designated "Urban Reserve" over those designated as Urban Agricultural Transition Area, Agricultural or Habitat Area."

33-6

Thank you for this opportunity to comment.

Very truly yours,



Janet Wagner
Chief Administrative Officer
Sutter Davis Hospital

Letter 33: Janet Wagner, Sutter Davis Hospital - March 13, 2000

- 33-1 Comment noted. The types of uses that would be allowed are described in Chapter 1 of the General Plan update under the "Public/Semi-Public" land use designation (see page 73) and the commenter is referred to that document. The range of allowed uses is set by the General Plan, and Sutter Davis' expectations will be passed on to the City for consideration. This comment is not pertinent to the adequacy of the draft EIR and no further response is needed.
- 33-2 The information is noted. The EIR for the General Plan update is a program EIR and is not intended to provide detailed project-specific information. As specific projects are proposed, the resultant environmental documents will describe and analyze the particular site.
- 33-3 The comment regarding the freshwater marsh is noted and the suggested revisions will be made in Chapter 4, "Modifications to the Draft EIR". However, information contained in the ESA document indicates that the Covell Drain enters the site at the southwestern corner, follows the property boundary to the southeastern corner parallel to West Covell Boulevard, turns northward, and exists the Head Property site along the eastern boundary.
- 33-4 An effect was noted for impact BIO-4 (Disturbance of Alkali Grassland, Meadow, or Scrub) because of the alkaline nature of the soils underlying the Sutter Davis site. Impact BIO-5 (Wetlands and other Waters of the U.S.)
- 33-5 The comment is noted. This is a program EIR that is intended to take a general analysis of the potential impacts of the proposed General Plan update. As individual projects are brought forth under the plan, additional project-specific analyses will be done. The comments are related to site-specific development and do not necessitate revisions to this EIR.
- 33-6 This comment relates to the General Plan update and is not pertinent to the EIR. No further response is needed.

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FEB 22 2000

City of Davis
Planning & Building

February 22, 2000

Bill Emlin, Planning Director
Planning Department
23 Russell Blvd.
City of Davis
Davis, CA 95616

Re: Draft General Plan EIR comments

Dear Mr. Emlin:

Please find below our comments regarding the Davis General Plan Draft EIR.

Recommendation: We find the current general plan, fiscal report and Draft EIR inadequate. We recommend updating the General Plan, Fiscal Report and Draft EIR utilizing current UC Davis enrollment projections. The EIR must be re-circulated as a DRAFT. State Agencies and others cannot accurately comment on impacts in its current form and the increased enrollment represents a major and significant change of information.

34-1

General Plan:

It has been 7 years since the start of the current General Plan review. It is time to step back and ask, "How does the overall product look and where is the common sense?"

Overall the plan is inadequate. Page 30 of the GP talks about 26,000 students at UC Davis, yet new information has made it clear that there may be 30,000 students plus associated faculty and staff.

34-2

Portions of the general plan document itself need to be updated. As an example page 185 talks about water storage tanks being built. These are still not completed.

Page 187 states that some "single family homes are required to use water softeners." No, they are not required.

Names for the alternative project are misleading. The Oeste Alternative includes the development of the Covell Center project and the Davis Technology Center alternative includes the development of the intervening lands. This is confusing. The alternatives should be renamed such as:

34-3

- Alternative 4: North Davis housing and business park development
- Alternative 5: Southeast Davis housing and business park development

Fiscal Impact:

The assumption that a business park build out will not occur until 2060 or 2066 does not meet the common sense test. This assumption does not recognize the current construction activity on the I-80 corridor, the incredible boom in the high tech industries in the last 10 years, nor the nearly total build out of the bay area that pushes development in this direction.

34-4

Remember, the large LA expansion took 60 years and Orange County took only 40 years to build out. Is it really going to take 60 years to build out 175 or 300 acres in Davis?

EIR:

Again, this is inadequate as it is based on erroneous UC Davis enrollment projections. The EIR needs to be updated and re-circulated as a DRAFT.

34-5

Other specific information:

1. Figure 5I-1 shows a soils map. The Oeste project is proposed on the poorest soils around the city. The text should point this out.
2. Hydrology. Fig G-1 shows the 100-year flood plane. This section must also analyze the impact of a levee break at the Yolo Bypass. This levee is currently projected to protect against only a 68 year flood event. What happens when it breaks and the area southeast of Davis floods? This should be discussed and illustrated in the EIR.
3. Air Quality is a MAJOR impact that cannot be glossed over. The Sacramento region is a non-attainment area for ozone and the current transportation plan is being challenged in the courts. We need to emphasize contiguous and more compact development as well as all forms of alternative transportation. (Note YoloSolano Air Quality letter of July 23, 1999 which expresses concerns about "non-contiguous and remote locations.") The EIR should expand on this section concerning causes, impacts and possible mitigation measures.

34-6


34-7

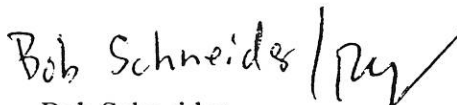
34-8

We look forward to analyzing an updated, re-circulated DRAFT EIR.

Thank you for the opportunity to comment.

Sincerely,


Randy Yackzan
(530) 753-7730


Bob Schneider
(530) 758-4315

Letter 34 - Randy Yackzan and Bob Schneider (February 22, 2000)

34-1 See Master Response E.

34-2 This comment relates to the General Plan update and is not pertinent to the EIR. No further response is needed.

34-3 Changing the name at this stage would be more confusing. City Council will give full consideration to the land use options on the key individual sites and will probably create a new, combined land use alternative.

34-4 This comment relates to the Fiscal Impact Study and is not pertinent to the EIR. No further response is needed.

34-5 The EIR is based on the most recently adopted Long Range Development Plan for UC Davis. Although the University of California has discussed increased enrollments system wide, the Development Plan has the most recent firm enrollment figures.

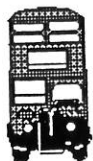
See also Master Response E.

34-6 Comment noted. The Oeste site is underlain by several types of soil, including soils of Classes I, II, III, and IV. Soils within Classes I and II are prime farmland suitable for most agricultural uses. Soils within Classes III and IV are not generally considered prime farmland, although they may be suitable for certain crops under some conditions.

34-7 The Yolo Bypass levee protects the Davis area from waters within the Bypass. The Bypass is a diversion facility used to relieve pressure and lower Sacramento River flows in the vicinity of Sacramento. It carries water only in the years of heaviest precipitation and its flow is controlled by upriver weirs. The potential for floodwaters overtopping the levee or the levee failing is remote.

An EIR is required to discuss reasonably foreseeable future actions, but is not required to engage in speculation or analyze the so-called "worst case scenario". There is no compelling reason to expand the discussion of flooding resulting from failure of the levee beyond that currently found on pages 5G-15 through -17. That discussion states that development in flood-prone areas will require mitigation, such as raising developed areas above the 25-foot elevation level to protect against possible failure of the Yolo Bypass levee.

34-8 The General Plan update contains a number of these policies (see response to Comment 14-10). The EIR analyzes potential impacts with these policies in mind as mitigating factors. There is no need to add emphasis to this subject.



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MAR 29 2000

City of Davis
 Planning & Building

March 23, 2000

Bob Wolcott
 Senior Planner
 Planning and Building Department
 City of Davis
 23 Russell Boulevard
 Davis, CA 95617

RE: DAVIS GENERAL PLAN UPDATE

I am writing to offer a few brief comments, relative to the General Plan Update. These are my comments as Unitrans General Manager and do not represent the views of any entity, particularly the University.

First, I have concerns about development of the Davis Technology Campus, from a transit perspective. The planned site is a very poor location for the provision of public transit service. Service to that area, which is isolated away from the rest of Davis, will require an extraordinarily high level of ongoing operating expenses. For example, the annual operating costs for a single bus to provide once an hour service from the core area of Davis and the UCD campus will be well over \$100,000. Additionally, this service would not be particularly convenient or cost effective. Providing fairly convenient service will require at least two buses, pushing the operating costs to well over \$200,000 annually, with even less effectiveness. This does not include the capital costs for two buses of approximately \$750,000. One could conclude that the location of that project is very costly, at least from a transportation perspective, and should be reconsidered; or, funding sources identified, in advance, to pay for transit costs.

35-1

Secondly, I recommend that the new junior high school be located near an existing Unitrans route, particularly the P/Q line. The P/Q line provides convenient service throughout Davis and junior high students are strong users of our public transit system. In order to best serve this school, the development costs of the junior high school should include safe and convenient bus stop facilities, as well as consideration for safe and convenient pedestrian routes to and from the bus stop locations.

35-2

All new developments, particularly high-density housing, should be located near existing Unitrans routes. This will insure that cost efficient transit services are in place without creating large additional ongoing expenses. In addition, all such developments should have facilities for safe and convenient bus stops, including concrete pads,

35-

shelters, bike racks, and pullouts, where appropriate. These items add better and safer bus service and are important in providing transportation to these areas. I am available to provide input on such facilities.

35-3
cont.

Regretfully, I was only able to complete a brief review of the General Plan Update and related documents. Serving the transportation needs of Davis requires careful consideration for future developments. If you have any questions, please do not hesitate to call me directly at 752-6525.

Thank you.

Sincerely,



Jim McElroy
General Manager

Letter 35 – Jim McElroy, General Manager, Unitrans (March 23, 2000)

[Note: Following the close of the comment period on the draft EIR, one additional letter was received. Since time allowed for its incorporation, the City has provided responses to the comments.]

- 35-1 Comments noted. This comment relates to the potential development of the Davis Technology Campus site and the potential costs associated with providing public transit service to the site. As the comment is not directed at the adequacy of the EIR, no further response is needed. For information related to the fiscal implications associated with implementation of the City's General Plan, please refer to Master Response B.
- 35-2 Comment noted. Please see the response to Comment 31-8.
- 35-3 Comment noted. The commenter's point is well taken. Integrating land uses with transit services and other alternative forms of transportation is an underlying goal of the City's General Plan update. As the comment is not directed at the adequacy of the EIR, no further response is needed.

Public Hearing Comments

**Planning Commission
Special Meeting Minutes**

**Community Chambers
February 10, 2000
7:00 p.m.**

Commissioners Present: Burstein, Gunnell, Hoffmann, Robertson, Samitz, Spencer

Commissioners Absent: Herzog

Staff Present: Emlen, Wolcott, Camacho

1. Call to Order

Chairperson Gunnell called the meeting to order at 7:08 p.m.

2. Approval of Agenda

Agenda approved unanimously.

3. Staff and Commissioner's Communications (No action)

Emlen: City Council approved Midtown project, as passed on from the Planning Commission, with a few minor adjustments. It is going back for a second reading, and will become effective 30 days after that. The CH/CS discussion will be before the Council on February 23.

Spencer: The new Council will be looking at all the potential infill sites, and there seems to be interest with the applicant in looking at whether residential of some kind might work where the mini stores site was.

Burstein: Regarding CUP accessory structures and second units; we need to look at zoning, particularly in the 5th to 8th Street Old North Davis area. Are there plans to look at that? How that is working in conjunction with the design guidelines?

Emlen: We're starting to look at areas within the core for zoning update for consistency. We have not currently looked beyond that. Once the General Plan is adopted, will be doing a complete zoning consistency update for the entire city. There is the design guideline process that is ongoing that will have an effect on how projects are reviewed in the area you are talking about.

4. Public Communications

None.

5. Public Hearings

Public hearing to receive comments on the General Plan Update EIR.

Emlen informed the Commission that several of the consultants who prepared the EIR were in attendance.

Bob Wolcott presented an overview of the General Plan process to date and presented the staff report.

Chairperson Gunnell opened the public hearing.

Richard Dorf

Distributed a letter to the Commissioners and addressed its content, specifically regarding the lack of a definition for the University Related Research Parks designation (letter attached).

PH-1

Bob Schneider, representing Oeste Project

Page 30 General plan talks about 26,000 students at UCD. Current projects are for up to 30,000. On the basis of that, we need to backtrack. This EIR needs to analyze that number, because we really need to know what that means in this community.

PH-2

Some of the General Plan itself ought to be updated. For example, on page 185, the reference to water storage tanks. They haven't been built yet. Correct a lot of those things even in the General Plan, since it's a couple years later .

PH-3

Mr. Schneider suggested that the city find another name for Alternatives 4 and 5, the Oeste Project and the Davis Technology Center. The Oeste Project has been defined as Alternative 4 that includes Covell Center, so it's not just a business park, it's a business park with that project also. Similarly, the Davis Technology Center isn't just the proposed business park, it includes the intervening lands under Alternative 5. It's difficult to judge where the you are on these things, because there's that combination. To help that, find a way to distinguish between the two so the public and other people who aren't as familiar with the document can better understand it.

PH-4

Mr. Schneider asked what triggers the fourth fire station. Where in these projects does that happen? Certainly when they're built out it is triggered, but when does it happen? We need to know something about that, it's important for staging.

PH-5

In terms of Oeste Ranch, Mr. Schneider noted it originally started as an eco village concept. In response to city requests for a business park, they developed the current concept for Oeste Ranch. But the city didn't define criteria of what they were looking

PH-6

for in a business park. There's a vacuum there, we have not defined as a community exactly what we're looking for.

PH-6 cont.

Mr. Schneider made mention of the fiscal impact. He noted it was difficult to look at the absorption rate and how they impact the numbers. They're talking about buildout rates of 2060 and 2066. It took 50 years for LA to happen. We're talking 60 years here. It took Silicon Valley 25 years, all that's gone on in the Bay Area has happened in that period of time. To say it's going to take 60-66 years to buildout 200 acres of business park in Davis, you can look at historical trends, and you can look at Vacaville business park, and that took a long time to fill up, and then all of a sudden, bang, it's filling up. So, we have a different dynamic because the Bay Area is built out, increasing pressures in other areas. We need to deal with these pressures in ways that the community chooses. But to make that kind of assumption on the face of it, is not common sense to me. It just fails to account for those new pressures as they move up I-80.

PH-7

Regarding Figure 5i-1 Soils Map, Ag quality. I've always considered that a very high priority in terms of looking at where we should look in the city of Davis, and one of the big attributes, one of the initial reasons I became involved in the Oeste Project, is that is the only place in city basically, that has the poorest soils, and if the city chooses to allow development, it makes a lot of sense to go in that direction.

PH-8

Regarding Hydrology, Figure 5g-1 shows the 100-year flood plain area, and certainly like Aspen and Evergreen were in those. Because it was in an urban flood plain, we have an urban wildlife habitat pond. That's not necessarily a negative, dealing with flood is a great opportunity sometimes. But I am concerned that this hydrology doesn't show what happens if we get a levee break. If you have a 68 year levee and you are building any of that, when you get a levee break, I think we should know what happens to this city and the region in that consequence.

PH-9

Regarding Air Quality. Mr. Schneider noted there is a transportation plan here, there's a suit going on over that. We're in a non-attainment zone over ozone. People are coming here and they're going to drive, but I think one of the criteria that we have to look at is what opportunities are there for us to provide Alternative transportation that minimizes and mitigates the situation we're in. Saying that we're going to get more clunkers off the road, which is basically what is going on now, to fudge calculations, I don't think is adequate. I think we need to look a little closer at that. In reality, how as a community, how are we going to make progress in this regard? We've got a great bus system, a large percentage of people ride their bikes. I think we need to get to a point where people like me and everybody else realizes the value of riding their bikes or taking the bus, and why that's important. I don't know how much in just our community we're able to deal with that issue, but I think it needs a fairly high priority in all our decisions.

PH-10

I go back to the overall package, and I go back to the primary factor, and that is we have to look at what happens with the university growth. We need that knowledge.

PH-11

BJ Klosterman, La Buena Vida Homeowners Association

Ms. Klosterman summarized the issues that seem to potentially make this EIR, or at least the draft, inadequate.

1. Land Use Alternatives, Alternative 3. Compare Alternative 3 and Alternative 2 (Map 2) for Covell Center site. Map 2, large Covell Center site, the whole north part of it is labeled with an agricultural/urban transition area; that's an open space area, it's not going to be built in any kind of development. In contrast, in the reduced buildout scenario, you're not only dealing with the land's potentially higher density, you're also dealing with a far greater number of acres being potentially developed on the Covell Center site, all 386 acres. So, you're not only allowed to develop them at potentially higher density, if you're going to go residential on that side, you also do a larger number of acres. Clearly, if you're looking at what would amount to, at a medium density, say for 300 of those acres, that's 2,400 residences. That's obviously higher than 1,247 in the Map 2, or higher than the developers have proposed in Map 4 or 5. So obviously what we're dealing with here is not necessarily a reduced buildout scenario, but a delayed, potentially increased buildout scenario. I'm not saying that's a bad or good thing, I'm just saying we need to recognize that, and take that into account in the EIR.

PH-12

2. A lot of the general plan policies have if feasible statements in them. It's hard under those circumstances to analyze the results in your EIR, unless your EIR recognizes that maybe some of those policies won't get implemented, or they're not going to be implemented on a consistent basis. You can have very different results than your general policies. That needs to be taken into account in terms of policies and the likelihood the implementation needs to be taken into account in the EIR, as well as land use Alternatives.

PH-13

3. If you're doing mix and match of various land use Alternatives, you may end up with unpredicted impacts. Mix and match creates some unique circumstances. In like fashion, that can occur in your land use Alternatives. That means that the city may need to take into account, and it should be noted in the EIR, that if you get to that mix and match route, that you may have to do some additional environmental analysis, and some additional mitigation identification and approvals.

PH-14

4. We talked about this general plan draft being pro infill and pro densification, yet what I noted in the General Plan document is there's a reference to a previous study with lots of infill potential and then it says, well it's financially difficult to do this, but an EIR doesn't deal with financial issues. It deals with environmental issues. So when I go over to land use Alternatives, I find to my surprise, I don't see many of these land use Alternatives identifying much infill. Alt 2 had 80 units downtown, and that's about it. If we are making a policy decision or we're considering the central growth question that seems to be a big one in our town, are we growing out or are we growing in and up at all, to accommodate things like university growth? Then we need to take the infill issue

PH-15

seriously. But the land use Alternatives didn't indicate that they had a lot of infill potential being analyzed, either in General Plan or in the EIR.

PH-15 cont.

5. Business park. We still seem to be developer driven than city driven. Example: Alternative 5, the question is if you've got a business park you've got all these intervening lands, what do you do with them? And we suddenly find ourselves sticking housing there, that we may or may not need. Why can't we as a city decide that if we want a business park, we want it closer to where the rest of the city is, if we feel that is environmentally more sound, and let the developers and land owners start dealing with land swaps and other financial arrangements if necessary to make that feasible instead of having the developers and land financiers, and what land they happen to own, decide where we put our land uses.

PH-16

Another related item to business parks: Draft fiscal analysis. Exhibit A table, pages 15-16. We spend a lot of time in our General Plan update looking at business park, whether we should have one or not, where it should be located, what size it should be. Basically what this says is if the goal is city fiscal health, or if that's a prerequisite, the answer is, this is the wrong series of questions to ask. We end up in the hole under any scenario. Maybe we have to look at whether land use Alternatives of any kind are the way to solve our fiscal woes, and if so, what they are compared to doing business parks.

PH-17

6. School site, Alternative 4 and 5: You'll notice, as well as in the land use Alternatives page 22, it talks about junior high sites and shows a couple of Alternatives. First of all, if this is going to be a project EIR related to the junior high site, CEQA requires you do several Alternatives, reasonable Alternatives, relative to things that are real Alternatives, instead of window dressing. The south Davis site, which is already residential development approved, is one window dressing site, it doesn't qualify under CEQA. The interior Mace site, as long as you have a school district saying they want a junior high convertible to a high school, and they want 45 acres; the Mace site internal isn't 45 acres. Again, it's a window dressing; it doesn't qualify under CEQA as a legitimate thing to consider. And the two sites shown here on Alternatives 4 and 5 on Signature, both are more growth inducing in terms of slapping a junior high site smack up on the Mace/Covell curve, right across the street from the Shriner property and the Signature north property than if the school site were located east/west on the southwest corner of the Signature property. So the arrangement that would be least growth inducing potentially on that site, isn't considered in the EIR or the land use Alternatives, which makes no sense. So there are some problems with this being an inadequate project EIR for the school site as well.

PH-18

Karl Vandagriff, Yolo/Solano County Air Quality Management District

I wanted to comment on some air quality related goals that we support. There were three that we wanted to mention that were not in the existing '87 General Plan, but were

included in this one, we think are important and we should keep them in the document. The first one has to do with moderating increases in residential densities and commercial floor area limitations that promote a more compact and efficient use of city land. The second had to do with policies that encourage transit oriented development and infill projects, we think those are two very important goals. The third has to do with design policies that promote development that supports pedestrian and bicycle use. That leads to three other policies that I specifically want to mention that we would support in the draft General Plan document. Dedicated bicycle and pedestrian facilities (Goal 3, page 118): we think this not only supports our air quality goals, but it's important for the area and the region with respect to our air quality attainment status. The second has to do with improving transit, this is Goal 4 on page 123; and finally transit demand management, this is Goal 5 on page 127. We think this is also an important goal. We are going to be submitting more comments in detail on this.

PH-19

Daniel O'Brien, Yolo/Solano County Air Quality Management District

Made several comments on technicalities of the General Plan as well as the EIR.

1. Land Use Issue: Alternative 5 would make a considerable contribution to urban sprawl by extending the city of Davis over a mile east, thereby resulting in significant impacts on environmental resources including air quality.

PH-20

2. Implementation of mitigation measure LU1.2, Modify General Plan direction:; Alternative 5 would result in additional significant impacts by increasing the adversity of imbalance between jobs and housing availability, which would require additional in-commuting to the site.

PH-21

3. Population and Housing: We have difficulty comparing the Alternatives with the absence of jobs to housing figures in the impact analysis. The recommended mitigation measures appear to lack performance standards.

PH-22

Traffic and Circulation, specifically bicycle: We suggest rewording action "G" under Policy MOB3.3 where it states that the "city maintains its outreach program to "the city expands and improves its outreach program." This would direct city staff to take a stronger advocacy role, particularly with the assessment that a higher level of automobile traffic may cause additional conflict between automobiles and bikeway pedestrian systems.

PH-23

4. Also under Traffic and Circulation: We suggest the General Plan update include a policy regarding bikeway network regional connectivity. The EIR should evaluate the Davis bikeway network in respect to regional connectivity with neighboring communities including Dixon, West Sacramento, Winters and Woodland.

PH-24

5. Air quality impact district's NOP comment: The EIR failed to evaluate conflict of residential and associated uses adjacent to agricultural operations, such as potential impact from dust, fumes, and smoke.

PH-25

Ernie Pfanner, representing Yolo County Taxpayers Association

I come here to talk about taxpayer fairness regarding the school district. The Planning Commission, in my observation, has the most to do with the success of any development in the city because you look at all aspects of it, and makes recommendations. In many cities, you see the Planning Commissions yielding to pressures and we have a lot of problems.

School site: He questioned that fairness of three junior high schools on the north side of Covell. South Davis is still part of the city. I always fought for areas that seem to be deprived of equitable type access. If you live down in south Davis and you go to Holmes, and you take the bus, it takes, as I understand it, it costs you a dollar a ride, and a dollar back. That's two dollars times five, that's 10 dollars a week for your child. Anybody in their right mind is not going to send their 12 or 13 year old girl on a bicycle to ride that on a rainy day or a windy day to Holmes. Now I happen to live on the west side of the district, and I know what distances are because they closed our school down and we had to come into Davis. We fought that back again, and got the school opened up again and now it's hard to get into that school. So anyway sometimes decisions don't look at all economic aspects of the people who pay the bills. I would hope that somebody would go ahead and measure the distance between the western end of the district and to Emerson, measure the distance between Emerson and Holmes, measure the distance between Holmes and the proposed site on the corner, and then measure the distance between that site and the lowest part of south Davis. Now there are other options available, nobody seems to want to look at, but I think in any kind of an EIR you should look at Alternatives. It should not be a political decision; it should be a fairness to parents as far as accessibility to the schools. And if they're going to make a high school someday, it makes sense not to have two high schools in the middle. You should have one high school on one end, and one high school on the other. If you look at Woodland, that's exactly what they are doing. Davis is only one of, 12 or 13 districts in the state that have junior high schools, and if that's the position they want to take, I think that's fine. But if they're going to convert to a high school someday, it takes 45 acres and it takes a lot more planning as far as construction on the original buildings. I've done a lot of research over at the state, to find what you can do and what you can't do. Time factors have probably helped the Woodland district a lot in their decision making process. I'm no expert, but I'm talking about taxable equity, I'm talking about fairness to parents whether they live on the east side or the west side. South Davis should have a school down there, a junior high school that can be converted to high school. I know you're not concerned so much about economics, I think you should be, and the EIRs sometimes don't look into that, but I'm looking from a person who pays the taxes. When they build new schools and I'm in the west end, I have to pay the taxes for that new school too. And I would hope that my taxes would go to a fair thing, with the parents down in south Davis

PH-26

so they would have a school within their area. There is some property available down there, a man wants to sell it. It's 150 acres right next to the city, he wants to get out of the country because he's lived here since 1850, his family. He can't farm it anymore except for sod, that's all he can do. So he wants to sell his property and I've put a lot of time and effort into researching this, and distances, but I think we shouldn't make a staff decision and say, we're going to eliminate this site, and I will go to the school board, I have gone to the school board many times, and they seem to be locked in on a certain project. That isn't the way to do things. I think you should look at it very thoroughly for all aspects, and the bottom line on schools is the parents and equitable as far as taxation is concerned.

PH-26 cont.

Dan Parfitt

This is the same General Plan that Lois Wolk started a several years ago, is that correct? Or are we talking about an update that supercedes or goes beyond that?

PH-27

School site: I'd like to make a pitch here that for whatever school sites we get in future, one of the problems we've had in the past has been that the city has paid full development value for our school sites, and I've thought for many years that this is, frankly, incredibly stupid. Why are we paying 50,000 or 100,000 dollars an acre for school site lands rather than tomato field prices? Particularly when the city is going ahead and providing a tremendous benefit to the developers who surround those school sites? Seems to me that the city should really be looking at getting the school sites donated. I don't see any reason, if we're approving new developments, for not getting donated school sites. Other cities do it, and other cities in this area have done it. They're not paying the same kind of money. I think that's part of the reason that we have the problems we have with our schools today, our coming back to the voters constantly for bond issues. Some of this relates to the fact that purchasing this land at the high price. So I'd like to see some attention paid to how, to the funding mechanism for getting those school sites, and how much we're paying. Some of that's up to the school district, but the city has a role in that as well, and I know the city has tried to do their part in the past, and it's really not entirely a city problem.

PH-28

The other item here that sort of confused me when I got this is, we have a whole lot of things on here, a lot of technology campuses. I don't recall this being in original EIR. This is something I came forward later, and I remember Stan Forbes brought some of these forward, as well as others, about a year or two ago. It didn't seem to be part of the original EIR, but we've got Oeste campus, city and Davis Technology Campus, and a lot of technical development things. If we talk about EIRs, we need to talk about what the growth inducing aspects of those developments are. They were pitched forward with the idea that we were not going to, they would be Alternatives to building additional housing developments in Davis. And that somehow or other, by building these technology developments, one, they'd be good for the business climate of Davis, which may very well be true, but also that then we would not have additional people living in Davis and have to deal with providing school infrastructure and additional roads and all those sorts of things. And I guess the question I have is, if we build a whole lot of technology parks,

PH-29

and let's put a couple insurance companies in there and a few other things, it will produce jobs, which is a good thing for the people that have the jobs. Those people are going to want to live some place. And of course Davis is the logical place for them to live if they work here, which means that sooner or later the city is going to be asked to provide a lot of additional housing for all the people that are working in those tech parks, at least I would think so. And that, to me, is the real issue surrounding tech parks. It's not whether to replace existing housing, but what kind of additional growth inducing issues are going to develop.

PH-29 cont.

Commissioner's Comments/Questions

Robertson asked staff to look at page 5B-14, Table of Summary of Population Housing Impacts by Alternative. Under Alternative 3 PH-1, project mitigation makes reference to PH-2.1, 2.2, 2.3 and 2.4. In Table 2-4, which is the summary of mitigation measures for General Plan, under PH is found 2.1, page 2 of 9, a duplicate of 2.1 is found at the top of page 3 of 9, but 2.2, 2.3, 2.4 are not found. Where would one find those mitigations?

PH-30

Richard Rust, Jones & Stokes, stated that this chapter was done cooperatively between themselves and staff. Between both us both handling the files, some numbers probably got swapped. He will find out what the correct numbers are, and will give that information to the Commission at the next meeting.

Robertson responded that the housing policy needs some work for consistency with General Plan policies. Under residential buildouts, EIR states significant impact, but can be reduced to less than significant with the mitigations included. But Policy 1.2 is maintain an adequate supply of rental housing in Davis to meet the needs of all renters, including students, page 5B-11. PH-1 under Alternative 3 is consistency with general plan policies. He does not see how we can have a reduced buildout scenario and still meet all of the housing requirements of all renters, including students. This seems to be significant, but unavoidable. Even if we do not adjust to 30,000, it seems that if we are providing houses internally in Davis, whether on campus or in the city, it means those students are still going to exist, but they're going to live at further distances from the university. He is not sure he saw in this analysis the impact of students driving or travelling from Woodland to Davis, rather than from the city of Davis. Is concerned that housing evaluation is inadequate given what we do know about the university and what Measure J, if it goes through, may lead to.

PH-31

Sandino: No comments on EIR, his goal is to listen to public comments. Wants to know the structure about the process, asked what was fair game for discussion. What issues it would be constructive to focus on? What issues might not be as constructive? Noted page 12 in the staff report, there are known areas of controversy and issues to be resolved. This looks like one possible area commission can focus on and make some recommendations on. He would hope commission can come to some consensus to focus the discussion in the future.

PH-32

Emlen: Language evolved from many discussions at Planning Commission, committee, and City Council meetings. Staff would prefer not to rehash all the polices. Not that it can't be done, but from a practical standpoint, staff approached this process as focusing on the Alternatives, the key remaining decision points left as we finalize the draft General Plan. If decision-makers want to open it up again they can, but staff is not recommending that approach.

Sandino stated he is willing to think about this and if staff has any recommendation on a decision making tree, if it is just focus on the Alternatives at this point, that is fine with him.

PH-32 cont.

Emlen: Staff is currently developing a matrix with the hope it will synthesize a lot of the information into helpful, manageable, bite-sized chunks, which staff believes will help with the final review. Again, that doesn't mean that things won't branch out at some point. Staff's feeling is that the policy document is pretty solid, there probably will be some policy adjustments, because the Alternatives themselves raise some policy issues. If the commission goes with one Alternative, some adjustments to policy might be necessary, because consistency must be maintained internally within the document as well as with the land use map.

Gunnell: Asked if, of the five Alternatives, a combination between two of the Alternatives was chosen, does the document allow the Commission to parcel out and segregate the effects of, for example, a business park with a certain Covell Center development option that isn't strictly in one Alternative?

Emlen: Believes many combinations can be handled through the EIR. There may be something that staff is not anticipating, like multiple use business parks that could become problematic which would require some further environmental assessment. The document is broad enough to cover minor mixing of alternative components, in terms of the adequacy of the EIR.

Rust: The Alternatives and the document were set up to allow for some mixing to occur. If the Commission makes a mix of Alternatives, the findings will get larger. There will be a written record. Whether it requires modification of this document in the final, or whether it's through the findings document, you'll have a record for why this meets that goal. Commission could have some combinations beyond the scope of what has been evaluated. The implications would have to be considered at that point.

PH-33

Wolcott: If, for example, Commission is leaning toward a new Alternative 6 and feels comfortable enough with the environmental analysis to recommend Alternative 6, and know generally what the impacts would be, the recommendation could be carried on to City Council. If Council agreed with Commission's Alternative 6, a determination would be made on what kind of additional analysis, if any, is necessary. If Council doesn't like an Alternative 6 but wants an Alternative 7, time will have been wasted time on an Alternative 6, but staff will work with it.

Samitz: Referred to Table on page 12 (Reduced Buildout Scenario) in the Land Use Alternatives workbook, Alternative 3 residential at year 2010. In the last entry, Gateway/Olive Drive, notes 109 residential units total. She assumed this is the Olive Drive portion, since Gateway is all non- residential.

PH-34

Wolcott: Yes, Youman's and Callori are the two sites.

Samitz asked if that is being proposed in the near future.

Emlen: We have a proposal on Youman's property that we're stating to look at. Scholar housing was dropped in Nishi property, so residential is limited to the Olive Drive site.

Burstein: Asked how the fiscal impact analysis is going to tie into EIR and the General Plan? Obviously, the fiscal impact analysis is a separate document from the EIR so she is not clear at what point in time Commission looks the fiscal impacts of the Alternatives, and makes recommendations based on that information. She noted that she found this the most important and provocative document.

PH-35

Emlen: The fiscal impact analysis is an informal document, not part of CEQA document. Its purpose is to help Commission make decisions on the Alternatives and the implications of the Alternatives based on a fiscal impact standpoint. Commission will be making final decision on the Alternatives and recommendations. The fiscal impact report is like the EIR in that the EIR is a document that addresses the environmental impact side. It gives an economic perspective on the various Alternatives. It is an information document to be used as a tool in making decisions.

Burstein: If Commission could recommend certification of the EIR as adequate, and get to the point where we talking about the Alternatives, would now be the time to bring up questions and ideas about additional information might be useful?

Emlen: Yes, and staff will consult with Matt Kowta, our consultant on this, in terms of any responses we may need to your comments.

Burstein: Noted that the obvious thing is none of the Alternatives are an economic benefit to the city until 60 years from now. She can't see any of the commissioners choosing an Alternative that, based on our current economy, isn't positive. Even a mix and match would not get to a positive one. If all the environmental impacts could be mitigated, why do we want to do something that will be negative fiscally to the city? Is that part of the analysis we need?

PH-36

Robertson: We were pushing to have this fiscal analysis part of this update specifically for that reason. So when decisions were made as part of this process, people will be recognizing that there are dollars allocable to those decisions.

Wolcott: In the research park comparative evaluation that was done about a year ago, and also in this document, BAE took an extremely conservative view of absorption, and they based it on what they saw in our immediate Davis area, as far as business parks absorption and also in the region for business parks and research parks, and came up with the two percent per year absorption. The key point may be that buildout may occur sooner than suggested in this extremely conservative analysis, which is for fiscal purposes it may buildout sooner, say 2010, 2015, 2020. There is a beneficial impact from these research parks, but yes, in first few years it's a negative, but then it turns into a positive later, and it's just a matter of what one believes to be the point of buildout and when the benefits start accruing to the city.

Burstein: In terms of the type of additional information we would need are different scenarios and different kinds of building timing and arguments on why or why not those scenarios may be more realistic or less realistic than we have here currently, the specifics of business park plans. Unless you're really focused on what kind of use you want, you're not necessarily going to get something that is economically beneficial. It seems that is something we never got to in the General Plan, and that is something we need to get to in order to make a good decision. What are the kinds of commercial or business park or industry uses that make the city some money? How do we write our General Plan so that it is very clear what we want and how we're going to get there? There is the related issue of the existing commercial base. Could we focus that land in such a way that it could make money? The economic analysis is fairly pessimistic in terms of the timing on the buildout of our existing industry/commercial land, and the positive economic impacts it could bring us. We have some studies done on our existing industry; is there more that could be done to improve fiscal effects?

PH-36 cont.

Robertson: Noted that isn't it fair to say we'd have to change some of our policies in the General Plan because what was driving the different developments was "What are we missing", as far as goods, as far as services, and so on, not the question "What makes the most money for the community?" We've come to very different conclusions, especially based on what discussions with this commission as things have come up, where we're trying to have small businesses, not duplicates. He stated the policies under the General Plan are not conducive to an analysis--they won't lead where Commissioner Burstein wants to go, but he agrees with her. The fiscal analysis will show the results of the choices that people are proposing to make. He does not think the policies in the draft General Plan right now, will lead to another Alternative, which is what if we want to maximize revenue and maintain polices under General Plan. How can we maximize revenue so that we can afford to have a nice standard of living or quality of life in some parts of town, in other parts of town maybe auto malls, maybe big box, or whatever it takes to generate the kind of revenue that will support the quality of life in the other parts of town. I don't think the General Plan gives us that flexibility.

PH-37

Burstein: If we're left with the information we now have, it seems the obvious choice is to grow as absolutely little as possible because it's the least negative economic impact. That's where I would go if we didn't have different kinds of information.

Maintenance costs: EIR deals a little bit with the issue of trigger points for major capital improvements. Commission might need more information about that issue. The EIR does suggest which scenarios trigger different needs for capital improvements. Commission does not have the analysis that shows how much those improvements would cost, and where that money would come from.

Emlen: The EIR identifies impacts and mitigations which would be certain types of improvements and capital projects. It doesn't get into full analysis of where the money comes from, or things of that nature.

PH-38

Burstein: Noted that this seems like is something Commission has to look at, to understand if it is even feasible, for example, for the business parks to pay for the water and the sewage needs.

Emlen: It is legitimate to look and see if the mitigation is realistic. CEQA encourages that in terms of evaluating impacts.

Burstein: Stated high school, water, water treatment are the major issues for her. Capital costs of fire station are another issue.

Samitz: What is the concept of the Hunt Wesson area, since that plant is not going to be used. Is there any possibility to do any kind of study to analyze if that parcel was used for a business park instead, or is it too late in the game for that at this point?

Emlen: Stated the Hunt site is zoned industrial, so it already has that potential. It is already built into our existing General Plan in a sense. For us to add that discussion at this point would be difficult, but it depends on how far you want to broaden. At some point we're going to have to make some decisions on when we get closure to this General Plan.

Robertson: Noted that given the fact that it is zoned industrial, whatever project comes along for Hunt Wesson is going to require some additional environmental review no matter what. It is in the plan at some level of development, so we do not need to fine tune that one.

PH-39

Emlen: Stated that if something does come forward, it will mean going through the Planned Development Process. That is when staff would have the opportunity to evaluate those impacts. Commission could consider whether that site, combined with maybe the Hunt site itself, is a reasonable alternative to approving a business park site. Those are the kinds of things that can be looked at through this process.

Spencer: In terms of mitigations that show up in the EIR, if we have ideas for mitigations, do we suggest mitigations that would more fully deal with the significant impact?

PH-40

Rust: If Commission would like to add mitigations or modify the ones in the EIR, if there's some realism that could be added one way or another, that's wide open at this point. The role of the Commission is to expose what the impacts are, and come to grips with what the city can do to reduce those, and if there is another way to do it more effectively, cheaper.

PH-40 cont.

Spencer: Or more in line with General Plan polices that would create a contradiction?

Emlen: We just have to be able to substantiate that in terms of our analysis, so there would have to be concurrence here.

Spencer: On the analysis on the business parks, referring to job housing balance, when analyzing the physical impact of the business park, is the residential obligation that is going to arise from bring jobs into town included? It is understood that when you create jobs, you create an obligation to do residential, and that has a physical impact. Is that included in the analysis?

Emlen: I don't believe that was included. The study analyzed the residential potential through the various alternatives. The numbers in the tables and such, is what was analyzed. It did not analyze additional housing demands caused by those business park proposals. Its speculative to know exactly what that impact is. That was not a part of this initial analysis.

PH-41

Spencer: In job housing analysis related to residential, is the assumption that by doing more residential you would improve the job housing balance?

Emlen: We'll check that, don't recall specifically. Maybe what it looks at is the potential job generation of the business parks sites, relative to the housing growth in the future years, and in fact, we do go the other way in jobs housing balance.

Wolcott: Look at 5B-15, Housing Population section.

Spencer: Fire Response Time: Is there any analysis or reference to the fact that regardless of response time, there may not be enough water to put out fire in certain parts of town? An earlier speaker made reference to the emergency water tanks that are going in north of Sutter hospital, and how at certain times of the year, in the summer when demand is at its peak, if a fire broke out, there wouldn't be enough water in the system for the Fire Department pumps to suction anything, which is an impact if you do additional water demand projects. How are you going to get more water in the system so the fire dept can put out the fire? They can get there, but they may not be able to do anything.

PH-42

Rust: Information from Public Works was that programs that are programmed by them would facilitate the water flow they need to meet the demands of the existing General Plan, that was a big differentiation in the analysis presented. The business parks were not in General Plan of old, there was not adequate water supply facilities to handle that.

Spencer: We have a report that even after they do the emergency water tank north of Sutter, of the deficiency there is now, 40% of that deficiency would still be there after that facility is in.

Russ: The information I had did not reflect that as an issue, but we will double check with Fire and Public Works and bring that back.

PH-42 cont.

Spencer: They made a report to the Open Space Commission in December.

Spencer: Nishi analysis: If Nishi is built out as in the Gateway/Olive Drive specific plan, the impacts on the Richards corridor, in terms of worsening are alluded to. In doing a mitigation that would lessen the impact, is there any addressing, for instance, an alternate route into Nishi, no car access to Nishi from Richards? And then what would you do?

Rust: For Nishi, we were given the fact we had an adopted specific plan with adopted access routes, so we kept those as a given. We did not do mitigations to do alternatives to that. It was taken through the polices that the city has accepted.

Spencer: It deals with going ahead with development and accepting a worse level of service?

PH-43

Russ: Given the entitlements that were already issued by the city, yes.

Spencer: What entitlements?

Russ: The specific plan for that area.

Wolcott: Rick may be using too strong a word, to say "entitlements" which you might associate with zoning or subdivision, but he is referring to approval of specific plan and land uses.

Spencer: Would it be appropriate to do a specific plan for the periphery, for new lands that would come into Davis in the future? That we would develop a very specific plan for those new lands that would be incorporated, that would make the development that would happen there more innovative, more view shed friendly? There are a variety of special things we that we want to consider from now on when we're doing things on the edge of town. Is that something that would be a separate process completely, or would you want to reference something in the General Plan update that would say, begin working on something that relates to guidelines for the edge of town.

PH-44

Emlen: You'd have to develop some policy language of how that would be accomplished, as well as what kind of things you want to accomplish in doing so, and that's what you can do in this process. I don't know if it would be a specific plan, you might be able to do some type of policy with guidelines for peripheral areas. I'm not sure a traditional specific plan would work there very well.

Robertson: If Measure J goes through, any developer will want an agreement to make sure that his ability to develop is locked in exactly. With a specific plan, as you see with Nishi, there is still uncertainty as to the ability to develop the property, until you get that next step. What might be appropriate would be a community plan approach with guidelines for design and theme, but don't get down to the level of actual setback and infrastructure. Look more at what it will look like when you're done, and leave the other part to the development agreement. I wouldn't be supportive of a specific plan in this community because of the vagaries of the process.

Spencer: Possibility of changing name of urban reserve, which has the assumption of urbanization to something else.

PH-45

Emlen: Terminology could certainly be adjusted. The description would have to stay relatively the same, because that what was used as part of the environmental analysis.

Spencer: Regarding Measure J, Council raised the issue of not using urban reserve any more as a designation, but coming up with something that wouldn't presuppose that you would urbanize. It could perhaps be a study area that could apply to something within the city if we're considering going from residential to industrial. It would provide a planning niche for a designation area that might be in transition in some way. Is that what we would do in the update process?

Emlen: If other commissioners are interested, we could look at different ideas for that, in terms of what we would call it.

Samitz: The idea of looking at the potential analysis for infill potential; we don't know how many or where specifically. I think we should answer that question

Gunell: Maybe we could have answered what the assumptions were in the EIR. The economic analysis had definitive assumptions of infill numbers that they thought were likely to happen. Was not sure whether those were the same as EIR had used or not.

Wolcott: How one views infill can vary. We assume that we exclude from the term infill the major known subdivisions that are within the city, but have full approvals but are just building out, like Wildhorse, Mace Ranch, etc. The next level would be to consider the sites that are zoned for residential but don't necessarily have all their approvals, or designated for residential, for example. the Simmons property on East 8th Street, there's about 20 or 40 acres in there. In addition, Simmons property by El Macero Estates 2, these are logical residential sites, but they don't have all the approvals, so that is a second tier. Also the Core Area Plan suggests residential, but the question is how much do you want to assume is going to occur by 2010. This effort assumes about 80 units only. If you include that second tier, this EIR and Land Use Alternatives only identifies a few hundred units, 80 in the Core. There may be a potential for Grande school site to get 40 houses. Then there's a third level that gets real speculative. If you start looking at, for example, could a PG&E service center site at 5th and L ever develop into a residential

PH-46

area, or Juniper Point, Wildhorse school site, you can start getting real creative, but speculative. If you do that you might get upwards of several hundred units, up to 1,000, but it is purely speculative. Those are the kinds of sites that tend to come in through time, like Chuck Roe is proposing a couple projects downtown, that no one on staff might have anticipated. How you view infill depends on how aggressive the city wants to get, how much incentive they want to provide. If we don't do anything special, we're probably only taking a few hundred infill units. If we get real aggressive, go out and seek out landowners and developers, then maybe it can go up to many hundreds of units by 2010.

PH-46 cont.

Emlen: Infill can be controversial. It's hard to say where things are going to land in the future. As we come up with new design concepts for infill, perhaps it becomes more palatable over time. At this Commission level, we've seen a lot of controversy over a number of projects over the past few years.

Samitz: Given that the Wildhorse school site is expected to turn into residential, (Emlen: After 2006), shouldn't that be something we analyze and include in this?

Emlen: That is something where a minor adjustment might need to be made, but I don't think that one is included because it occurred after the numbers were developed.

Wolcott: We can ask Ken Anderson and Jones & Stokes whether the number of units that would occur on that site would change any of the results of the EIR analysis.

PH-47

Samitz: I'd like to see that. Another potential site is Davis Unified School District offices. Can we ask the school district if there is any potential for possibility of converting that to infill? That would be a large parcel that would have a significant impact.

Wolcott: That kind of use wasn't analyzed, but I think that's what I'd call the third tier, where the city would need to get active. It's hard to recognize in this effort, but it is out certainly a possibility.

Samitz: Is it possible for those offices to be relocated to the 9-acre site in north Davis instead to see if we could do a trade and use that site for residential instead?

Emlen: The question is, do we get to that level of micro detail in this General Plan effort? We made rough assumptions of infill potential. Certainly over time we may find other opportunities, we just don't know how far we can take that through this kind of process. In a sense, the traditional way of looking at a General Plan and analyzing the impacts is based on vacant land conversion. I think it's a positive step that the Commission is considering these other approaches because it is what will lead this community in the future to achieve its goals for a compact community.

PH-48

Wolcott: Council has recently asked for an analysis as part of the budget work. Staff has done a map and an analysis of how much of the residential development realistically remains to develop within the city. We can give you a copy after Council has seen that, you'll see how much is really left, and what sites are included. You'll see every line item, what the assumption was, where they are, and you'll have a sense of how much is left and whether we should get more aggressive about infill, or whether that is about right.

Emlen: That document will be available once we get further into this process, and it think it will be useful to your discussions.

PH-48 cont

Spencer: With additional infill, we'll be doing additional environmental work as infill projects come forward?

Emlen: Right. There are some exemptions in CEQA that sometimes would apply, but in general, that is what we'd do.

6. Adjournment to the next regular meeting to be held on February 15, 2000, in the Community Chambers at 7:00 p.m.

Chairperson Gunnell adjourned the meeting at 9:38 p.m.

Note to City Council:

This is a draft set of minutes of the Planning Commission meeting of February 10, 2000, and will go to the Planning Commission for approval on March 14, 2000.

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Comments from Public Hearing on Draft EIR – February 10, 2000

Speaker: Richard Dorf

PH-1 Comment noted. Mr. Dorf's comments regarding the University Related Research Parks designation have been addressed in responses to comments 20-1 and 20-2. Additionally, please see the responses to Master Responses A and C.

Speaker: Bob Schneider, representing Oeste Project

PH-2 Comment noted. Please see the response to Master Response E. Additionally, Page 2-16 of the draft EIR provides additional background information on the UC Davis enrollment numbers used in the draft EIR analysis.

PH-3 Comment noted. This comment relates to the General Plan update and is not pertinent to the EIR. No further response is needed. Comments on the General Plan will be forwarded to the Planning Commission.

PH-4 The commenter suggestion is noted. This comment relates to the General Plan update and is not pertinent to the EIR. Additionally, comments on the General Plan will be forwarded to the Planning Commission.

PH-5 The commenter's request is noted. As more fully described on pages 5C-27 through 5C-30 of the draft EIR, existing and proposed coverage under the City's 5-minute response criteria is described. Information in this section states that both existing development and proposed development under the General Plan update will not be covered in either the short-term (without Station 30) or long-term (with Station 30). Due to the programmatic nature of the draft EIR, it is beyond the scope of the analysis to predict at what specific point any specific project would trigger the need for an additional fire station. Please see the response to Master Response E.

PH-6 The comment is noted. This comment relates to the General Plan update and is not pertinent to the EIR. No further response is needed. Comments on the General Plan will be forwarded to the Planning Commission.

PH-7 This comment relates to the Fiscal Impact Study and is not pertinent to the EIR. Please refer to the response to Master Response B.

PH-8 The comment is noted. Please refer to the response to Comment 34-6.

PH-9 The comment is noted. Please refer to the response to Comment 34-7.

PH-10 The General Plan update contains a number of these policies (see response to comment 14-10). The EIR analyzes potential impacts with these policies in mind as mitigating factors. There is no need to add emphasis to this subject.

PH-11 The comment is noted. Please refer to the response to Master Response E.

Speaker: BJ Klosterman, La Buena Vida Homeowners Association

PH-12 The comment is noted. Alternative 3 is identified as a reduced buildout scenario because it limits development to currently approved entitlements or to reduced levels of urban development. The comment may be related to the Urban Reserve variation for the Covell Center site. If this alternative is selected by the City Council, the specific pattern of land uses would be determined in the future, and additional environmental review would be required. At this stage, the City Council could add a description regarding the extent of urban uses on the site after 2010 (if the Urban Reserve variation is selected), but this would be an issue for the General Plan and not the EIR. Please refer to the response to Comment 25-19.

PH-13 This comment relates to the General Plan update and is not pertinent to the EIR. No further response is needed.

PH-14 The comment is noted. Please refer to the response to Comment 25-20 and the response to Master Response C.

PH-15 Infill is assumed in all of the alternatives. Please refer to the response to Comment 25-11.

PH-16 The commenter's opinion is noted. This comment relates to the General Plan update and is not pertinent to the EIR. No further response is needed. However, comments on the General Plan update will be forwarded to the Planning Commission.

PH-17 This comment relates to the General Plan's Fiscal Study. Please refer to the response to Master Response B.

PH-18 Please refer to the responses to Comments 25-12 through 25-16.

Speaker: Karl Vandagriff, Yolo/Solano Air Quality Management District

PH-19 Commenter's point is well taken. This comment relates to the General Plan update and is not pertinent to the EIR. No further response is needed. However, comments on the General Plan update will be forwarded to the Planning Commission.

Speaker: Daniel O'Brien, Yolo-Solano Air Quality Management District

PH-20 Please refer to the response to Comment 14-2.

PH-21 Please refer to the responses to Comments 14-2 and 14-3.

PH-22 Please refer to the response to Comment 14-3.

PH-23 Please refer to the response to Master Response A.

PH-24 Please refer to the response to Master Response A.

PH-25 Please refer to the response to Comment 14-7. In addition, school site alternatives south of the existing city limits of south Davis were not considered in the range of site alternatives because of growth inducement and potential traffic impacts on Montgomery Avenue and County Road 32D.

Speaker: Ernie Pfanner, Yolo County Taxpayers Associations

PH-26 Please refer to the response to Comment 17-1. In addition, school site alternatives south of the existing city limits of South Davis were not considered in the range of site alternatives because of growth inducement and potential traffic impacts on Montgomery Avenue and County Road 32D.

Speaker: Dan Parfitt

PH-27 Please refer to the response to Master Response A.

PH-28 Comments related to the acquisition costs for the City's future school site will be considered by the Davis Joint Unified School District when it acquires a site, but are not a comment on the adequacy of the EIR. No further response is needed.

PH-29 The growth-inducing impacts associated with the General Plan update are found on pages 7-15 through 7-21 of the draft EIR. Additionally, the specific growth-inducing impacts which could result from development of the Covell Center site, the Davis Technology Campus site, and the Oeste Campus site are found on pages 7-17, 7-19, and 7-20, respectively. Significance conclusions for each of the site developments are also provided.

Speaker: Planning Commissioners

PH-30* The suggested change was made as part of the final EIR.

PH-31-48 Public hearing comments 31 through 48 primarily consist of questions and comments from the City's Planning Commission. These comments are considered to be a part of the deliberations for the City's General Plan update and the City is not required to respond to them in this final EIR.

