



JOHN A. MEYER  
Vice Chancellor

OFFICE OF RESOURCE MANAGEMENT AND PLANNING  
ONE SHIELDS AVENUE  
DAVIS, CALIFORNIA 95616-8678

January 16, 2009

State of California  
Office of Planning and Research  
1400 Tenth Street  
Sacramento, CA 95814

**NOTICE OF INTENT  
TO ADOPT A MITIGATED NEGATIVE DECLARATION**

**Project Title:** UC Davis Arboretum Heron Colony Management  
**Project Location:** University of California, Davis; central campus south of Garrod Road  
**County:** Yolo County

In accordance with the California Environmental Quality Act (CEQA) (Public Resources Code Section 2100 et seq.), the CEQA Guidelines (Title 14 Code of Regulations Section 1500 et seq.), and the University of California Procedures for the Implementation of CEQA, a Draft Initial Study for the above-named project was prepared (please see enclosure). The document identifies and evaluates the potential environmental impacts of the proposed project. The campus proposes to prepare a Mitigated Negative Declaration for the project.

**Project Description**

The UC Davis Shields Oak Grove contains a unique collection of oak species and hybrid oak trees. This collection is the UC Davis Arboretum's most prominent and scientifically important plant collection. The Shields Oak Grove is located south of Garrod Road at the west end of the UC Davis Arboretum and consists of approximately 7 acres of oak trees and lawn area. The oak trees are primarily large, mature specimens with heights ranging from 20 to 35 feet and dense tree canopies reaching 20 to 50 feet in diameter.

The Shields Oak Grove has been recognized as a collection of national significance by the North American Plant Collections Consortium and is considered the most unique oak collection in the United States. The collection is a living museum exhibit and a resource for university teaching and research as well as a reference collection for professional arborists, urban foresters, and home gardeners. The Arboretum's significance as a living museum rests on the accessibility of the collections to educators, students, researchers, and visitors. The opportunity to walk and work among these magnificent oaks, to experience them directly through the senses and personal observation, is an essential component of their value.

Over the past decade, a heronry (a nesting congregation of colonial birds of the family Ardeidae), has become established in the Shields Oak Grove. By 2003 the heronry had grown large enough to raise concerns about the effect of the birds on tree health. Birds can damage trees by removing leaves, twigs and other foliage for nesting, and by depositing guano, which can reduce light absorption, burn leaves, cause defoliation, and alter soil chemistry. Arboretum managers were

concerned not only about the effects of the birds on the trees, but also on visitor health and safety. Beginning in 2004, UC Davis instituted management techniques such as removal of vacant nests prior to arrival of the birds and the installation of a temporary fence keep members of the public away from the herons.

In addition to the on-going management activities described above, beginning in the 2009 nesting season, UC Davis proposes to employ a higher level of heron deterrence activities at the Shields Grove to reduce or prevent heron nesting. The new heron deterrence activities would include pyrotechnics (loud explosions and loud whistles launched through the air with a glowing visual appearance), bio-acoustics (loud playback of bird distress calls), and handheld lasers (pointed at the birds). The use of frightening devices potentially will take place daily from March through July. Activities will primarily take place for two hours before and after sunrise and sunset as the birds arrive to prospect for suitable nest sites.

This heronry is comprised of four species, all of which have peak nesting at differing periods. The primary arrival of Black-crowned Night-Herons (*Nycticorax nycticorax*) begins in March, followed by both Great and Snowy Egrets (*Ardea alba*, *Egretta thula*) (April). Cattle Egrets (*Bubulcus ibis*) are the last to arrive usually by April 15th with the main thrust arriving in early May. The deterrence efforts will have to be sustained over several months and is expected to extend from March through July. The object of the deterrence efforts is to prevent birds from reaching the stage of egg laying in the nesting cycle. In order to comply with state and federal laws protecting colonial and migratory birds by preventing abandonment of nests with eggs or chick mortality, no birds will be targeted by deterring efforts once they have laid eggs. Prior to the start of the project, a survey for nesting birds will be conducted on the project site and within a 500 foot area surrounding the project site to ensure that hazing activities will not cause abandonment of any active nests on the site. Additionally, bird response will be monitored throughout the effort, and activities and schedules will be adjusted based on monitoring results. If an active nest is found, use of frightening devices and bio-acoustics (but not lasers) will be abandoned within 200 feet of the nest. This program would start in 2009 and continue indefinitely as needed to dissuade the heronry from forming in Shields Grove.

### **Environmental Review and Comment**

Based on the analysis presented in the Draft Initial Study, the campus proposes to adopt a Mitigated Negative Declaration for the proposed project. Copies of the Draft Initial Study and proposed Mitigated Negative Declaration are available during normal operating hours at the UC Davis Office of Resource Management and Planning in 376 Mrak Hall on the UC Davis campus; at Reserves in Shields Library on the UC Davis campus; at the Yolo County Public Library, 315 E. 14th Street, Davis; at the Vacaville Public Library, 1020 Ulatis Drive, Vacaville; and online at <http://www.ormp.ucdavis.edu/environreview/>.

We appreciate your prompt acknowledgement and review of this Draft Initial Study and proposed Mitigated Negative Declaration. Due to the time limits mandated by state law, the document's 30-day review period will extend from January 16, 2009 through February 17, 2009. Comments must be received before 5:00 p.m. on February 17, 2009. They may be e-mailed to [environreview@ucdavis.edu](mailto:environreview@ucdavis.edu) or sent to:

Notice of Intent  
January 16, 2009  
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John A. Meyer  
Vice Chancellor- Resource Management and Planning  
376 Mrak Hall  
University of California  
One Shields Avenue  
Davis, CA 95616

If you have any questions about the project, please contact Sid England, Assistant Vice Chancellor for Environmental Stewardship and Sustainability at (530) 752-2432.

Sincerely,



John A. Meyer  
Vice Chancellor – Resource Management and Planning

Enclosures: 15 copies of the Draft Initial Study and Proposed Mitigated Negative Declaration  
1 Notice of Completion and Environmental Document Transmittal Form

c: Notice of Intent, Notice of Completion and Environmental Document Transmittal Form, and  
Draft Initial Study sent to addresses on attached list

Form A

Notice of Completion & Environmental Document Transmittal

SCH # \_\_\_\_\_

Mail to: State Clearinghouse, PO Box 3044, Sacramento, CA 95812-3044 916/445-0613

Project Title: UC Davis Arboretum Heron Colony Management

Lead Agency: University of California Contact Person: Sid England
Street Address: Office of Resource Management and Planning, UC Davis Phone: (530) 752-2432
City: Davis Zip: 95616 County: Yolo

Project Location:

County: Yolo City/Nearest Community: Davis
Cross Streets: Old Davis Road/Interstate 80 Zip Code: 95616 Total Acres: 8.0
Assessor's Parcel No. NA Section: 18 Twp. 8N Range: 2E Base: Mt. Diablo
Within 2 Miles: State Hwy #: SR 113 and I-80 Waterways: Putah Creek
Airports: University Airport Railways: Union Pacific Schools: Davis Joint Unified

Document Type:

CEQA: [ ] NOP [ ] Supplement/Subsequent EIR NEPA: [ ] NOI Other: [ ] Joint Document
[ ] Early Cons (Prior SCH No.) [ ] EA [ ] Final Document
[ x ] Neg Dec [ ] Other [ ] Draft EIS [ ] Other
[ ] Draft EIR [ ] FONSI

Local Action Type:

[ ] General Plan Update [ ] Specific Plan [ ] Rezone [ ] Annexation
[ ] General Plan Amendment [ ] Master Plan [ ] Prezone [ ] Redevelopment
[ ] General Plan Element [ ] Planned Unit Development [ ] Use Permit [ ] Coastal Permit
[ ] Community Plan [ ] Site Plan [ ] Land Division (Subdivision, etc.) [ x ] Other Project Approval

Development Type:

[ ] Residential: Units Acres
[ ] Office: Sq.ft. Acres Employees
[ ] Commercial: Sq.ft. Acres Employees
[ ] Industrial: Sq.ft. Acres Employees
[ ] Educational
[ ] Recreational
[ ] Water Facilities: Type MGD
[ ] Transportation: Type
[ ] Mining: Mineral
[ ] Power: Type Watts
[ ] Waste Treatment: Type
[ ] Hazardous Waste: Type
[ x ] Other: Wildlife Management Program

Funding (approx.): Federal \$ -- State \$ -- Total \$ n/a

Project Issues Discussed in Document:

[ x ] Aesthetic/Visual [ x ] Flood Plain/Flooding [ x ] Schools/Universities [ x ] Water Quality
[ x ] Agricultural Land [ x ] Forest Land/Fire Hazard [ x ] Septic Systems [ x ] Water Supply/Groundwater
[ x ] Air Quality [ x ] Geologic/Seismic [ x ] Sewer Capacity [ x ] Wetland/Riparian
[ x ] Archeological/Historical [ x ] Minerals [ x ] Soil Erosion/Compaction/Grading [ x ] Wildlife
[ ] Coastal Zone [ x ] Noise [ x ] Solid Waste [ x ] Growth Inducing
[ x ] Drainage/Absorption [ x ] Population/Housing Balance [ x ] Toxic/Hazardous [ x ] Landuse
[ ] Economic/Jobs [ x ] Public Services/Facilities [ x ] Traffic/Circulation [ x ] Cumulative Effects
[ ] Fiscal [ x ] Recreation/Parks [ x ] Vegetation [ ] Other

Present Land Use/Zoning/General Plan Designation:

Teaching and Research Open Space

Project Description:

See attached public notice.

**Reviewing Agencies Checklist**

Form A, continued

**KEY**

- S** = Document sent by lead agency
- X** = Document sent by SCH
- ✓ = Suggested distribution

**Resources Agency**

- \_\_\_\_\_ Boating & Waterways
- \_\_\_\_\_ Coastal Commission
- \_\_\_\_\_ Coastal Conservancy
- \_\_\_\_\_ Colorado River Board
- SX Conservation
- SX Fish & Game
- \_\_\_\_\_ Forestry & Fire Protection
- SX Office of Historic Preservation
- \_\_\_\_\_ Parks & Recreation
- \_\_\_\_\_ Reclamation Board
- \_\_\_\_\_ S.F. Bay Conservation & Development Commission
- SX Water Resources (DWR)

**Business, Transportation & Housing**

- \_\_\_\_\_ Aeronautics
- \_\_\_\_\_ California Highway Patrol
- SX CALTRANS District # 3
- \_\_\_\_\_ Department of Transportation Planning (headquarters)
- SX Housing & Community Development

**Food & Agriculture**

**Health & Welfare**

- \_\_\_\_\_ Health Services \_\_\_\_\_

**State & Consumer Services**

- \_\_\_\_\_ General Services
- \_\_\_\_\_ OLA (Schools)

**Environmental Protection Agency**

- SX Air Resources Board
- SX California Waste Management Board
- \_\_\_\_\_ SWRCB: Clean Water Grants
- \_\_\_\_\_ SWRCB: Delta Unit
- \_\_\_\_\_ SWRCB: Water Quality
- \_\_\_\_\_ SWRCB: Water Rights
- SX Regional WQCB # 5 ( \_\_\_\_\_ )

**Youth & Adult Corrections**

- \_\_\_\_\_ Corrections

**Independent Commissions & Offices**

- \_\_\_\_\_ Energy Commission
- SX Native American Heritage Commission
- \_\_\_\_\_ Public Utilities Commission
- \_\_\_\_\_ Santa Monica Mountains Conservancy
- \_\_\_\_\_ State Lands Commission
- \_\_\_\_\_ Tahoe Regional Planning Agency
- SX Other \_\_\_\_\_ Yolo-Solano AQMD \_\_\_\_\_

**Public Review Period** (to be filled in by lead agency)

Starting Date January 16, 2009

Ending Date February 17, 2009

Signature 

Date 1/16/09

**Lead Agency** (Complete if applicable):

- Consulting Firm: \_\_\_\_\_
- Address: \_\_\_\_\_
- City/State/Zip: \_\_\_\_\_
- Contact: \_\_\_\_\_
- Phone: (\_\_\_\_) \_\_\_\_\_

**For SCH Use Only:**

- Date Received at SCH \_\_\_\_\_
- Date Review Starts \_\_\_\_\_
- Date to Agencies \_\_\_\_\_
- Date to SCH \_\_\_\_\_
- Clearance Date \_\_\_\_\_

Notes:

**Applicant:**

- Address: \_\_\_\_\_
- City/State/Zip: \_\_\_\_\_
- Phone: (\_\_\_\_) \_\_\_\_\_

**PUBLIC NOTICE OF INTENT TO ADOPT  
A MITIGATED NEGATIVE DECLARATION FOR THE UC DAVIS ARBORETUM HERON COLONY  
MANAGEMENT PROJECT**

**Proposed Project**

The UC Davis Shields Oak Grove contains a unique collection of oak species and hybrid oak trees. This collection is the UC Davis Arboretum's most prominent and scientifically important plant collection. The Shields Oak Grove is located south of Garrod Road at the west end of the UC Davis Arboretum and consists of approximately 7 acres of oak trees and lawn area. The oak trees are primarily large, mature specimens with heights ranging from 20 to 35 feet and dense tree canopies reaching 20 to 50 feet in diameter.

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Over the past decade, a heronry (a nesting congregation of colonial birds of the family Ardeidae), has become established in the Shields Oak Grove. By 2003 the heronry had grown large enough to raise concerns about the effect of the birds on tree health. Birds can damage trees by removing leaves, twigs and other foliage for nesting, and by depositing guano, which can reduce light absorption, burn leaves, cause defoliation, and alter soil chemistry. Arboretum managers were concerned not only about the effects of the birds on the trees, but also on visitor health and safety. Beginning in 2004, UC Davis instituted management techniques to discourage heron nesting within the Shields Grove.

Beginning in the 2009 nesting season, UC Davis proposes to employ a higher level of management actions at the Shields Grove to reduce or prevent heron nesting. The actions will include nest removal and site preparation and the use of frightening devices to discourage nesting. The nest removal and site preparation will include removal of existing nests, removal of guano, and installation of a temporary fence to prevent visitors from accessing the Shields Grove during the use of frightening devices. These activities will take place prior to March. The frightening devices will include pyrotechnics (loud explosions and loud whistles launched through the air with a glowing visual appearance), bio-acoustics (loud playback of bird distress calls), and handheld lasers (pointed at the birds). The use of frightening devices potentially will take place daily from March through July. Activities will primarily take place for two hours before and after sunrise and sunset as the birds arrive to prospect for suitable nest sites.

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response will be monitored throughout the effort, and activities and schedules will be adjusted based on monitoring results. If an active nest is found, use of frightening devices and bio-acoustics (but not lasers) will be abandoned within 200 feet of the nest. This program would start in 2009 and continue indefinitely as needed to dissuade the heronry from forming in Shields Grove.

### **Project Objectives**

The objectives of the proposed project are to reduce or eliminate the presence of nesting herons in Shields Grove and to monitor the effectiveness of the efforts to dissuade the herons. Achieving these objectives would protect the health of trees and allow continued public access to the trees. By monitoring the success of the project, the project activities could be used in future years to protect the Shields Grove from heron damage or could be applied to other sites for similar wildlife management problems.

### **Environmental Review**

The Draft Initial Study and Proposed Mitigated Negative Declaration for the project were prepared in compliance with the California Environmental Quality Act (CEQA) and state and University of California guidelines for implementing CEQA. The Initial Study and Proposed Mitigated Negative Declaration are available for review during normal operating hours at the UC Davis Office of Resource Management and Planning in 376 Mrak Hall on the UC Davis campus; at Reserves in Shields Library on the UC Davis campus; at the Yolo County Public Library, 315 E. 14th Street, Davis; at the Vacaville Public Library, 1020 Ulatis Drive, Vacaville; and online at <http://www.ormp.ucdavis.edu/environreview/>.

Based on the analysis presented in the Draft Initial Study, the Arboretum Heron Colony Management Project will have potentially significant impacts. These potentially significant impacts relate to effects on burrowing owls that could exist in the project area and potential noise effects on nearby equestrian classes. The Draft Initial Study identifies project-specific mitigation measures that have been developed to reduce these potentially significant impacts to a less-than-significant level.

### **Public Review and Comment**

Based on the analysis in the Draft Initial Study, the campus has determined that a Mitigated Negative Declaration will be prepared for this project. The public and agency review period for the Draft Initial Study will be from January 16, 2009 to February 17, 2009. Copies of the Draft Initial Study are available during normal operating hours at the UC Davis Office of Resource Management and Planning in 376 Mrak Hall on the UC Davis campus; at Reserves in Shields Library on the UC Davis campus; at the Yolo County Public Library, 315 E. 14th Street, Davis; at the Vacaville Public Library, 1020 Ulatis Drive, Vacaville; and online at <http://www.ormp.ucdavis.edu/environreview/>.

Comments on this Draft Initial Study must be received by 5:00 p.m. on February 17, 2009. They may be e-mailed to [environreview@ucdavis.edu](mailto:environreview@ucdavis.edu) or mailed to:

John A. Meyer  
Vice Chancellor - Resource Management and Planning  
University of California  
One Shields Avenue  
376 Mrak Hall  
Davis, CA 95616

The proposed Mitigated Negative Declaration, along with any comments received by the above-listed deadline, will be considered by the University in conjunction with consideration of the project for approval. The Mitigated Negative Declaration will become Final if adopted by the University.

Michael J. Bocchicchio  
Asst. Vice President – Facilities Administration  
University of California, Office of the President  
1111 Franklin Street 6<sup>th</sup> Floor #6201  
Oakland, CA 94607-5200

James E. Holst  
Office of the General Counsel of The Regents  
University of California  
300 Lakeside Drive, 7<sup>th</sup> Floor  
Oakland, CA 94612-3550

Phil Zeniner  
State Water Resources Control Board  
Division of Water Quality  
P.O. Box 100  
Sacramento, CA 95801

State of California  
Native American Heritage Commission  
915 Capitol Mall, Room 364  
Sacramento, CA 95814

Department of Toxic Substances Control  
1001 I Street  
Sacramento, CA 95814-2828

Solano County Department  
Department of Resource Management  
675 Texas Street, Suite 5500 (5<sup>th</sup> Floor)  
Fairfield, CA 94533

Rosanne Taylor  
Department of Conservation  
801 K Street, MS-24-02  
Sacramento, CA 95814

Bruce De Terra, Chief  
Office of Transportation Planning—South  
District 3 Sacramento Area Office  
Venture Oaks-MS 15  
PO Box 942874  
Sacramento, CA 94274-0001

State of California  
Office of Planning and Research  
1400 Tenth Street  
Sacramento, CA 95814 (15 copies)

County Clerk  
County of Yolo  
625 Court Street  
Woodland, CA 95695

Hans Kreuzberg  
Office of Historic Preservation  
P.O. Box 942896  
Sacramento, CA 94296-0001

Craig Stowers  
Department of Fish & Game  
7400 Hendon Way  
Elk Grove, CA 95758

County Clerk  
County of Solano  
600 Texas Street  
Fairfield, CA 94533

Katherine Hess  
City of Davis  
Community Development Director  
23 Russell Boulevard  
Davis, CA 95616 (3 copies)



John Bencomo  
Planning Department  
County of Yolo  
292 West Beamer Street  
Woodland, CA 95695

Christopher Manske  
Solano County Planning  
601 Texas Street  
Fairfield, CA 94533

Bruce Sarazin  
Environmental Health Services  
Yolo County Department of Public Health  
137 N. Cottonwood Street, Suite 2400  
Woodland, CA 95695

Environmental Services  
Department of Fish and Game  
1701 Nimbus Road, Suite A  
Rancho Cordova, CA 95670

Wayne White  
U.S. Fish and Wildlife Service  
Ecological Services  
2800 Cottage Way #W-2605  
Sacramento, CA 95825-1888

Mat Ehrhardt  
Yolo-Solano Air Quality Management District  
1947 Galileo Court, Suite 103  
Davis, CA 95616

Amy Simpson  
Central Valley Regional Water Quality  
Control Board  
11020 Sun Center Drive #200  
Rancho Cordova, CA 95670-6114

Peter Venturini  
Air Resources Board  
1001 I Street  
Sacramento, CA 95814

Bridget Binning  
California Dept. of Health Services  
Drinking Water Technical Programs Branch  
Environmental Review Unit  
MS 7418, PO Box 997413  
Sacramento, CA 95899-7413

Sue O'Leary  
Permitting and Inspection Branch, MS #15  
California Integrated Waste Management Board  
1001 I Street  
PO Box 4025  
Sacramento, California 95812-4025

Jim Hockenberry  
State Water Resources Control Board  
Division of Clean Water Programs  
P.O. Box 944212  
Sacramento, CA 94244-2120

The Honorable Lois Wolk  
California State Assembly  
State Capital  
Sacramento, CA 95814