

# Final Environmental Impact Report for the Bear Creek Redwoods Preserve Plan

State Clearinghouse #2015062029

January 2017



PREPARED FOR:  
Midpeninsula Regional  
Open Space District  
330 Distel Circle  
Los Altos, CA 94022



**Final Environmental Impact Report**  
**for the**  
**Bear Creek Redwoods Preserve Plan**  
**SCH# 2015062029**

**PREPARED FOR**

**Midpeninsula Regional Open Space District**  
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**January 2017**



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## ACRONYMS AND ABBREVIATIONS

AASHTO	American Association of State Highway and Transportation Officials'
APN	assessor's parcel number
BMPs	best management practices
CEQA	California Environmental Quality Act
DN	Delaware North
FCMWC	Fish Camp Mutual Water Company
Final EIR	Final Environmental Impact Report
NOP	notice of preparation
RWQCB	Central Valley Regional Water Quality Control Board
WDRs	wastewater discharge requirements
WWTP	wastewater treatment plant

# 1 INTRODUCTION

This Final Environmental Impact Report (Final EIR) has been prepared by Midpeninsula Regional Open Space District (MROSD), as lead agency, in accordance with the requirements of the California Environmental Quality Act (CEQA) and the State CEQA Guidelines (CCR Section 15132). This Final EIR contains responses to comments received on the Draft Environmental Impact Report (Draft EIR) for the Bear Creek Redwoods Preserve Plan project (Preserve Plan). The Final EIR consists of the Draft EIR and this document, which includes comments on the Draft EIR, responses to those comments, and revisions to the Draft EIR.

## 1.1 BACKGROUND

On June 11, 2015, MROSD issued a Notice of Preparation (NOP) (Appendix A of the Draft EIR) to inform agencies and interested parties that an EIR was being prepared for the above-referenced project, and invited comments on the scope and content of the document and participation at a public scoping meeting. The purpose of an NOP is to provide sufficient information about the proposed project and its potential environmental impacts to allow agencies and interested parties the opportunity to provide a meaningful response related to the scope and content of the EIR, including mitigation measures that should be considered and alternatives that should be addressed (14 CCR Section 15082[b]). The NOP was posted with the State Clearinghouse, posted on the MROSD website, and distributed to public agencies, interested parties and organizations. A determination of which impacts would be potentially significant was made for this project based on review of the information presented in the NOP, comments received as part of the public review process for the project, and additional research and analysis of relevant project data during preparation of the Draft EIR.

The Draft EIR was released on September 16, 2016 for a 45-day public review and comment period ending on October 31, 2016. The Draft EIR and Preserve Plan were available for public review online at: <http://www.openspace.org/our-work/projects/bcr-plan>. The Draft EIR evaluated the potential for the Preserve Plan project to result in significant environmental impacts and determined that most impacts would be less than significant, or would be mitigable to a level of less than significant. The Draft EIR found that project impacts related to historic structures would be significant and implementation of all feasible mitigation measures would not reduce the impact below the threshold of significance; therefore, the Draft EIR concluded that project impacts to historic structures would be significant and unavoidable. The Draft EIR and Preserve Plan were also available for public review at the following locations:

Midpeninsula Regional Open Space District  
Administrative Office  
330 Distel Circle  
Los Altos, CA 94022-1404  
(650) 691-1200  
Office hours: 8:30 a.m. to 5:00 p.m., Monday  
through Friday (except holidays)

Los Gatos Library  
100 Villa Avenue  
Los Gatos, CA 95030  
Hours: 11:00 a.m. – 8:00 p.m. Monday and  
Tuesday, 10:00 a.m. – 6:00 p.m. Wednesday  
through Friday, 10:00 a.m. – 5:00 p.m. Saturday,  
12:00 p.m. – 5:00 p.m. Sunday.

A public meeting to provide the opportunity for public comments on the Draft EIR was held at the MROSD Administrative Office located at 330 Distel Circle, Los Altos, CA 94022, on September 28, 2016 at 7 p.m. Public comments were received at this meeting; however, no commenters raised environmental issues or issues with the Draft EIR's analysis.

## 1.2 ORGANIZATION OF FINAL EIR

This Final EIR is organized as follows:

**Chapter 1, “Introduction,”** provides an introduction and overview of the Final EIR, describes the background and organization of the Final EIR, and lists all parties who submitted comments on the Draft EIR during the public review period.

**Chapter 2, “Revisions to the Draft EIR,”** presents revisions to the Draft EIR text made in response to comments, or by the lead agency to amplify, clarify or make minor modifications or corrections. Changes in the text are signified by ~~strikeouts~~ where text is removed and by double-underline where text is added.

**Chapter 3, “Comments and Responses,”** contains copies of the comment letters and public hearing comments on the Draft EIR received during the public review period and responses to the comments.

**Chapter 4, “Report Preparers,”** identifies the lead agency contacts as well as the preparers of this Final EIR.

## 1.3 LIST OF COMMENTERS

Table 1-1 indicates the numerical designation for each comment letter received on the Draft EIR, the author of the comment letter, and the date of the comment letter. The letters are organized by agency, and individuals.

Letter #	Commenter	Date of Comment
1	Dennis Gurka	September 28, 2016
2	Michael Barnes	October 2, 2016
3	Kimberly Brosseau, Senior Planner County of Santa Clara, Parks and Recreation Department	October 7, 2016
4	Michael and Kristine McNamara	October 12, 2016
5	Melany Moore, Summit Riders Vice President	October 30, 2016
6	Rick Parfitt, Member FireSafe Council Board Member Friends of Bear Creek Stables	October 30, 2016
7	Karl Doll	October 30, 2016
8	Friends of Bear Creek Stables	October 30, 2016
9	California Governor’s Office of Planning and Research State Clearinghouse and Planning Unit	November 1, 2016
10	County of Santa Clara, Department of Planning and Development	No date
11	Aruna Bodduna, Associate Transportation Planner County of Santa Clara, Roads and Airports Department	November 8, 2016

## 2 REVISIONS TO THE DRAFT EIR

This chapter presents revisions to the Draft EIR text made in response to comments, or to amplify, clarify or make minor modifications or corrections to information in the Draft EIR (Section 2.2 of this chapter). Changes in the text are signified by ~~strikeouts~~ where text is removed and by double-underline where text is added. The information contained within this chapter clarifies and expands on information in the Draft EIR and does not constitute “significant new information” requiring recirculation. (See Public Resources Code Section 21092.1; CEQA Guidelines Section 15088.5.)

### 2.1 PROJECT MODIFICATIONS

Since publication of the Draft EIR in August 2016, MROSD made a minor modification to the Preserve Plan in response to public comments received on the Draft EIR. Santa Clara County provided comments related to the proposed at-grade pedestrian crossing. As discussed in detail in response to comment 2-1 (See Chapter 3 “Response to Comments on the Draft EIR” of this document), MROSD will continue to coordinate with County staff regarding the pedestrian crossing and is considering a pedestrian undercrossing as an alternative to the at-grade crossing. Therefore, Chapter 3, “Project Description,” of the Draft EIR is revised as follows. Text deletions are shown in ~~strike through~~, and text additions are shown in double-underline.

The following text change is hereby made to the first paragraph of page 3-10 of the Draft EIR:

#### PUBLIC USE AND FACILITIES ELEMENT

The Public Use and Facilities Element of the Preserve Plan seeks to promote, enhance, and protect wilderness values by creating new trail connections with key Preserve destinations and adjacent open space areas, providing low-impact, site-sensitive interpretation and environmental education activities, and actively involving the public in the use and management of the Preserve. Key actions of the public use and facilities element include opening approximately 20 miles of trails to expanded hiking and equestrian use, creating a multi-use through-trail connecting the Lexington Basin to the Skyline area, construction of up to three new parking areas, creation of a safe pedestrian crossing under or across Bear Creek Road, formalization of key trailheads, expanding public equestrian programs at Bear Creek Stables, and interpreting the former Alma College historic site and other cultural resources. Dogs would not be permitted in the Preserve because of the high volume of visitation expected and potential conflicts with horses, and the relatively high availability of dog-accessible trails in the local region. Each of these actions is described in more detail below.

The following text change is hereby made to the last paragraph of page 3-11 of the Draft EIR:

- ▲
**Road Crossings.** Providing safe crossings across Bear Creek Road is important for the integration of existing and future trails within the Preserve. A ~~road pedestrian crossing at grade~~ is proposed along the section of Bear Creek Road near former Alma College. This site was chosen based on its adequate lines of sight, safe ingress and egress, ability to connect to the trail system, adjacency to parking areas, history of prior use, and anticipated level of existing and future use. ~~Other~~The pedestrian crossing would be implemented contingent on the results of feasibility studies, issuance of necessary permits from the County, and acquisition of funding, and may be either an at-grade crossing, an undercrossing, or both. ~~Potential improvements at this for an at-grade crossing may include signage, limiting speeds along this segment of Bear Creek Road, and/or adding “pedestrian crossing” flashing safety lights, subject to Santa Clara County permitting requirements.~~

The following text change is hereby made to page 3-28 of the Draft EIR:

### Phase 1 Key Construction Actions (Years 1-3)

- ▲ Implement high priority resource management projects, including invasive species removal, drainage improvements to reduce erosion, and pond enhancement.
- ▲ Construct the Alma College Parking Area ~~formalize an at-grade and~~ pedestrian crossing (undercrossing, at-grade crossing, or both) of Bear Creek Road, and construct a new, 0.5-mile connector trail to the existing trail network in the western Preserve;
- ▲ Open the western Preserve to hiking and equestrian use: treat invasive species, improve roads, and install gates and signage. Construct one vehicle bridge and one retaining wall, and repair or replace the Webb Creek culvert under Bear Creek Road;
- ▲ Implement Phase 1 improvements to Bear Creek Stables, including construction of a livery stables and public arena, improvements to paddocks and shelters in the boarder area, hillside restoration, improvements to driveway, parking, and other critical facilities, new restroom, demolition of dilapidated structures, and stabilization of old stables building. Construct water infrastructure and distribution system. Construction is likely to continue into Phase 2.
- ▲ At former Alma College site, manage vegetation, demolish hazardous structures, remove and properly dispose of debris and stabilize chapel and library (dependent on outside approval, may be completed in Phase 2); or install safety fencing as needed to restrict access;

The minor text changes to Chapter 4.12, "Traffic and Transportation" are shown below under Section 2.2 "Revisions to the Draft EIR." The addition of the proposed undercrossing alternative does not result in substantial changes to the analysis or conclusions of the Draft EIR for the following reasons:

- ▲ The option of an proposed undercrossing is anticipated to be a prefabricated structure, which would be installed within an elevated segment of Bear Creek Road, thereby minimizing grading and construction of retaining walls.
- ▲ The undercrossing option is located at the same approximate location as a proposed major culvert upgrade. These two features may be installed simultaneously (or may be a combined culvert/undercrossing); therefore, the undercrossing option would require very little additional ground disturbance or traffic disruption beyond what was already considered in the Draft EIR.
- ▲ For the two reasons stated above, the addition of the undercrossing option would not substantially affect the Draft EIR's analysis of environmental impacts that relate to ground disturbance and construction activity (including air quality, agricultural resources, biological resources, cultural resources, geology and soils, hazards and hazardous materials, hydrology and water quality, noise, and traffic). The addition of the pedestrian undercrossing option would therefore not result in a new impact or substantially increase the severity of an environmental impact.
- ▲ Both the at-grade crossing and trail undercrossing are potential viable safe options for directing trail use across Bear Creek Road. An at-grade crossing is considered safe in the proposed location due to adequate line of sight and proposed safety measures such as flashing lights and pedestrian chicanes. A trail undercrossing would separate vehicles and pedestrians entirely and have no effect on traffic flow.

Consistent with CEQA Section 15088.5, the changes identified above do not constitute significant new information because the Draft EIR was not changed in a way that deprives the public of a meaningful opportunity to comment upon a substantial adverse environmental effect of the project or a feasible way to mitigate or avoid such an effect (including a feasible project alternative) that the project's proponent (MROSD) has declined to implement.

## 2.2 REVISIONS TO THE DRAFT EIR

This section presents specific text changes made to the Draft EIR since its publication and public review (in addition to the text changes to Chapter 3, “Project Description,” identified above). The changes are presented in the order in which they appear in the original Draft EIR and are identified by the Draft EIR page number. Text deletions are shown in ~~strike through~~, and text additions are shown in double underline. The following revisions do not change the intent or overall results of the analysis or reduce the effectiveness of mitigation measures presented in the Draft EIR. In fact, these changes provide clarity and increase the effectiveness of mitigation. The changes also extend the analysis and enhance the Draft EIR’s mitigation to reduce impacts associated with tree removal such that the analysis and mitigation addresses the potential additional tree removal generated by the increased mitigation for western pond turtle breeding habitat. Therefore, consistent with CEQA Section 15088.5, the changes identified above do not constitute significant new information because the Draft EIR was not changed in a way that deprives the public of a meaningful opportunity to comment upon a substantial adverse environmental effect of the project or a feasible way to mitigate or avoid such an effect (including a feasible project alternative) that the project’s proponent (MROSD) has declined to implement.

### Revisions to Chapter 4.3, “Biological Resources”

The text on pages 4.3-21 and 4.3-22 of Chapter 4.3, “Biological Resources,” of the Draft EIR is hereby revised as follows:

#### **Impact 4.3-3: Loss of special-status wildlife.**

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Implementation of environmental protection measures (See Appendix C) as part of Preserve Plan would ensure that proposed activities would not result in the degradation of habitat and loss of special-status wildlife species, including nesting birds and special-status mammals. However, improvements proposed in or adjacent to ponds, waterways, or wetlands could affect special-status amphibians and reptiles. Special-status species are protected under ESA, CESA, California Fish and Game Code, CEQA, or other regulations. Ground-disturbing activities related to construction could result in disturbance or removal of habitat for these species or loss of individuals. Therefore, the potential loss of special-status wildlife would be **potentially significant**.

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#### **Special-status Amphibians and Reptiles**

Although previous surveys failed to detect either species, the Preserve provides suitable habitat for California red-legged frog and foothill yellow-legged frog including three ponds and several streams on-site. The quality of the habitat provided for these species at the three ponds is reduced by the presence of non-native fish, turtles, crayfish, and bullfrogs. Western pond turtles breeding habitat has been observed on-site within approximately 2.8 acres of grassland adjacent to Upper Lake. An additional 2.67 acres of potential western pond turtle breeding habitat exists in and around former Alma College, although no breeding has been observed to date in this area. Breeding habitat adjacent to Upper Lake is considered particularly important, as a breeding population in this location could be a source for a regional metapopulation of western pond turtle. An endemic species with a small geographic range, Santa Cruz black salamander is also found within the Preserve. Potential habitat for California giant salamander is also present within the Preserve. Construction activities adjacent to or within waterways on-site including, construction of the Alma College parking area adjacent to Upper Lake, and construction of pipeline crossings, bridges, and culverts across streams on-site have the potential to remove habitat or result in direct or indirect effects to California red-legged frog, foothill yellow-legged frog, Santa Cruz black salamander, California giant salamander and western pond turtle. Therefore, construction-related impacts on special-status amphibians and western pond turtle would be **potentially significant**. ~~It should be noted that although construction of the Alma College parking area could result in removal of up to one acre of potential western pond turtle breeding habitat, other habitat for western pond turtle occurs in the region, including within other ponds on the project site.~~

The Preserve Plan also includes potential actions to enhance habitat for special-status amphibians and reptiles by working to eradicate or control non-native species through implementation of an invasive species control (integrated pest management) program. A pond management plan will be developed to determine the feasibility of these actions and a hydrology and hydraulic analysis as well as a structural assessment of the three ponds will be conducted. Pond inputs, outlets, and current capacity will be documented. A structural analysis, including geotechnical and engineering geology investigations will be completed for each of the ponds. Recommendations to improve or maintain the pond basins and berm for downstream flood protection as well and long-term pond viability for native wildlife habitat will be made and will include coordination with CDFW. Recommendations will be reviewed by MROSD staff for feasibility. Once approved for long-term use and management, any required engineering plans and specifications will be drafted for permitting and re-construction. Pond restoration recommendations will be specific to each pond and may involve inlet and/or outlet improvements, berm reconstruction, de-sedimentation, connection to existing water infrastructure, or installation of appropriately sized drainage features. Implementation of Environmental Protection Measures BIO-15, including monitoring for red-legged frog and other sensitive aquatic species and modifying recreational facilities or uses that could adversely affect these species, would ensure that sensitive aquatic species would be protected from potential recreation- and maintenance-related impacts. The Preserve Plan also requires a qualified biologist to assist with the design of the Alma College parking area to minimize operations-related effects to individual western pond turtles and other sensitive aquatic species. Design features could include (but would not be limited to) siting the parking area away from areas immediately adjacent to the pond, installing signage to warn drivers that sensitive wildlife could be present, and requiring visitors to stay on trails. Although the project will be designed to avoid impacts to western pond turtle individuals and minimize the conversion of habitat, the loss of up to 0.75 acre of western pond turtle nesting habitat associated with development of the parking area near Upper Lake would be considered a **potentially significant impact**, due to the possible importance of the onsite breeding habitat with respect to the viability of the regional population of the species.

Mitigation Measure 4.4-3a on page 4.3-23 of Chapter 4.3, “Biological Resources,” of the Draft EIR is hereby revised as follows:

### **Mitigation Measure 4.3-3a: Implement measures to protect special-status amphibians and western pond turtle.**

MROSD shall implement the following measures during construction within suitable habitat for special-status amphibians:

- ▲ Construction within or adjacent to waterways will be avoided during the breeding season for California red-legged frog and foothill yellow-legged frog (November – March) and western pond turtle (May – mid-July). If construction cannot be avoided within or adjacent to waterways during the breeding season, a qualified biologist shall conduct a pre-activity survey for California red-legged frog, foothill yellow-legged frog, Santa Cruz black salamander, California giant salamander, and western pond turtle prior to implementing actions that include ground disturbance, vegetation removal, or other activities within or adjacent to potential habitat that could otherwise harm California red-legged frog, foothill yellow-legged frog, Santa Cruz black salamander, California giant salamander, or western pond turtle. A qualified biologist shall inspect the work area while vegetation and debris is removed during the initial phase of construction. Because Santa Cruz black salamander lay and brood eggs below ground, prior to ground disturbance, rocks, logs, and other debris shall be turned over and visually inspected. If no California red-legged frog, foothill yellow-legged frog, Santa Cruz black salamander, California giant salamander, or western pond turtle are observed during either the pre-activity survey or during removal of vegetation and debris, then work may proceed without a qualified biologist present. If any of these sensitive species are observed at any time before or during construction within the work area by anyone involved in the project, work shall cease and USFWS and/or CDFW shall be contacted. Measures to avoid and minimize disturbance to sensitive reptiles and

amphibians shall be implemented and may include delaying the disturbance until after eggs or larvae have metamorphosed, redesigning the project footprint to avoid the species, moving individuals to areas of suitable habitat outside of the disturbance area, or other feasible measures acceptable to the wildlife agencies.

- ▲ The loss of western pond turtle breeding habitat due to development of the Alma College parking area will be replaced at a 1:1 ratio. If it is determined that the full amount of replacement breeding habitat cannot all feasibly be located at Upper Lake, the remainder of the replacement breeding habitat will be located at Lower Lake, which also supports western pond turtle. The replacement breeding habitat will be located within 300 feet of the pond's ordinary high water mark and will be designed to avoid adverse effects to native plant communities and other sensitive species habitat. The replacement habitat will be located away from areas that attract concentrated visitor use, or trail use will be limited as necessary during breeding periods. Design of the replacement breeding habitat, as well as a maintenance and monitoring plan to control encroachment of brush, invasive species, and manage visitor access, will be prepared by a qualified biologist in consultation with the CDFW. The maintenance and monitoring plan will also include baseline population surveys and ongoing population and breeding habitat monitoring.

The text on pages 4.3-21 and 4.3-22 of Chapter 4.3, "Biological Resources," of the Draft EIR is hereby revised as follows:

#### **Impact 4.3-5: Effects of increased recreation on wildlife and inference with wildlife movement.**

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Implementation of the Preserve Plan would result in increased public access to wildlife habitats that previously have experienced limited human disturbance. Proposed trail connections would provide recreational opportunities for hikers, mountain bikers, and equestrians. However, these activities are unlikely to substantially adversely affect native wildlife or plant communities. The construction and use of trails are also not likely to substantially interfere with wildlife movement in the region. Therefore, this impact would be **less than significant**.

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The proposed trail connections would be constructed in phases in the future to increase opportunities for public access and recreation within the Preserve. The trail connections would link the Preserve to Lexington Reservoir and Skyline-Summit trail to the Bay Area Ridge Trail. These trails would be open to hiking, equestrian use, and mountain biking (although biking will not be allowed on all trails). Dogs would not be permitted. Recreational use of the trails in previously undisturbed areas may deter some wildlife species from using the area immediately adjacent to the trails, but the effect is not expected to be severe enough in magnitude to cause localized extinctions or restrict the range of native species.

A wildlife corridor connects habitat areas and, by doing so, helps to increase movement and gene flow between core habitat areas resulting in improved fitness for a species. Creation of trail connections from the Preserve to other existing trails is unlikely to substantially deter wildlife movement through the project region. The maximum trail width would be 12 feet; however, many of the trails would be narrower. These trails would not present a substantial barrier to wildlife movement. While construction of trails would not likely create a wildlife barrier, some movement patterns may shift or change, as some species would avoid areas with trails and human scent, and other species may prefer to use the trails for easier access routes. However, these changes are expected to be minor and would not constitute a significant change in wildlife movement patterns.

As discussed under Impact 4.3-3, breeding habitat for western pond turtle exists near Upper Lake. Some of the breeding habitat will be lost due to development of the Alma College parking area; however, implementation of Mitigation Measure 4.3-3a requires a 1:1 replacement of this breeding habitat in areas within the Preserve that do not attract concentrated visitor use, or where trail use

would be limited as necessary during breeding periods, , thereby reducing the impact to a less than significant level. Other areas that provide potential breeding habitat will not be affected by the proposed parking area, but some of these areas (primarily grassland) will be traversed by narrow trails and require landscape maintenance. The recreational and maintenance activities could adversely affect breeding western pond turtles through accidental disturbance or removal of nesting sites, and, consequently, the success of this population which is potentially an important source of turtles in the region.

Implementation of Environmental Protection Measures BIO-10 through BIO-14~~15~~, which require identification of invasive species, limiting trail use in areas with habitat for special-status species (including western pond turtle), periodic monitoring of sensitive species, and allow for adaptive management to protect and enhance sensitive species habitat, would also further reduce the potential impacts of recreational use on wildlife and wildlife habitat by reducing the potential to introduce invasive species, limiting trail use in sensitive areas, monitoring sensitive species, and closing trails as needed to reduce impacts to wildlife.

The effects of special events within the Preserve on wildlife would be minimal because they would be limited to Bear Creek Stables and the former Alma College site where there is existing development, no amplified sound or music that could be heard beyond the Preserve boundaries would be allowed, event parking would be within designated staging areas, and no events would occur at nighttime. Therefore, events within the Preserve are not expected to have a substantial impact on wildlife.

In addition, garbage that could degrade habitat and attract pest species could increase with recreational use of the Preserve. However, MROSD implements measures on preserve lands consistent with MROSD's *IPM Guidance Manual* (MROSD 2014), discussed above, including ensuring garbage is contained and food is properly stored, to deter pest species, such as rats, raccoons, jays, and crows. Large populations of predatory pest species can reduce the number of other native species, including migratory birds. MROSD avoids concentrating recreational picnic sites in large areas that may become feeding stations for pest species. In addition, recreational users of MROSD preserves are instructed to dispose of all garbage in proper locations, under a "pack it in, pack it out" approach.

Therefore, the recreational use of the Preserve would not have a substantial adverse effect on native species and is not expected substantially interfere with wildlife movement. This impact would be **less than significant**.

## Mitigation Measures

No mitigation measures are necessary.

Because the additional text to mitigation measure 4.3-3a could potentially result in the removal of additional trees, due to increased habitat restoration for breeding western pond turtle, the text on pages 4.3-27 and 4.3-28 of Chapter 4.3, "Biological Resources," of the Draft EIR is hereby revised as follows:

### **Impact 4.3-7: Conflict with any local applicable policies protecting biological resources.**

Although some tree removal would be required for the Preserve Plan, tree removal would be avoided to the extent possible and any trees removed would be done in accordance with local policies and ordinances. Because the proposed project is a plan, detailed improvement programs and grading plans will not be prepared until specific improvements are funded and authorized, which would occur after approval of the Preserve Plan. Once these detailed plans are available, MROSD will coordinate with Santa Clara County to adhere to the requirements of the Ordinance. However, impacts to trees are considered **potentially significant** until MROSD complies with the County's Tree Preservation and Removal Ordinance.

The Santa Clara County General Plan includes policies and goals related to protecting biological resources. In addition, the Santa Clara County Tree Preservation and Removal Ordinance (County Code, Sections C16.1 to C16.17) serves to protect all trees measuring 12 inches dbh in areas zoned as Hillside (HS), any heritage trees, and any trees within road rights-of-way. The Preserve Plan is designed to avoid tree removal to the extent possible; however, some tree removal will be required for construction of roadway improvements and staging areas. Up to six pine trees (non-native) over 12 inches dbh would need to be removed along Bear Creek Road for the Alma College parking area; up to 10 large redwood trees would need to be removed within the interior of the Preserve for western pond turtle habitat restoration; and two large coast live oak trees would need to be removed for construction of the Lower Parking Area. These ~~two~~ trees are not currently listed as heritage trees, but given their species and size, they at least several of the 10 redwood trees and the two oak trees would likely qualify if nominated. Oak woodland is present within the Preserve (See Exhibit 4.3-1); however, the proposed tree removal would not affect 0.5-acre of the oak woodland canopy. Implementation of the Preserve Plan would include BMPs for Sudden Oak Death, including removing hazard trees.

Because the proposed project is a plan, detailed improvement programs and grading plans will not be prepared until specific improvements are funded and authorized, which would occur after approval of the Preserve Plan. Once these detailed plans are available, MROSD will coordinate with Santa Clara County to adhere to the requirements of the Ordinance. However, impacts to trees are considered **potentially significant** until MROSD complies with the County's Tree Preservation and Removal Ordinance.

#### **Mitigation Measure 4.3-7: Remove and replace trees consistent with the Santa Clara County Tree Preservation and Removal Ordinance (County Code, Sections C16.1 to C16.17).**

MROSD will comply with the requirements of the Santa Clara County Tree Preservation and Removal Ordinance as applied to parcels greater than 3 acres in lands zoned HS and as applied to trees located within County right-of-way. For removal of large oak trees, MROSD will replace each of the redwood trees and two oak trees removed at a 3:1 ratio with 15-gallon trees, in kind, or other ratio as approved by the County and in compliance with current best management practices to prevent the spread of soil pathogens. MROSD will maintain each of the replacement trees.

#### **Significance after Mitigation**

Implementation of this mitigation measure would reduce potentially significant impacts associated with tree removal to a **less-than-significant** level by providing replacement trees and complying with the County's Tree Preservation and Removal Ordinance.

#### **Revisions to Chapter 4.12, "Traffic and Transportation"**

The text on page 4.12-17 of Chapter 4.12, "Traffic and Transportation," of the Draft EIR is hereby revised as follows:

The second location, approximately 800 feet south of Alma College Road, also provides adequate sight distance and is the proposed location for both a new driveway and pedestrian crosswalk. The new driveway would replace Alma College Road, which does not currently provide adequate sight distance, as the primary Preserve driveway entrance to a new parking area and trailhead at the former Alma College site. In addition, a pedestrian undercrossing or an at-grade pedestrian crossing (crosswalk) would be formalized at this location to allow visitors to safely cross Bear Creek Road and access the western portion of the Preserve. The driveway and undercrossing/crosswalk are located at the historic entrance to the site along a relatively straight section of roadway.

The text on page 4.12-18 of Chapter 4.12, "Traffic and Transportation," of the Draft EIR is hereby revised as follows:

MROSD will coordinate with the County of Santa Clara traffic engineer to obtain the necessary permitting approval to install a pedestrian undercrossing and/or formalize a crosswalk at the Driveway 2/Alma College Parking Area location. If recommended by the County of Santa Clara, MROSD would install additional signage (e.g. "Crosswalk Ahead" signs) and/or other safety improvements such as flashing lights in advance of the crosswalk, to improve the visibility of a crosswalk to motorists and improve safety for pedestrians, equestrians, and bicyclists crossing to the western portion of the Preserve.

Construction of the new entrance driveways and pedestrian crossing in accordance with applicable design standards for adequate lines of sight and installation of signage would ensure that these improvements to the Preserve would not substantially increase hazards due to a design feature. In addition, the County of Santa Clara would review and approve the design of the intersection of proposed driveways with County roadways to ensure the access points meet County standards. This impact would be **less than significant**.

### **Mitigation Measures**

No mitigation measures are necessary.

### 3 RESPONSES TO COMMENTS ON THE DRAFT EIR

Letter  
1

**From:** [Lisa Bankosh](mailto:Lisa_Bankosh)  
**To:** [Lisa Bankosh](mailto:Lisa_Bankosh)  
**Subject:** FW: Full Board of Directors and District Clerk - Board Contact Form  
**Date:** Tuesday, November 1, 2016 11:23:35 AM

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**From:** [dbluedogg@yahoo.com](mailto:dbluedogg@yahoo.com) [mailto:no-reply@wufoo.com]  
**Sent:** Wednesday, September 28, 2016 7:47 AM  
**To:** web <[web@openspace.org](mailto:web@openspace.org)>; Clerk <[clerk@openspace.org](mailto:clerk@openspace.org)>  
**Subject:** Full Board of Directors and District Clerk - Board Contact Form

Name *	Dennis Gurka
Select a Choice *	Full Board of Directors and District Clerk
Email *	<a href="mailto:dbluedogg@yahoo.com">dbluedogg@yahoo.com</a>
Location: (i.e. City, Address or District Ward)	3995 Bear Canyon Road, Los Gatos Ca. 95033
Daytime Phone Number (if you wish to be contacted by phone)	(408) 221-9859

Comments: \*

Good Day,  
 After reading about the up coming meeting regarding the Bear Creek Redwoods Open Space Preserve expanse, I was excited and concerned. Excited because I love what the Open Space has done for the Bay Area. I am a life long resident and support all your efforts.  
 Concerned because I and many other people I know, and don't know travel back and forth on Bear Creek road everyday to work, home, and all the other needs that life brings. This road is a life line for all the communities from Los Gatos to Boulder Creek. There are many, many people living up here. Bear Creek road is a narrow two lane mountain road that has a lot of congestion from cars, motorcycles, and bicycles already. Especially the weekends.  
 Now open preserve would like to have an unknown amount of additional traffic. What are the plans for the impact of this? What about evacuations in case of a fire, and other emergencies?  
 I have seen the effects of the traffic on Skyline at Castle Rock, and it's pretty bad. No traffic control, not enough parking, people just stopping in the middle of the road in both directions!  
 In other words please consider all that I am mentioning. My thoughts would be to have set amount of people to use the new open space.( Permits as are now) More rangers to control the flow of people and traffic.  
 In closing, a lot a of two wheeled travelers have been hurt or killed on this road because it was not designed for all kinds of use. There are many blind curves, and the speed is somewhat high. Thanks for all you do!

1-1

1

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**Dennis Gurka**  
**September 28, 2016**

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The commenter expresses concerns related to the impacts of the Preserve Plan on traffic, pedestrian, and bicyclist safety, as well as emergency access, on Bear Creek Road. The comment does not identify any areas of disagreement with the Draft EIR's traffic analysis or raise new issues that are not considered in the Draft EIR's traffic analysis. However, the following response is provided to address these concerns.

1-1

Traffic impacts could potentially result from additional vehicle use of Bear Creek Road from new Preserve visitors, as well as, potentially, from increased use of the area by bicyclists, once the Preserve opens to general public use. The District Board of Directors shares these concerns and is aware of current traffic patterns on Bear Creek Road, particularly, high vehicle speeds frequently observed during the commute hours. As part of Preserve Plan development, a thorough traffic analysis was performed by Hexagon Transportation Engineers, to identify potential impacts of opening the Preserve on both safety and level of service on Bear Creek Road. This traffic analysis is included as Appendix B, and described in Chapter 4.12, of the Draft EIR. The analysis is summarized briefly below.

Regarding impacts of new Preserve traffic on existing conditions on Bear Creek Road, Hexagon used visitation data from two Open Space Preserves with similar use-generating characteristics (e.g., number and type of trails and trail uses, proximity to dense population centers, ease of access) to develop a conservative estimate of new vehicle trips potentially generated by the Preserve. This trip generation estimate was added to existing traffic volumes, as determined through traffic count strips, to determine if the additional traffic would negatively impact the level of service of Bear Creek Road and its closest intersections. The analysis found that the increased traffic would not change the level of service, primarily measured in congestion delays, of the roadway or intersections (see Draft EIR p. 4.12-11).

Related to this level of service, emergency vehicle access on Bear Creek Road would not be impacted by additional Preserve traffic, since traffic congestion would not substantially increase, as described above. Regarding stopped traffic at Preserve entrances, all proposed public entrances would be designed to provide adequate ingress and egress capacity in the form of level landings, as well as sufficient clearance for emergency vehicle access and maneuvering, as discussed on page 3-24 of the Preserve Plan. It should also be noted that there are currently no on-street parking spaces available near the proposed entrance areas (the lack of road shoulder would physically prevent parking), and on-street parking would not be possible because there is only one lane in each direction, and there is not sufficient shoulder to park without blocking a lane. MROSD is also coordinating with Santa Clara County staff regarding the potential installation of formal "no parking" signs along Bear Creek Road in specific target areas, which would further minimize the potential for congestion.

Furthermore, emergency vehicle access within the Preserve would be significantly enhanced as a result of the Preserve Plan. The proposed new multi-use trail, which traverses the Preserve from north to south, will be constructed (or existing road will be improved) to allow for both patrol and emergency vehicle passage. The Webb Creek Bridge Replacement Project, which would be implemented in Phase I, was specifically identified to improve access for fire trucks to the western Preserve.

Regarding bicycle safety on Bear Creek Road, the proposed multi-use trail would provide an alternative through-access route for bicyclists from the Lexington Basin to Skyline Boulevard,

allowing bicyclists to avoid not only this roadway but also other nearby roads that access the Skyline area, such as Black Road. Although the trail is anticipated to be used primarily by mountain bicyclists, the trail surface will be rocked and maintained as an all-season trail, and may accommodate road bicycles. The District would work with the County and Caltrans to install proper safety improvements and traffic control signage at roadway connections prior to opening the trail to bicycle use. Once safe connection points are established and the trail is opened to bicycle use, it is anticipated that the volume of bicycle traffic on Bear Creek Road (and other nearby roads) may decrease.

Finally, regarding the volume of Preserve visitation, the Preserve Plan includes the immediate provision of two additional ranger staff who could address potential traffic conflicts (see p. 4-09 of the Preserve Plan.) It is anticipated that visitation levels would warrant frequent patrol of the new Preserve entrances, particularly during weekends. Augmenting the current ranger staffing levels would help ensure that adequate patrol staff are available to meet this additional need immediately upon Preserve opening and would adaptively manage visitor use as necessary to provide for continued traffic safety throughout the life of the Preserve Plan.

**From:** [Michael Barnes](#)  
**To:** [Lisa Bankosh](#)  
**Subject:** Bear Creek Redwoods Draft EIR Comment  
**Date:** Sunday, October 2, 2016 1:55:03 PM

**Letter  
2**

Hello,

I'm looking at the plan for Bear Creek Redwoods with great interest and excitement. I very much look forward to it being opened. The new trail plan looks great, but I do have one concern. The place along Bear Creek Road where it looks like you intend to have a pedestrian crossing is a very dangerous place. Drivers speed dramatically along that section of the road, some in excess of 40 mph. Please take this into consideration.

2-1

Respectfully,  
Michael Barnes  
650-544-0345  
PO Box 473  
Boulder Creek, CA 95006

2

**Michael Barnes  
October 2, 2016**

2-1

The commenter expresses concern regarding pedestrian safety at the proposed at-grade trail crossing of Bear Creek Road, due to the high traffic volumes during certain times of day, and speeds in excess of 40 miles per hour (mph). According to the Draft EIR, Section 4.12 "Traffic and Transportation," (which is based on a traffic analysis by Hexagon Traffic Consultants), the location of the proposed trail crossing is such that a pedestrian would have adequate line of sight in both directions on Bear Creek Road (with proposed tree removal). The 85<sup>th</sup> percentile speed for vehicles traveling in the downhill direction toward the potential crosswalk location was found to be 36 mph. The sight distance analysis was increased and

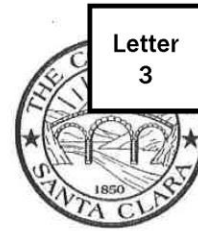
evaluated for a speed of 40 mph. The required sight distance at that speed is 360 feet. With removal of two large trees (as proposed), the new pedestrian crossing would provide a line of sight greater than 400 feet. Although this standard safety requirement is met, Hexagon also identified additional signage to further improve the visibility of any crosswalk installed on Bear Creek Road. The signage may include “crosswalk ahead” signs and may also include rectangular rapid flashing beacons (RRFB) that are activated by pedestrians. These and other additional safety measures, such as speed limit signs and additional speed enforcement, would be addressed during consultation with Santa Clara County Roads and Airports Department. (See Draft EIR pages 4.12-17 and 4.12-18 for the detailed discussion.)

Furthermore, pedestrian safety measures, including fencing, signage, trail chicanes, and adequately-size landing/waiting areas, would be identified as part of the design of the Alma College parking area, as discussed on page 3-24 of the Preserve Plan. Additionally, a trail undercrossing option is being added to the Preserve Plan and EIR that would separate trail user circulation from the road circulation.

The following text will be added to page 3-22 of the Preserve Plan:

Bear Creek Road is a steep, winding, mountain roadway, a designated scenic route owned and maintained by Santa Clara County. Traffic is typically light, but during weekday commute hours, traffic increases to moderate-to-heavy levels, and average speeds exceed posted speed limits. (Hexagon Transportation Consultants 2015). Observational data confirm that despite severe curves and steep grades, drivers on Bear Creek Road consistently exceed speed limits. Further constraining the crossing is steep topography (lack of level areas west of the road for landings or trail approaches), ~~and unstable geologic conditions, and the resulting prohibitive cost of either an undercrossing tunnel or overcrossing bridge.~~ Despite these constraints, MROSD has added an undercrossing to the Preserve Plan as an option, either in place of, or in addition to the at-grade crossing, contingent on the results of feasibility studies, design constraints, acquisition of any required permits from other agencies, securing of adequate funding through partnerships, grants, and/or other sources, and the anticipated timing for implementation.

Please see Section 2 of this document for changes to the Draft EIR text that address the addition of the pedestrian undercrossing.



**County of Santa Clara**  
**Parks and Recreation Department**

298 Garden Hill Drive  
Los Gatos, California 95032-7669  
(408) 355-2200 FAX 355-2290  
Reservations (408) 355-2201  
[www.parkhere.org](http://www.parkhere.org)

October 7, 2016

Lisa Infante Bankosh, Open Space Planner III  
Midpeninsula Regional Open Space District  
330 Distel Circle  
Los Altos CA 94022

SUBJECT: Notice of Availability of a Draft EIR for the Bear Creek Redwoods Preserve Plan

Dear Lisa,

The County of Santa Clara Parks and Recreation Department (County Parks) has reviewed the NOA for the Bear Creek Redwoods Open Space Preserve Plan EIR and offers the following comments to be considered.

The Moody Gulch property is immediately adjacent to the Bear Creek Redwoods Open Space Preserve. This property is owned by Santa Clara County Parks, and currently serves as resource bank and is not open for public park access. The County and Midpeninsula Regional Open Space District have been working with several water companies in order to convey the Moody Gulch property to the Midpeninsula Regional Open Space District. These parties were involved in the initial acquisition of the Moody Gulch property by the County. A final agreement will need to be executed before the property transfer can take place.

3-1

The County Parks Department appreciates the opportunity to provide comments on the Draft EIR for the Bear Creek Redwoods Preserve Plan. If you have any questions regarding this letter, please contact me at (408) 355-2230 or by email at: [kimberly.brosseau@prk.sccgov.org](mailto:kimberly.brosseau@prk.sccgov.org).

Sincerely,

Kimberly Brosseau  
Senior Planner

cc: Annie Thomson, Principal Planner



**Board of Supervisors:** Mike Wasserman, Cindy Chavez, Dave Cortese, Ken Yeager, S. Joseph Simitian  
**County Executive:** Jeffrey V. Smith

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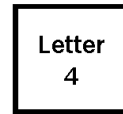
3

**Kimberly Brosseau, Senior Planner**  
**County of Santa Clara, Parks and Recreation Department**  
**October 7, 2016**

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3-1

The County of Santa Clara Department of Parks and Recreation (County Parks) provided a comment regarding the future transfer of the County's Moody Gulch property to MROSD. Specifically, the comment letter states that final agreement will need to be executed before the property transfer can take place. MROSD acknowledges this anticipated future property transfer and looks forward to completing the final agreement with County Parks. Since MROSD does not currently own the property, MROSD does not currently have plans for future use of the property. Therefore, the property transfer, or any potential future use for the property, is not included in the Preserve Plan or Draft EIR. Subsequent planning and environmental review would be conducted prior to the property transfer, as well as any other Board decisions regarding future planned uses.



**From:** Michael McNamara <[mac@brushroad.com](mailto:mac@brushroad.com)>  
**Date:** October 12, 2016 at 5:03:34 PM PDT  
**To:** <[lbankosh@openspace.org](mailto:lbankosh@openspace.org)>  
**Cc:** Michael McNamara <[mac@brushroad.com](mailto:mac@brushroad.com)>  
**Subject:** Bear Creek Redwoods Draft EIR Comment  
**Reply-To:** Michael McNamara <[mac@brushroad.com](mailto:mac@brushroad.com)>

My wife Kristine and I are the owners of parcel 544-56-025 (also known as 21105 Brush Road, Los Gatos); this is our primary residence.

I have a lot of questions; please contact me at 408-348-7025.

Below is a breif outline of my concerns:

Our parcel has rights recorded on the deed of parcel 544-35-035, and is the 30 acre tract described below in PARCEL EIGHT, part a; which was conveyed by E.W. Biddle to Harry L. Tevis, and is now a part of the Bear Creek Open Space preserve.

In particular, we own rights to (below text is from our Title Report, when we acquired the property in 2002)

PARCEL EIGHT:

a . The rights set forth in the Deed dated May 22, 1916 and recorded May 23, 1916 in Book 441 of Deeds, page 393, from E.W. Biddle and Belle A. Biddle, his wife, to Harry L. Tevis, conveying a 30 acre tract part of the South 1/2 of the Northwest 1/4 of the Section 8 Township 9 South Range 1 West, as follows:

**"The parties of the first part reserve unto themselves, their heirs, grantees and assigns, the rights heretofore acquired by them and their grantors to the waters of that certain spring situated about 75 feet West of the land hereby conveyed with the right to enter upon the land hereby conveyed, from said spring to the Easterly line of the land hereby conveyed at all reasonable times, for the purpose of repairing, replacing, and maintaining the water pipes now crossing said land"**

b. Right of way as reserved in the Deed from E.W. Biddle, et ux, recorded May 9, 1913, Book 399 Deeds, page 483. (the said deed conveys the North 1/2 of the Northwest 1/4 of Section 8, T. 9 S. R. 1 W., M .D.B. & M.) as described as follows:

Reserving however, unto the parties of the first part, their heirs,



4-1

assigns and grantees, the right to use as heretofore the wagon roads, or right of way as now located, leading from what is known as the Hebard Place, through the lands hereby conveyed to the land and residence of the parties of the first part situated immediately South of and adjoining the land hereby conveyed.

Our property uses the water from that spring as our sole source of drinking water, and the rights to the water are extended to two neighboring parcels. The spring is the source of the south fork of Aldercroft Creek.

Our request is that the Bear Creek Open Space Preserve Environmental Impact Report recognize this right, and acknowledge the continuous use of this water, and include discussion on how the proposed development of the Bear Creek Open Space preserve will be conducted by park personal and their agents in a manner that preserves our right to use the water.

Further we ask that the project which is the subject of the Environmental Impact Report be conducted, and the park be operated in a manner that insures that the water quality from the spring is not negatively impacted by the development and use of the land; and that our right to enter upon the land at all reasonable times, for the purpose of repairing, replacing and maintaining the water pipes now crossing the land is recognized, supported and preserved.

Further we request that our existing spring house, the spring house trail and its improvements including retaining walls, which run from the spring to our property, and the associated pipes and infrastructure be recognized as a permitted and approved preexisting use, and all development shall be done in a manner that does not degrade this use. Further we request acknowledgment that we as the owners of the parcel 544-56-025 have rights to maintain this infrastructure, and repair and replace any parts of it which become damaged, at all reasonable times.

Of particular concern to us is the location and the proposed access rules for the 'ATV Patrol Access' trail drawn on the map in Exhibit 4.13-1 (page 299 of the EIR posted at [http://www.openspace.org/sites/default/files/20160916\\_BCR\\_DEIR.pdf](http://www.openspace.org/sites/default/files/20160916_BCR_DEIR.pdf)), which

4-1  
cont

4-2

4-3

may or may not  
 be plotted to run along our spring house trail for some length, and certainly  
 crosses the trail. Our concerns include that

- a) when built, and operated, this ATV trail does not degrade or block our access  
 to the spring house
- b) this trail does not break, or introduce wear and tear on our pipeline.
- c) that this trail does not allow or invite members of the public to visit and  
 damage the spring house, or the quality of the spring water.
- d) that this trail does not allow or invite members of the public to visit our  
 parcel.

4-3  
 cont

Again, please call me.

Michael and Kristine McNamara  
 21105 Brush Road  
 Los Gatos, CA 95033

408-348-7025 (mobile)  
 408-353-1564 (home)

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**4 Michael and Kristine McNamara  
 October 12, 2016**

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- 4-1 The commenters, who are neighboring landowners, provide information regarding a spring water source in the southeastern Preserve and request that the EIR recognize this right and acknowledge the continuous use of this water. The commenters lay out the basis for their assertion of rights to the water source and easement over the portion of the access trail on Preserve land. Water issues are discussed in the Water Resources section of the Preserve Plan, however, this comment regarding potential adjacent property owners’ water rights does not raise an environmental issue relevant to CEQA. Nonetheless, MROSD acknowledges that the commenters are asserting this water right. MROSD respects and honors all legitimate real property easements, but takes no position on the water rights to this source, which are regulated by the State of California.
- 4-2 The commenters express concern regarding water quality impacts caused by visitor use and facilities in the southeastern Preserve and request that MROSD continue to respect the property owners’ right to enter the Preserve via the access trail to maintain the water system. Regarding potential water quality impacts, no new development would be located in the vicinity of the spring mentioned by the commenters. Trails would be the only recreation feature located in this vicinity. Section 4.8 “Hydrology and Water Quality,” of the Draft EIR evaluates potential project-related impacts to surface water. As discussed in Impact 4.8-1, implementation of the proposed project would be carried out in compliance with state and federal regulations, including compliance with the State Water Resources Control Board’s National Pollution Discharge Elimination System (NPDES) permit requirements regarding

preparation and implementation of a Storm Water Pollution Prevention Plan (SWPPP). The Draft EIR describes, in detail, the types of Best Management Practices (BMPs) that would be included in the SWPPP and how those BMPs minimize potential impacts to water quality. In addition to these requirements, the project includes additional stormwater pollution prevention measures in Environmental Protection Measure HYDRO-3 (See Appendix C of the Draft EIR). The Draft EIR also describes how several additional proposed environmental protection measures would minimize the project's potential to cause erosion-related impacts to water quality during project operation. Page 4.8-14 of the Draft EIR states:

Where bank seeps and springs are located near a road or trail, they can cause the trail to become chronically wet and muddy. These chronically wet areas are potential sediment sources where they are located in close proximity to a watercourse (Best 2010). However, elements of the proposed project, including environmental protection measures (Appendix C), would effectively limit the potential for erosion. These include:

- ▲ maintaining the roads and trails according to MROSD standard practices for activities in or near watercourses (Environmental Protection Measure HYDRO-1);
- ▲ rocking sections of roads and trails that are near creeks, spring or seeps (Environmental Protection Measure HYDRO-4);
- ▲ limiting new equestrian trails near creeks (Environmental Protection Measure HYDRO-5);
- ▲ improving all stream crossings to accommodate flood events consistent with County and MROSD standards (Environmental Protection Measure HYDRO-6);
- ▲ removing existing culverts on abandoned roads (Environmental Protection Measure HYDRO-7);
- ▲ replacing ford crossings in areas expected to have high use (Environmental Protection Measure HYDRO-8);
- ▲ design and use guidelines (Environmental Protection Measure GEO-1 through GEO-3);
- ▲ and other erosion control measures (Environmental Protection Measure GEO-4).

The improved infrastructure would benefit water quality by reducing ongoing sedimentation and erosion, as well as minimizing the potential for flooding and water quality degradation during larger storm events.

The Draft EIR (p. 4.8-15) also describes how MROSD's *Best Management Practices and Standard Operation Procedures for Routing Maintenance Activities in Water Courses* would minimize potential impacts to water quality resulting from maintenance activities.

The Draft EIR demonstrates that the proposed project would not substantially affect the water quality of the existing spring. The commenters raise general concern related to water quality impacts associated with the spring and do not raise specific issues with the Draft EIR's analysis; therefore, no additional response can be provided.

Regarding ongoing access to maintain the water system, as stated in response to comment 4-1, MROSD respects all legitimate real property easements. No actions in the Preserve Plan would preclude the property owners' access to the water system, nor are any such actions

anticipated. All reasonable actions to access and maintain the water system, by the property owners or their agents, would be allowed according to the terms of the easement. Property access is not an environmental issue relevant to CEQA; no additional response is needed.

4-3

The commenters express further concern regarding a conceptual trail alignment proposed by the Preserve Plan, the future "Hunt Trail" (temporary name), which would potentially cross or would potentially be in close proximity to the spring diversion and associated access trail. The "Hunt Trail" alignment is currently conceptual and would not undergo detailed planning or design until Phase III of Preserve Plan implementation. It is possible that the new trail could not be designed to entirely avoid the spring diversion area, or the access trail, due to topographic constraints (steep, unstable slopes with limited viable routes to traverse them). If intersection or close visible proximity is not avoidable, potential trespass concerns would be addressed through standard MROSD operating procedures including signage ("stay on trail" and "private property ahead" signs), ranger patrol, and, if necessary, fence installation and other physical security methods. The trail would not obstruct access to the water system, and would be constructed to avoid damage to the system.

Letter  
5

**From:** [Melany Moore, Mick Dudas](#)  
**To:** [Lisa Bankosh](#)  
**Subject:** Bear Creek Preserve EIR Questions  
**Date:** Sunday, October 30, 2016 7:08:21 PM

October 27, 2016

Dear Lisa and Gretchen,

Thank you very much for making a copy of the Bear Creek Stables EIR/Preserve Plan available to me for review. I hope this letter finds you well. You have both been very helpful and have done a great service to the community, including the people who love Bear Creek Preserve and the Stables.

Please clarify:

Obj. MO- 2.2 "Demolish hazardous, dilapidated structures" Will the Cross-Tie Station used by the Vet and Farrier be demolished? Will it be replaced? If so, it is missing from the Site Plan.

5-1

The Tack Storage used by some of the Boarders is located behind the 'Cat House'. Will it be replaced?

The "Original Stable Building" is listed as 'Stablized '. Will it be saved for future use as in the Alma College Classroom/Library (as funds become available) ? Or will the Stable Building be demolished? Pg. 53 "Older structures within the Stables Lease Area may be of Historic Interest."

5-2

Obj. NR-6.2 "Best Management Practices"

Is the Manure Dump listed the same as 'Compost Facility'? What will the capacity be for the Manure Dump? Ie. How many horses will be served? (Hopefully 72 horses)

5-3

Pg. 95 "Water Tanks will be appropriately sized". Can the 20,000 Gallon Water Tank be upgraded to 100,000 Gallons? As funds become available?

5-4

Omission- No mention of Rainwater Holding Tank on 'New Hay Barn' at Stables.. The water would be Non-potable and used exclusively for watering new native landscaping, tree plantings or watering the New Arena. Can the Tank be added to the Stable Plan , as funds become available?

5-5

Including this asset will help with the High Priority: Pg. 52 "Excessive sedimentation in water resources within the Preserve affects downstream water quality." And

Pg. 61 "Treat stormwater runoff and monitor potential sources of sediment & pollutants".

Pg. 33 "A Radio Tower, reportedly used to transmit the first broadcast of the Pearl Harbor Attack"

....

Pg. 33 "The majority of these cultural resources have not been evaluated for eligibility for the California Register of Historic Resources".

Pg. 33 "The Radio Tower, Garage and Residence, and Bear Creek Stables have been Recommended as not eligible".

Please clarify: Why is the Radio Tower not recommended for preservation and saved for reuse,

5-6

as funds become available? I would expect this historic feature to be preserved, as the Mt. Umunhum Tower was recently deemed of interest to the Santa Clara County Heritage Resource Commission. Perhaps it was overlooked by the SCC Heritage Resource Commission?

5-6  
cont

Pg. 43 "Alma College Complex was listed as a Heritage Resource by the County of Santa Clara, the District purchased the site & surrounding parcels".

Pg. 43 In 1995 "Santa Clara County added Alma College to its Heritage Resource Inventory".

5-7

Please clarify: Why additional buildings at Alma College would not be saved and at a minimum, be repurposed for the large Bat Colony that currently exists there? At present, one building is slated for a Bat house to relocate 500 bats (estimate).

Thank you for your amazing attention to detail. I look forward to hearing back from you!

Sincerely,  
Melany Moore

Summit Riders Vice President (for identification purposes only)

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**5 Melany Moore, Summit Riders Vice President  
October 30, 2016**

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5-1 Comments 5-1 through 5-3 and 5-5 are related to specific facilities and whether they will be retained/rebuilt during the stables renovations. For the CEQA record, we would like to note that these comments pertain to the stables improvements and operations that are a component of the Preserve Plan and do not address an environmental issue relevant to CEQA.

Related to the comment regarding Preserve Plan Objective MO-2.2, the Preserve Plan includes retaining the original barn structure for potential future rehabilitation. Also, the cross-tie station will be provided as part of the new arena (this has been clarified in the implementation table, see Preserve Plan OBJ PU-6.2). Related to the comment regarding Preserve Plan Objective NR-6.2, a compost facility is not included in the site plan; however, the manure dump would be improved and would serve all horses utilizing the site, as described on pages 3-41 to 3-44 of the Preserve Plan.

While the basic elements of the stable improvements are identified as part of the Preserve Plan (specifically, the Bear Creek Stables Site Plan), detailed design and implementation plans, consistent with the more basic Site Plan, would be prepared to provide precision guidance for development of the site. The implementation plan would address new procedures to accommodate the boarding facility during demolition and implementation of high priority improvements (for example, loss of Cat House tack storage). Unless deemed infeasible or cost prohibitive, water conservation practices and new equipment, such as installation of rainwater storage units, solar panels, etc will be included, in implementation of high priority improvements. .

5-2 See response to comment 5-1, above.

- 5-3 See response to comment 5-1, above.
- 5-4 Comment 5-4 is related to allowing for an increase in water storage capacity from 20,000 gallons to 100,000 gallons. The 20,000-gallon number included in the Lexington Hills Community Wildfire Protection Program (LHCWPP), referred to on page 4.7-9 of the Draft EIR, was presumably a preliminary tank capacity estimate. The LHCWPP is separate from the Preserve Plan; the Preserve Plan includes greater storage capacity. Based on pre-permit application discussions with the County of Santa Clara Deputy Fire Marshall McNair Bala, 30,000 gallons of water storage would be required for fire suppression needs at Bear Creek Stables. Coupled with storage requirements for several days of potable water supply, the actual amount of water storage that will be provided at the Stables is 55,000 gallons. In other words, the MROSD's plan for the water system and emergency access improvements exceed the estimate in the LHCWPP, and are considered adequate to meet the Preserve's water needs at this time. Therefore, upgrades are not currently necessary or warranted. For further detail on the Plan's water system and emergency access improvements, see response to comment 6-1.
- 5-5 See response to comment 5-1, above.
- 5-6 The commenter raises concern related to a historic-era radio tower, which was installed and used during the Alma College period for ham radio, and which is now on the ground in ruins. As mentioned by the commenter, the radio tower reportedly received some of the earliest West Coast transmissions from Hawaii regarding the 1941 Japanese attack on Pearl Harbor. The radio tower was first evaluated for historical significance prior to MROSD acquisition of the property and determined to be ineligible for listing as a historic resource, either independently or as a contributor to the Alma College historic site (Laffey and Laffey 1994). This finding was confirmed during development of the Alma College Cultural Landscape Rehabilitation Plan (Knapp Architects 2010) and is also reflected in the Draft EIR (See Table 4.4-4 EIR on pages 4.4-13 and 4.4-14 of the Draft EIR).
- Although the tower has been evaluated on two occasions and is not considered a historic resource, the Preserve Plan nevertheless calls for retaining a portion of the tower for interpretive purposes. Interpretive materials and programming would also be developed as part of the Preserve Plan, which would incorporate facts and features of historic interest, including the radio tower and its reported role in transmission of the Pearl Harbor news.
- 5-7 This comment is related to the Alma College Cultural Landscape Rehabilitation Plan, which includes actions to rehabilitate and interpret the former Alma College site so its historic significance can be understood by Preserve visitors. Five main buildings remain on the former Alma College site, none of which are considered to be individually historically significant. (See Draft EIR page 4.4-37 and 4.4-38 for the full impact discussion.) All buildings are highly dilapidated. Although the site is fenced off, the buildings represent a public safety hazard as well as an "attractive nuisance" for vandalism and trespass. The Rehabilitation Plan would retain and stabilize the chapel building and the 1934 library superstructure, which retain the greatest architectural value and have the highest potential for re-use. Three other structures, including the classroom, the 1950 library, and the garage, would be demolished. The commenter requests that MROSD retain these additional buildings and make them available for re-use.

The classroom and garage buildings are located within 50 feet of a subsidiary trace of the San Andreas Fault and therefore cannot be occupied per County restrictions. A portion of the garage foundation, which overlooks Webb Creek, may be retained as a viewing platform. The 1950 library, a concrete, open-hall style structure appended to the 1934 library, was considered by MROSD for re-use as an event venue. Due to noise, traffic, and parking considerations, re-use of the building for large events was found to be incompatible with the

MROSD mission and the open space character of the Preserve. Furthermore, according to the Rehabilitation Plan (PGA Design 2015), construction of the new classroom alters the spatial organization of the site as it was originally designed and obstructs the view of the site from the Upper Pond, which is the central organizing element of the landscape. Finally, the new library is constructed with a utilitarian style that does not complement the site aesthetically. While these factors do not necessarily preclude retention of the 1950 library, preserving this building in place, without commercial re-use as a funding source, would be cost prohibitive.

Mitigation Measure 4.4-2 of the Draft EIR requires a high level of documentation of the buildings, which are listed on the Santa Clara County Heritage Resource Inventory. However, even after implementation of all feasible mitigation measures, Impact 4.2-2 (demolition of historic structures) is considered significant and unavoidable. The comment does not raise issues with the adequacy of the Draft EIR's environmental analysis related to potential impacts to historic resources.

Regarding bat roosts, as mentioned above, the buildings proposed for demolition are in a poor, compromised condition and/or are within such close proximity to the San Andreas Fault trace to render them uninhabitable. Recognizing that potential bat habitat may be removed from the site as part of this proposed demolition, the Preserve Plan (page 03-27) includes implementation of the Alma College Bat Exclusion & Roost Habitat Replacement plan, which would humanely exclude and relocate bats currently inhabiting the Alma College buildings. Common and special-status bats would be relocated into appropriately-designed structures designed to suit the needs of the bat species and colony size(s). A program addressing compensation, exclusion methods, and roost removal procedures would be developed in consultation with CDFW before implementation. Exclusion methods may include use of one-way doors at roost entrances (bats may leave but not reenter), or sealing roost entrances when the site can be confirmed to contain no bats. Exclusion efforts may be restricted during periods of sensitive activity (e.g., during hibernation or while females in maternity colonies are nursing young). Roosting habitat would be replaced in coordination with CDFW, and replacement structures will be monitored for successful colonization. This replacement will be implemented before bats are excluded from the original roost sites. Once confirmed that special-status bats are not present in the original roost site, the buildings may be removed or sealed. As mentioned by the commenter, in addition to replacement habitat structures, retention of the Tevis mansion carport, located near the eastern boundary of the Alma College site, is also recommended. The carport currently provides important night-roosting habitat for a mixed colony of over 500 bats, as well as limited day-roosting habitat. Daytime habitat can be enhanced at this structure through relatively minor modifications. If feasible, the carport structure would be retained and stabilized as bat habitat and for interpretive purposes. The plan also includes regular monitoring to ensure that bat colonies remain viable and that artificial roosts are functional in the long term.

In addition, the Draft EIR evaluated potential impacts to bats resulting from implementation of the Preserve Plan. Section 4.3, "Biological Resources," of the Draft EIR concludes that demolition of buildings, tree removal, or other construction activities that cause noise, vibration, or physical disturbance could directly or indirectly affect the survival of adult or young bats, including special-status bat species. Loss of an active bat colony or take of an individual special-status bat resulting from construction disturbance or demolition of structures would be a potentially significant impact. The Draft EIR identifies mitigation measures to minimize impacts to bats. These include pre-construction surveys for roosting bats and a program for bat exclusion. The mitigation measures also establish protective measures to minimize impacts to bats as a result of tree removal. Replacement roosts are required for each roost lost. The Draft EIR concludes that, with implementation of mitigation

measures, the potential impacts to bats resulting from implementation of the Preserve Plan would be less than significant.

The commenter does not identify any issues related to the adequacy of the Draft EIR analysis related to potential impacts to bats; therefore, no further response is needed.

**Letter  
6**

October 30, 2016

Midpeninsula Regional Open Space District  
330 Distel Circle  
Los Altos, CA 94022

Attention: Lisa Infante Bankosh – Open Space Planner III

Dear Ms. Bankosh,

Wildfires are something that is part of the ecosystem that we live in. Being prepared when wildfires breakout is critically important to protecting lives, homes and infrastructures. It is not something that is done once. It requires annual maintenance, coordination with multiple agencies and developing new strategies as we learn better ways to protect ourselves from wildfires.

On behalf of our community and the Santa Clara FireSafe Council I want to thank MROSD for their ongoing support through the annual contribution of \$5,000 to help enhance the defensible space in and around homes that are adjacent to the MROSD wildland areas. We have completed over a dozen collaborative projects with MROSD to clear egress routes, develop Community Wildfire Protection Plans and clear dead and dying trees that add to the wildfire threat.

As the Bear Creek Preserve is opened to the public, we look forward to extending the collaboration. In particular we are grateful for the fuel breaks and hazardous fuel reduction work that has been done by MROS staff in and around the stables. Looking to the future, Friends of Bear Creek Stables hopes to provide in-kind support for maintaining defensible space. In the plans for improving the stables we ask that any new water tanks that go into the plans have an option to increase their size beyond the immediate needs for the preserve. For example, if the plans require a minimum tank for holding 20,000 gallons of water, we would like there to be an option to increase the tank size to 100,000 gallons. We believe Friends of Bear Creek Stables and affected homeowners may be able to raise the funds to pay for the difference in costs between a 20,000 gallon tank and a 100,000 gallon tank.

A strong argument can be made that structure fires or any small ignitions along road ways or public access points will have a better chance of being suppressed if fire fighters have an quick and easy way to refill their limited capacity water trucks. There is an assumption here that pressurized hydrants will be strategically placed around the preserve. Thank you for considering building on our working relationship and trusting in the goodwill of our community to support the development of the preserve.

Sincerely,

Rick Parfitt

Member FireSafe Council  
Board Member Friends of Bear Creek Stables

6-1

6

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**Rick Parfitt, Member FireSafe Council  
Board Member Friends of Bear Creek Stables  
October 30, 2016**

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6-1

Comment 6-1 is related to the water system at Bear Creek Stables (Stables), wildfire protection, and future partnerships. The Preserve Plan includes provision of adequate water storage to address fire suppression needs at an improved stables facility. Based on preliminary consultation with the County of Santa Clara Deputy Fire Marshall McNair Bala, and needs for several days of potable water supply, approximately 55,000 gallons of storage will be provided at the Stables. As part of the County's Use Permit process that MROSD would need to complete for the proposed stables improvements, the amount of water storage may be refined.

MROSD values its ongoing partnership with the Santa Clara County FireSafe Council and appreciates the request for additional water storage for wildland fire suppression. To help address the need for wildland fire suppression, Phase I Implementation of the Preserve Plan includes installation of a filtered intake and standpipe, which would be accessible to fire trucks, adjacent to Upper Lake (near the former Alma College site). The water-storage capacity of Upper Lake, at more than 6 million gallons, far exceeds storage capacity of the tank the commenter is requesting. Furthermore, the Preserve Plan includes a new connection to a municipal water supply and retains the existing 500,000-gallon tank as part of the Alma Water System.

Regarding the provision of a system of pressurized hydrants throughout the Preserve, MROSD Open Space Preserves are managed to remain as close to their natural state as possible, which precludes installation of such a system. However, the Preserve Plan contains a number of improvements to emergency access roads, including re-surfacing vehicular dirt roads to allow for all-season use, and replacing bridges to allow for fire truck access. These measures, coupled with the increased storage tanks and improved access to Upper Pond storage, are considered more than adequate to serve Preserve fire suppression needs.

The Draft EIR evaluated potential impacts related to wildland fire risk. (See Draft EIR pages 4.7-17 and 4.7-18.) The Draft EIR concluded that the impact is less than significant. The commenter does not raise issues related to the Draft EIR's analysis; therefore, no additional response is provided.

**Letter**  
**7**

**From:** [Karl D](#)  
**To:** [Lisa Bankosh](#)  
**Subject:** Bear Creek Redwoods EIR Comment  
**Date:** Sunday, October 30, 2016 4:19:05 PM  
**Attachments:** Landscapes-SP00.pdf

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Hi,

The Peninsula Open Space Trust (POST) identified the radio tower as being historically significant. Page 6 of their Spring 2000 newsletter identifies it

<https://openspacetrust.org/downloads/newsletters/Landscapes-SP00.pdf>

...as the first spot on the mainland where news of Pearl Harbor was heard.

I've heard this anecdotally, as well, that the Jesuits were "ham radio fans" and heard the news.

I believe this claim needs to be investigated, with the possibility of restoring the tower and placing a marker there

Regards  
Karl Doll  
Sunnyvale

7-1

7

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**Karl Doll**  
**October 30, 2016**

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7-1

Response to comment 5-6 addresses concerns related to the radio tower. Please refer to response to comment 5-6.

Letter  
8



October 30, 2016

Midpeninsula Regional Open Space District  
330 Distel Circle  
Los Altos, CA 94022

Attention: Lisa Infante Bankosh – Open Space Planner III

Attached are the comments to the September 2016 Draft Environmental Impact Report for the Bear Creek Redwoods Preserve Plan SCH# 2015062029 and Bear Creek Redwoods Preserve Plan, from the Friends of Bear Creek Stables non-profit group. We appreciate the opportunity to be included in commenting and expressing our interest in plans for the preserve and the stables.

**Draft Environmental Impact Report for Bear Creek Redwoods Preserve Plan**

**Impact 4.13-1: Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed.**

- *What measures will be implemented to maintain the current source of non-potable water for the horses boarded at Bear Creek Stables, and the day-to-day operations of the stables that currently utilize spring-fed water?*
- *We request to keep the existing water system (surface water now in use), and develop a public water system source.*
- *What were the dates of the water demand analysis prepared by Balance Hydrologics with respect to daily water usage range of 2,000 gpm and 8,000 gpm?*
- *Designate space for expansion of 20,000 gallon water storage for public safety, to accommodate 100,000 gallons of water storage. (See attached letter from Rick Parfitt)*

8-1

**Bear Creek Redwoods Preserve Plan**

**Section 03-Page 2. Preserve Vision Statement**

- *We request that Preserve Vision Statement include Bear Creek Stables, an equestrian facility with boarders.*

8-2

**Section 03-Page 14 Table 3.2 Visitor Trail Description**

“Provide new, boarder-only bypass trail NW of Stables to connect to Stable Loop Trail. “

- *We request that trailhead access be separate, away from the visitor parking area for safety.*

**03-Page 17 Typical Narrow Trails**

- *How will the usage of narrow trails by hikers and equestrians be allocated?*

**03-Page 18 Area 2: Bear Creek Stables Parking Area**

- *We request that paved parking and road surfaces have speed deterrent to manage vehicle speed in the interest of public safety.*

**03- Page 44 FIGURE 3-8A Bear Creek Stables Preferred Alternative A2 – Legend 1.3**

- *We request that paddock dimensions be in 6' increments to utilize standard pipe panel fencing in construction, with a minimum paddock size of 650 sq. ft. to allow good animal husbandry practices (food and waste separation).*

**03- Page 45 Preferred Alternative A2 Phasing-FIGURE 3-8B Improvements Priorities Diagrams**

- *During the high priority removal of dilapidated structures in the lower visitor area, what provisions will be made to continue housing the small farm animals during demolition and after demolition of their current housing?*
- *During the high priority removal of dilapidated structures in the lower visitor area, please indicate measures to provide for an informal shelter/room for ranch hand and boarders during construction to replace the current setup in the travel trailer (including table, chairs and restroom facility) until office building and permanent restrooms are implemented.*
- *We request that the original 1916 historic barn be stabilized/braced with an option to restore in the future when funding is available.*
- *For public safety, we request that a covered area for veterinary and farrier appointments be located in the upper area for boarders use.*
- *Currently there are two horse wash racks. Can two wash racks be included in the site plan. The wash racks would be located in relationship to the vegetative filter strips.*
- *Would there be designated sites for the stationing of garbage and recycling collection containers in the public and boarder areas?*

8-3

**03-Page 47. 4. Public Access Programs and Improvements**

“Provide public restrooms and visitor parking. This may include a parking structure that would be placed on the current location of the old stables barn building.”

- *Since the old barn building is being stabilized, where would a parking structure as mentioned on page 03-47 be located?*

**04 – Page 9 Table 4-0 Preserve Plan Costs per Phase in Millions**

- *Financial obligations for Tenant/Partner (stables) in Phase II and Phase III should be reviewed and negotiated at a later date with more specific information available.*
- *We question that the tenant would be responsible for the small animal barn since it is a part of the public program and it is mentioned in the document that the small animals would move into the barn after restoration.*

8-3  
cont

Thank you for consideration of our questions and comments regarding the draft Bear Creek Redwoods Preserve plans. It is evident that a tremendous amount of research, public input, staff expertise and board oversight has gone into the compilation of these extensive documents.

We commend your team for the very detailed analysis of the environmental, cultural and historical elements that comprise the Bear Creek Redwoods Preserve, Alma College and Bear Creek Stables.

With warm regards,

Friends of Bear Creek Stables  
PO Box 546, Redwood Estates, CA 95044  
friendsofbearcreekstables@gmail.com

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8 **Friends of Bear Creek Stables**  
**October 30, 2016**

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8-1 Comment 8-1 relates to water supply, maintaining the existing surface water system, the water demand analysis, and water storage quantity. The comments pertain to the Bear Creek Stables operations and future water resources for the Preserve Plan and does not raise issues regarding the adequacy of the Draft EIR.

The existing Aldercroft water diversion will remain in use at least in the interim during the development of a new water system. Maintenance of this existing water system will remain a responsibility of the Bear Creek Stables’ tenant. MROSD will consider the possibility of retaining this existing water system in the longer term for the Stables non-potable water use. A new potable water system, required by the County of Santa Clara as part of the permitting for the Stables improvements, will be developed using water from San Jose Water Company.

The Draft EIR (page 4.13-9) states that current water demand on the project site (all currently attributed to Bear Creek Stables) is estimated to range between 1,500 gpd and 7,200 gpd (Balance Hydrologics 2016). The water demand for Bear Creek Stables is not anticipated to substantially change with implementation of the proposed project. Additional proposed uses, including restrooms and the reuse of the former Alma College Site are

expected to increase the current demand by 500 to 800 gpd, with a total water demand between 2,000 gpd and 8,000 gpd (Balance Hydrologics 2016).

The lower end of this estimate was determined through water delivery data collection during the 2015 summer dry season. This data collection was summarized in the Balance Hydrologics report, “A temporary totalizing flow meter was installed by Balance on the supply pipe to the stables. To provide a direct estimate of water delivered to the stables, away from other users across Highway 17, the totalizer was located between tank at the stables and downhill of the pipe junction to the residences across Highway 17...Data from the totalizer readings indicate flow rate to the stables during the dry summer were from 0.68 to 1.13 gallons per minute (985 to 1,628 gallons per day), with an overall average diversion of 1.03 gpm (1,486 gpd) based on totalizer readings, including service interruptions that may have occurred over the monitoring period. This is an estimate on the low end, during very dry conditions.”

The source of the upper end of the water demand estimate is summarized in the Balance Hydrologics reports, “To provide an alternate estimate for total water use at the stables, UC Davis (2014) indicates a drinking requirement of 12 gpd per horse (1,000-pound horse, low activity) to about 40 to 50 gpd per horse (Personal communications with UC Davis, 2015). Additional facility uses include horse washdowns, equipment washdowns, dust control (as feasible in drought years) and water supply to the household for the stable manager 1. Some assumptions were made about level of effort and elective water use, such as daily wash down of 45 out of the 72 horses (see Table 1). Based on Wheeler (2008) and Greenwood (1987) total water use for these additional purposes is about 4,025 gpd, which indicates a total daily water use at the stables of about 5,025 to 7,225 gpd (70 to 100 gpd per horse) for 72 horses, the resident population of horses (Balance Hydrologics 2016)

Regarding the commenter’s requested increase in water storage capacity, MROSD based the planned water storage capacity on the preliminary requirements provided by the County of Santa Clara. With regards to upgrading the capacity of water storage, the MROSD plan for water system and emergency access improvements are considered adequate to meet the Preserves water needs. For further detail on the Plan’s water system and emergency access improvements, see response to comment 6-1.

- 8-2 Comment 8-2 is a request to include Bear Creek Stables, an equestrian facility with boarders, in the Preserve Vision Statement. The comment pertains to a component of the Preserve Plan and does not address an environmental issue relevant to CEQA. The Preserve Vision Statement is an overarching statement that is a description of the long-term desired direction for the overall Preserve and should not call out specific features like Alma College or Bear Creek Stables. The goals and objectives of the Preserve Plan highlight the importance of specific elements within the Preserve. Bear Creek Stables is addressed in various goals and objectives that include, but are not limited to, Goals PU6, NR6 and MO5 in Section V, Key Areas of the Preserve Plan.
- 8-3 Comment 8-3 relates to trails, parking, and Preferred Alternative A2 improvements and phasing. The comments pertain to the Bear Creek Stables Site Plan, which is a component of the Preserve Plan and does not address an environmental issue relevant to CEQA. The Preserve Plan identifies the A-2 Site Alternative for the Bear Creek Stables Site Plan, which includes retaining the original barn structure for potential future rehabilitation. Chapter 3, page 47 of the Preserve Plan has been revised to state, “Provide public restrooms and visitor parking. ~~This may include a parking structure that would be placed on the current location of the old stables barn building.~~” (Note that the strike-through text was not included in the Draft EIR; therefore, no revision to the Draft EIR is needed.) A bypass trail is included as a key element to allow boarded horses to access the Preserve’s trail system without traveling

through public and parking areas. The Preserve Plan also includes outreach to educate trail users on etiquette and speeds for safe trail use.

While the basic elements of the stable improvements are identified as part of the Preserve Plan (specifically, the Bear Creek Stables Site Plan), detailed design and construction plans, consistent with the more basic Bear Creek Stables Site Plan, would be prepared to provide precision guidance for development of the site. Comments regarding detailed components, such as speed deterrents and paddock dimensions, are noted and will be considered during design development.

To address health, safety, and environmental concerns, MROSD is focused on high priority improvements (those that will be implemented first and funded by MROSD). A farm animals barn is not identified as part of the initial improvements for the stables and will not be implemented until funding becomes available for the barn. In the interim, the Stables Implementation Plan will be developed during the specific site design process, and will specify when small farm animals, currently on site, would be relocated offsite to accommodate demolition and construction. Tenant or grant funding would potentially allow the small animals barn to be replaced on a more accelerated timeline (see Preserve Plan Objective PU6.2k).



EDMUND G. BROWN JR.  
GOVERNOR

STATE OF CALIFORNIA  
GOVERNOR'S OFFICE of PLANNING AND RESEARCH  
STATE CLEARINGHOUSE AND PLANNING UNIT



November 1, 2016

Lisa Infante Bankosh  
Midpeninsula Regional Open Space District  
330 Distel Circle  
Los Altos, CA 94022

Subject: Bear Creek Redwoods Open Space Preserve Plan  
SCH#: 2015062029

Dear Lisa Infante Bankosh:

The State Clearinghouse submitted the above named Draft EIR to selected state agencies for review. The review period closed on October 31, 2016, and no state agencies submitted comments by that date. This letter acknowledges that you have complied with the State Clearinghouse review requirements for draft environmental documents, pursuant to the California Environmental Quality Act.

Please call the State Clearinghouse at (916) 445-0613 if you have any questions regarding the environmental review process. If you have a question about the above-named project, please refer to the ten-digit State Clearinghouse number when contacting this office.

Sincerely,

Scott Morgan  
Director, State Clearinghouse

9-1

1400 10th Street P.O. Box 3044 Sacramento, California 95812-3044  
(916) 445-0613 FAX (916) 323-3018 www.opr.ca.gov

**Document Details Report  
State Clearinghouse Data Base**

**SCH#** 2015062029  
**Project Title** Bear Creek Redwoods Open Space Preserve Plan  
**Lead Agency** Midpeninsula Regional Open Space District

**Type** EIR Draft EIR

**Description** Midpeninsula Regional Open Space District (MROSD) is developing a Preserve Plan for the Bear Creek Redwoods Open Space Preserve. The Preserve is currently open to public access by permit only. The Plan would provide additional public access and trail opportunities, additional vehicle access and parking, new restroom facilities, and other additional public use facilities, including potential re-use of existing structures at the former Alma College site and improvements to (and development of new) equestrian facilities at the existing Bear Creek Stables. Special events are also being considered. The Plan would include improvement to native habitat, maintenance of roads, and providing safe road crossings. Resource management efforts under the Plan would focus on Sudden Oak Death, invasive plants, and protecting bat habitat.

**Lead Agency Contact**

**Name** Lisa Infante Bankosh  
**Agency** Midpeninsula Regional Open Space District  
**Phone** (650) 691-1200  
**email**  
**Address** 330 Distel Circle  
**City** Los Altos  
**State** CA **Zip** 94022  
**Fax**

**Project Location**

**County** Santa Clara  
**City** Los Gatos  
**Region**  
**Lat / Long** 37° 10' N / 122° W  
**Cross Streets** Bear Creek Road  
**Parcel No.**  
**Township** 9S **Range** 1W **Section** 8 **Base**

**Proximity to:**

**Highways** Hwy 17 & 35  
**Airports**  
**Railways**  
**Waterways** Lexington Reservoir  
**Schools** Lexington & Lakeside ES  
**Land Use** Santa Clara County General Plan Land Use Designation: Other Public Open Lands; Santa Clara County Zoning: Hillside

**Project Issues** Agricultural Land; Air Quality; Archaeologic-Historic; Biological Resources; Drainage/Absorption; Flood Plain/Flooding; Forest Land/Fire Hazard; Geologic/Seismic; Minerals; Noise; Population/Housing Balance; Public Services; Recreation/Parks; Schools/Universities; Septic System; Soil Erosion/Compaction/Grading; Solid Waste; Toxic/Hazardous; Traffic/Circulation; Vegetation; Water Quality; Water Supply; Wetland/Riparian; Growth Inducing; Landuse; Cumulative Effects; Aesthetic/Visual

**Reviewing Agencies** Resources Agency; Department of Fish and Wildlife, Region 3; Department of Parks and Recreation; Department of Water Resources; California Highway Patrol; Caltrans, District 4; Air Resources Board, Transportation Projects; Regional Water Quality Control Board, Region 2; Native American Heritage Commission

**Date Received** 09/16/2016 **Start of Review** 09/16/2016 **End of Review** 10/31/2016

Note: Blanks in data fields result from insufficient information provided by lead agency

9

**California Governor's Office of Planning and Research  
 State Clearinghouse and Planning Unit  
 November 1, 2016**

9-1

This is the standard letter issued by the State Clearinghouse. The letter indicates that no comments were received from state agencies. No further response is necessary.

**County of Santa Clara**  
**Department of Planning and Development**  
 County Government Center, East Wing  
 70 West Hedding Street, 7<sup>th</sup> Floor  
 San Jose, California 95110



Administration	Building Inspection	Fire Marshal	Land Development Engineering	Planning
Ph: (408) 299-6740	(408) 299-5700	(408) 299-5760	(408) 299-5730	(408) 299-5770
Fax: (408) 299-6757	(408) 279-8537	(408) 299-6757	(408) 279-8537	(408) 288-9198

The Santa Clara County Department of Planning and Development has reviewed Bear Creek Redwoods Preserve Draft EIR and offers the following comments.

**Description of the Proposed Project**

On multiple pages of the DEIR in this section, there are references to proposed improvements that might require grading activities (page 3-14: Ponds; page 3-16: Major Road and Trail Projects; page 3-30: Phase 2 Key Construction Actions (Years 4-10)) which could require a Grading Permit from the County of Santa Clara. Once a specific plan has been developed, please consult with the County Land Development Engineering Office to determine whether or not a Grading Permit from the County is required.

10-1

**Plan Elements**

The DEIR states on page 3-27 (3<sup>rd</sup> paragraph) that limited special events, such as outdoor weddings, may potentially be held on the site and managed by a partner through a lease agreement. Please be aware that a land use permit from the County of Santa Clara, such as a Use Permit, may be required in order to legally establish a use of this type. Once MPROSD staff has developed a specific proposal, please consult with the County of Santa Clara to determine whether or not any permits are required. In the event that the proposed special events or similar proposed use(s) requires a Use Permit or similar discretionary permit from the County of Santa Clara, this permit must be applied for and received prior to commencement of any special events.

10-2

**Cultural Resources**

On Page 4.4-37 (1<sup>st</sup> paragraph), it is noted that the project involves the demolition of structures which are listed on the County of Santa Clara Heritage Resource Inventory, and that the demolition of these buildings would be a significant unavoidable impact, even with the adoption of the proposed mitigation measure of documenting the historic buildings prior to demolition. Please be aware that in order to demolish these structures, MPROSD must submit demolition permit applications to the Department of Planning and Development for each of the structures proposed for demolition. Furthermore, County Ordinance Code Division C17-23 specifies that demolition permits for structures listed on the Heritage Resource Inventory are screened by the Department of Planning & Development, and if those structures meet the criteria of significance for a landmark, a landmark alteration permit must be applied for and received before the demolition permit can be issued. If the determination is made that the structures

10-3

**Board of Supervisors:** Mike Wasserman, Cindy Chavez, Dave Cortese, Ken Yeager, S. Joseph Simitian  
**County Executive:** Jeffrey V. Smith

listed on the Heritage Resource Inventory, which are proposed for demolition meet the criteria of significance for a landmark, MPROSD must apply for and receive a Landmark Alteration Permit before the demolition permit(s) can be issued.

10-3  
cont

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10

**County of Santa Clara, Parks and Recreation Department**  
**No date**

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10-1

The Draft EIR indicates (page 1-5) that the project may be subject to the permitting requirements of the County of Santa Clara. MROSD will consult with the County Land Development Engineering Office regarding grading permits, when applicable. The comment does not raise environmental issues or issues related to the adequacy of the Draft EIR. No further response is needed.

10-2

The Draft EIR indicates (page 1-5) that the project may be subject to the permitting requirements of the County of Santa Clara. MROSD will coordinate with the County as needed regarding use permits for events. The comment does not raise environmental issues or issues related to the adequacy of the Draft EIR. No further response is needed.

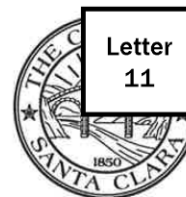
10-3

The Draft EIR indicates (page 1-5) that the project may be subject to the permitting requirements of the County of Santa Clara. MROSD will coordinate with the County as needed regarding demolition permits and will comply with the permit requirements. The comment does not raise environmental issues or issues related to the adequacy of the Draft EIR. No further response is needed.

# County of Santa Clara

Roads and Airports Department

101 Skyport Drive  
San Jose, California 95110-1302  
1-408-573-2400



November 8, 2016

Lisa Infante Bankosh  
Open Space Planner III  
Midpeninsula Regional Open Space District  
330 Distel Circle  
Los Altos, CA 94022

**SUBJECT: Notice of Availability of Draft Environmental Impact Report  
Bear Creek Redwoods Reserve Plan**

Dear Ms. Bankosh:

The County of Santa Clara Roads and Airports Department appreciates the opportunity to review the draft environmental impact report (DEIR) for the project cited above and is submitting the following comment(s):

- County staff does not recommend installation of an uncontrolled mid-block pedestrian crossing. Once the project opens, if there is a need for a crossing based on the pedestrian activity, this can be re-evaluated at that time.

11-1

If you have any questions about these comments, please contact me at 408-573-2462 or at [aruna.bodduna@rda.sccgov.org](mailto:aruna.bodduna@rda.sccgov.org).

Sincerely,

Aruna Bodduna  
Associate Transportation Planner  
cc: DSC, MA, AP

Board of Supervisors: Mike Wasserman, Cindy Chavez, Dave Cortese, Ken Yeager, S. Joseph Simitian  
County Executive: Jeffrey V. Smith



11

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**Aruna Bodduna, Associate Transportation Planner  
County of Santa Clara, Roads and Airports Department  
November 8, 2016**

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11-1

The comment relates to the mid-block pedestrian crossing at Bear Creek Road in an area where the roadway bisects the Bear Creek Redwoods Open Space Preserve. The commenter suggests that MROSD should evaluate the need for this pedestrian crossing once the Preserve is opened for public use. The Preserve Plan identifies a parking area at the former Alma College site, which is located on the east side of Bear Creek Road, to service future visitors to Bear Creek Redwoods Open Space Preserve. The project includes hiking trails on the opposite side of Bear Creek Road from the parking area. Therefore, there would be a need to provide a safe pedestrian crossing for hikers to get from the parking lot and for equestrians from Bear Creek Stables to access the trail head on the west side of Bear Creek Road. To avoid potential risks for Preserve users crossing the road in an unsafe manner, the Preserve Plan identifies a crosswalk in a location that the traffic engineer has carefully evaluated and chosen to provide adequate sight distance for the prevailing vehicular speeds on Bear Creek Road. The Plan also includes installation of fencing, signage, trail chicanes, and adequately-size landing/waiting areas to ensure that pedestrian and equestrian crossings happen in a safe manner and only at the crosswalk.

Furthermore, since the release of the Draft EIR, MROSD added an undercrossing option to the Preserve Plan. MROSD may pursue the undercrossing option contingent on feasibility studies. See response to comment 2-1 above for more details regarding the undercrossing. If the undercrossing is determined to be infeasible, MROSD will coordinate with County staff regarding the at-grade pedestrian crossing. In consultation with County staff, MROSD may install flashing beacons at the crosswalk to enhance its visibility. MROSD will work with the County Roads & Airports Department to ensure that the crosswalk is designed and installed in accordance with their standards.

## 4 REPORT PREPARERS

### MIDPENINSULA REGIONAL OPEN SPACE DISTRICT (LEAD AGENCY)

Lisa Infante Bankosh ..... Project Manager/Open Space Planner III  
Gretchen Laustsen ..... Open Space Planner III

### ASCENT ENVIRONMENTAL (ENVIRONMENTAL IMPACT REPORT PREPARATION)

Gary Jakobs, AICP ..... Principal-in-Charge  
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## ERRATA TO THE FINAL EIR

### INTRODUCTION

Midpeninsula Regional Open Space District (MROSD) has prepared this Errata sheet to clarify and correct information in the Final Environmental Impact Report (Final EIR or FEIR) for the Bear Creek Redwoods Preserve Plan Project (or Project). This Errata sheet includes a minor edit to the Final EIR for the Project and does not contain significant new information that deprives the public of a meaningful opportunity to comment upon a substantial adverse environmental effect of the Project or a feasible way to mitigate or avoid such an effect. Additionally, information clarified in the Final EIR does not present a feasible Project alternative or mitigation measure considerably different from others previously analyzed in the Draft EIR. The information added to the Final EIR merely clarifies, amplifies, or makes insignificant modifications in the Draft EIR. New information added to the Final EIR is not “significant”, and recirculation of the Draft EIR is not required (see CEQA Guidelines Section 15088.5).

MROSD has reviewed the information in this Errata sheet and has determined that it does not change any of the findings or conclusions of the Final EIR and does not constitute “significant new information” pursuant to CEQA Guidelines Section 15088.5. In conformance with Section 15121 of the State CEQA Guidelines, the Final EIR, technical appendices and reports thereof, together with the Errata, are intended to serve as documents that will generally inform the decision-makers and the public of environmental effects of the Project.

### CHANGES TO DRAFT EIR TEXT

Revisions to the Draft EIR are shown below as excerpts from the EIR text. Added or modified text is underlined, while deleted text will have a ~~strikeout~~ through the text.

#### **Chapter 4.13 Utilities and Service Systems Impact Analysis – Page 4.13-9**

**Impact 4.13-1:** Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed.

With implementation of the proposed project, water demand on the project site would increase ~~from a maximum of 7,200 gpd~~ to a maximum of 8,000 gpd. Based on the indication of availability of municipal water from SJWC, and results of the groundwater pumping and water quality testing completed for the existing well, it is anticipated that one or both of these on-site water sources would be able to provide adequate water supply to serve project demands. This impact is considered less than significant.

###

**EXHIBIT B**

**CEQA FINDINGS OF FACT**

**and**

**STATEMENT OF OVERRIDING CONSIDERATIONS**

**OF THE MIDPENINSULA REGIONAL OPEN SPACE DISTRICT**

**for the**

**BEAR CREEK REDWOODS PRESERVE PLAN**

**ENVIRONMENTAL IMPACT REPORT**

**JANUARY 25, 2017**

## I. INTRODUCTION

On January 13, 2017, the final environmental impact report (EIR) prepared on behalf of Midpeninsula Regional Open Space District (MROSD) was released. Pursuant to Public Resources Code section 21081, MROSD, acting through its Board of Directors, adopts the following findings for the Bear Creek Redwoods Preserve Plan (the project) in accordance with the California Environmental Quality Act (CEQA) (Pub. Resources Code, section 21000 et seq.) and the CEQA Guidelines (Cal. Code Regs., tit. 14, section 15000 et seq.).

This document is organized as follows:

**Section I** introduces the findings.

**Section II** describes the project proposed for approval, and the approval actions to be taken.

**Section III** describes the environmental review process for the project, including public scoping and review of the project.

**Section IV** identifies the Record of Proceedings for this matter, including the administrative record upon which MROSD's approval of the project is based and the location of records.

**Section V** provides general guidance regarding MROSD's adoption of these findings.

**Section VI** includes MROSD's findings with respect to the project's potentially significant impacts. Attached to these findings is a table summarizing the findings for each environmental impact evaluated, including specific mitigation measures, to be adopted by MROSD in connection with its approval of the project. Exhibit C to the Board Resolution includes the full text of each mitigation measure adopted by MROSD. Section VI also addresses mitigation measures and project modifications proposed by commenters, and MROSD's findings with respect to these proposals.

**Section VII** adopts and incorporates the Mitigation Monitoring and Reporting Plan ("MMRP") for the mitigation measures that have been proposed for adoption. In adopting these findings, MROSD hereby adopts and commits to implement the MMRP. The measures set forth in the MMRP represent binding commitments to which the project applicant must comply.

**Section VIII** sets forth MROSD's findings with respect to recirculation of the Draft EIR.

**Section IV** sets forth MROSD's findings with respect to alternatives to the project. These findings are adopted pursuant to Public Resources Code sections 21002 and 21081, subdivision (a)(3).

**Section V** sets forth MROSD's statement of overriding considerations concerning the project. These findings are adopted pursuant to Public Resources Code section 21081, subdivision (b).

The findings and determinations contained herein are based on the competent and substantial evidence, both oral and written, contained in the entire record relating to the project and the EIR. The findings and determinations constitute the independent findings and determinations by Midpeninsula Regional Open Space District in all respects and are fully and completely supported by substantial evidence in the record as a whole.

Although the findings below identify specific pages within the Draft EIR and Final EIR documents (which, together, constitute the Final EIR) in support of various conclusions reached below, MROSD incorporates by reference and adopts as its own, the reasoning set forth in the Final EIR, and thus relies

on that reasoning, even where not specifically mentioned or cited below, in reaching the conclusions set forth below, except where additional evidence is specifically mentioned. MROSD further intends that if these findings fail to cross-reference or incorporate by reference any other part of these findings, any finding required or permitted to be made by MROSD with respect to any particular subject matter of the project must be deemed made if it appears in any portion of these findings or findings elsewhere in the record.

These Findings, along with the Statement of Overriding Considerations set forth in Section X, the table of findings set forth below, and the Mitigation Monitoring and Reporting Plan (“MMRP”) set forth in Exhibit C to the Board Resolution, are made with respect to the project approvals for the project and state the findings of the MROSD Board of Directors relating to the potentially significant environmental effects of the project in accordance with the project approvals. The following Findings, along with the Statement of Overriding Considerations, and MMRP are hereby adopted by the MROSD Board of Directors as required by the California Environmental Quality Act, Public Resources Code Sections 21002, 21081, 21081.5 and 21081.6, and CEQA Guidelines sections 15091 through 15093.

## **II. PROJECT DESCRIPTION**

The following text briefly describes the project. See Chapter 3, Project Description, of the Draft EIR for a complete and detailed description of the project. Note that changes to the project description are provided in Section 2 of the response to comments document.

### **A. Preserve Description and Project Location**

Bear Creek Redwoods Open Space Preserve (“Bear Creek Redwoods” or “Preserve”) encompasses more than 1,400 acres of native evergreen forests, grasslands, and oak woodlands, as well as nonnative stands of grassland and shrub habitat. There are also areas of widespread invasive species. Much of Bear Creek Redwoods is steep and rugged, with several seasonal and perennial streams draining northeast to Lexington Reservoir. Three small human-made ponds are located in the northeastern portion of the Preserve. Existing facilities located onsite include trails, unpaved roads, ponds, a small parking area, the former Alma College Site, and Bear Creek Stables. The Preserve is located almost entirely on the eastern slope of the Santa Cruz Mountains, with two small areas at the extreme south end of the preserve extending over the summit to the western slope. Elevations within the Preserve range from approximately 680 to 2,400 feet.

Bear Creek Redwoods is located in the south-central portion of Santa Clara County, just west of Lexington Reservoir and 9 miles south of Los Gatos. (The far southwest parcel is located within Santa Cruz County; however, the Preserve Plan includes no facilities, trails, or any changes in existing use for that parcel, and it will remain closed to the public.) El Sereno Open Space Preserve and Sanborn-Skyline County Park are located to the north, and Sierra Azul Open Space Preserve is located to the northeast. Private property abuts the entire Preserve except for the southeast corner, which is bordered by the Moody Gulch property that is currently owned by the Santa Clara County Parks and Recreation Department. Highway 17 is adjacent to the northeast corner of the Preserve, from which Bear Creek Road provides access to the Preserve.

### **Bear Creek Stables**

Bear Creek Stables occupies a roughly 25-acre area that is located within the northeastern sub-zone of the Preserve, off of Bear Creek Road, approximately 0.75 mile west of Highway 17. Several unpaved roads provide access and circulation on the property. The Stables contain a main arena, a smaller secondary arena, and paddocks for a maximum of 72 horses. A small number of paddocks are located along the top of the ridge accessed by steep hillsides. Structures include a caretaker residence, cottage, stable, small

animal barn, hay barn, storage/maintenance shop, and office trailer.

### **Alma College**

The former Alma College site is an approximately 30-acre complex of ponds, dilapidated structures, terraced grounds, former gardens, and remnant landscape features in the central portion of the Preserve. Originally developed as a sawmill in the 1850s, by the early 1900s the site had been transitioned into a country estate. The estate was greatly expanded by its subsequent owners into a complex, manicured landscape of formal gardens, grounds, and a stables (now Bear Creek Stables). Many of the remaining historic-era features on the site, including the mansion foundation, massive retaining walls, an aqueduct, terraces, pools, fountains, remnant gardens, other landscape elements, a bungalow-style clubhouse, water and road infrastructure, and the Stables buildings, date from 1905-1933.

## **B. Project Overview**

Implementation of the proposed Preserve Plan would expand public access to the Preserve and create additional trails for public use, enhance native habitats and protect sensitive biotic resources, interpret and protect cultural resources, provide public access to public equestrian programs, and maintain and operate Preserve facilities over the long term. Expansion of Preserve public access facilities and implementation of resource protection and enhancement projects will be phased over the course of 20 years.

The Preserve Plan includes four Preserve-wide elements: 1) Public Use and Facilities, 2) Natural Resource Management, 3) Cultural Resource Management, and 4) Maintenance and Operations.

In addition, the Preserve Plan focuses on two key areas: Bear Creek Stables and the former Alma College site. Four site design alternatives were evaluated for the Bear Creek Stables area. MROSD is adopting Alternative A2, which includes necessary improvements to the existing Stables facilities to accommodate 62 boarded horses and a new caretaker residence. Public access improvements would include a livery stable (for public program horses), visitor information kiosk, visitor parking, restroom, and a public open air riding arena. Pasture areas would be fully restored to a natural landscape and the paddock area would be rebuilt for improved drainage and equestrian health and safety.

The former Alma College site would be rehabilitated and enhanced for interpretive and educational purposes. The chapel building and 1934 library superstructure would be retained and stabilized for potential re-use by a partner, while the 1950 library, garage, and classroom buildings cannot feasibly be retained and would be demolished for public safety reasons.

## **C. Project Objectives**

The objectives for the project are as follows:

The proposed project is intended to achieve the following primary objectives. These objectives reflect the goals of the Preserve Plan:

- allow general public access and enhance low-intensity recreational opportunities in the Preserve;
- provide low-impact, high-value, site-sensitive interpretation and environmental education activities;
- expand opportunities for people with diverse physical abilities to enjoy the Preserve;
- provide regional and local trail connections;

- actively involve the public in the use and management of the Preserve;
- maximize public benefits of Bear Creek Stables by broadening public access and use of the facility;
- increase the acreage of protected habitat and connectivity to wildlife corridors;
- protect habitats that support diverse biological resources, are unique, or are important for the conservation of rare, threatened, and endangered species;
- protect native wildlife;
- repair and monitor ecologically damaged and disturbed areas;
- protect waterways and associated natural lands to maintain water quality, watershed function, and healthy aquatic habitat;
- protect and interpret significant historical and cultural resources;
- within MROSD's basic mission, rehabilitate the former Alma College site so it can be integrated into the Preserve, while respecting the site's history, character, and cultural landscape;
- maintain trails and facilities to protect the natural environment and provide for a quality visitor experience;
- address environmental hazards;
- reduce wildfire risk;
- develop a viable plan that is financially feasible for both a tenant and MROSD that allows for long-term maintenance and operations of Bear Creek Stables; and
- ensure that all leases, easements, access agreements, and other legal arrangements are consistent with Preserve Plan goals and MROSD's mission, Strategic Plan, and Open Space Vision Plan.

(Draft EIR, p. 3-8)

#### **D. Discretionary Approvals**

Project approval requires MROSD, as lead agency under CEQA, as well as certain “responsible agencies” to take various planning and regulatory actions to approve the overall project. Described below are discretionary actions necessary to carry out the project. (See also Draft EIR Table 1-1.) In addition to MROSD's certification of the Final EIR and adoption of these Findings and Mitigation Monitoring and Reporting Plan (CEQA requirements), the project may be subject to the permitting requirements of the County of Santa Clara, California Department of Fish and Wildlife (CDFW), San Francisco Bay Regional Water Quality Control Board, Bay Area Air Quality Management District, and the US Army Corps of Engineers (USACE).

### **III. ENVIRONMENTAL REVIEW PROCESS**

In accordance with section 15082 of the CEQA Guidelines, MROSD prepared and distributed an NOP for this EIR on June 11, 2015. The NOP provided a brief description of the project, a map of the project location, and an overview of the environmental review process. The purpose of the NOP was to provide notification that an EIR for the project would be prepared and to solicit guidance on the scope and content of the document. The NOP invited all interested parties to provide comments during a 30-day period. The NOP was mailed or emailed to several hundred individuals and organizations, including property owners and/or residents within the vicinity of the project site. The NOP was also filed with the State Clearinghouse and County Recorder-Clerk's Office, and was posted on MROSD's website. A public notice announcing NOP availability and scoping meeting was posted on site.

The scoping meeting was held on June 24, 2015, from 7:00 p.m. to 9:00 p.m. at Grant Park Community Center in Los Altos. Responsible agencies and members of the public were invited to provide input on the scope of the EIR. The comments received on the NOP and at the scoping meeting were addressed, as applicable, in each technical section of the Draft EIR. Appendix A of the Draft EIR contains a copy of the NOP and comment letters received on the NOP.

The EIR includes an analysis of the following issue areas:

- Aesthetics;
- Air Quality;
- Biological Resources;
- Cultural Resources;
- Geology, Soils, and Seismicity;
- Greenhouse Gas Emissions;
- Hazards and Hazardous Materials;
- Hydrology and Water Quality;
- Land Use;
- Noise;
- Recreation;
- Traffic and Transportation; and
- Utilities.

On September 16, 2016, the Draft EIR was released for a 45-day public review and comment period that ended on October 31, 2016 (this public review period is consistent with the review period set forth in Section 15105 of the CEQA Guidelines). The Draft EIR was submitted to the State Clearinghouse, posted on the MROSD website (<http://www.openspace.org/our-work/projects/bcr-plan>), and made available at the MROSD Administrative Office and the Los Gatos Public Library. In addition, the Draft EIR was distributed directly to public agencies (including potential responsible and trustee agencies), interested parties, and organizations.

On January 13, 2017, MROSD released the Final EIR for the project. The Final EIR includes comments on the Draft EIR, responses to those comments, revisions to the text of the Draft EIR, and other information required by CEQA. MROSD distributed copies of the Final EIR to public agencies submitting comments on the Draft EIR, as required by Public Resources Code section 21092.5.

On January 25, 2017, MROSD held a duly noticed public hearing to consider the Final EIR and the Preserve Plan, including the Bear Creek Stables Site Plan and the Alma College Cultural Landscape Rehabilitation Plan. The Board received public comment, and concluded the public hearing. The Board of Directors has reviewed and considered, as a whole, the evidence and analysis presented in the Draft EIR, the evidence and analysis presented in the comments on the Draft EIR, the evidence and analysis

presented in the Final EIR, the information submitted on the Final EIR, and the reports prepared by the experts who prepared the EIR, MROSD's planning consultants, and by staff, and after receiving and considering public comment, makes the findings set forth herein.

#### **IV. RECORD OF PROCEEDINGS**

In accordance with Public Resources Code section 21167.6, subdivision (e), the record of proceedings for MROSD's decision on the project includes the following documents:

- The NOP and all other public notices issued by MROSD in conjunction with the project;
- All comments submitted by agencies or members of the public during the comment period on the NOP;
- The Draft EIR for the project (September 2016) and all appendices;
- All comments submitted by agencies or members of the public during the comment period on the Draft EIR;
- The Final EIR for the project, including comments received on the Draft EIR, and responses to those comments and appendices (December 2016);
- Documents cited or referenced in the Final EIR;
- The mitigation monitoring and reporting plan for the project;
- All findings and resolutions adopted by MROSD in connection with the project and all documents cited or referred to therein;
- All reports, studies, memoranda, maps, staff reports, or other planning documents relating to the project prepared by MROSD, consultants to MROSD, as well as responsible or trustee agencies with respect to MROSD's compliance with the requirements of CEQA and with respect to the MROSD's action on the project;
- All documents submitted to MROSD by other public agencies or members of the public in connection with the project, up through the close of the Board's public hearing on January 25, 2017;
- Any minutes and/or verbatim transcripts of all information sessions, public meetings, and public hearings held by MROSD in connection with the project;
- Any documentary or other evidence submitted to MROSD at such information sessions, public meetings, and public hearings;
- Any and all resolutions adopted by MROSD regarding the project, and all staff reports, analyses, and summaries related to the adoption of those resolutions;
- Matters of common knowledge to MROSD, including, but not limited to federal, state, and local laws and regulations;
- Any documents expressly cited in these findings, in addition to those cited above; and
- Any other materials required for the record of proceedings by Public Resources Code section 21167.6, subdivision (e).

MROSD has relied on all of the documents listed above in reaching its decision on the project, even if not every document was formally presented to MROSD. Without exception, any documents set forth above not so presented fall into one of two categories. Many of them reflect prior planning or legislative decisions with which MROSD was aware in approving the project. Other documents influenced the expert advice provided to Planning Department staff or consultants, who then provided advice to the General Manager for recommendations to the Board of Directors. For that reason, such documents form part of the underlying factual basis for MROSD's decisions relating to the adoption of the project.

The record of proceedings does not include documents or other materials subject to the attorney/client privilege, the common-interest doctrine, the deliberative process privilege, or other privileges recognized by statute or common law. Administrative draft documents that were prepared at MROSD's direction, but were not provided to the public or other agencies, and intra-County communications with respect to such administrative draft documents, are not part of the record of proceedings; rather, such documents reflect MROSD's deliberative process, and reflect initial drafts of documents that later appeared in final form in the record of proceedings. Because these initial working drafts do not reflect the final evidence and analysis relied upon by MROSD, they are not part of the record of proceedings. In adopting these findings, MROSD does not waive its right to assert applicable privileges.

Pursuant to Public Resource Code section 15091, the MROSD is the custodian of the documents and other materials that constitute the record of proceedings upon which the decision is based, and such documents and other materials are located at MROSD, 330 Distel Circle, Los Altos, CA 94022. Copies of the Draft and Final EIRs are also available at the MROSD's website at <http://www.openspace.org/our-work/projects/bcr-plan>.

## V. FINDINGS REQUIRED UNDER CEQA

The California Environmental Quality Act, Public Resources Code section 21000 et seq. and the regulations implementing that statute, Cal. Code Regs. tit. 14, section 15000 et seq. (the "CEQA Guidelines") (collectively, the act and the CEQA Guidelines are referred to as "CEQA") require public agencies to consider the potential effects of their discretionary activities on the environment and, when feasible, to adopt and implement mitigation measures that avoid or substantially lessen the effects of those activities on the environment. Specifically, Public Resources Code section 21002 provides that "public agencies should not approve projects as proposed if there are feasible alternatives or feasible mitigation measures available which would substantially lessen the significant environmental effects of such projects[.]" The same statute states that the procedures required by CEQA "are intended to assist public agencies in systematically identifying both the significant effects of proposed projects and the feasible alternatives or feasible mitigation measures which will avoid or substantially lessen such significant effects." Section 21002 goes on to state that "in the event [that] specific economic, social, or other conditions make infeasible such project alternatives or such mitigation measures, individual projects may be approved in spite of one or more significant effects thereof."

The mandate and principles announced in Public Resources Code section 21002 are implemented, in part, through the requirement that agencies must adopt findings before approving projects for which EIRs are required. (See Pub. Resources Code, section 21081, subd. (a); CEQA Guidelines, section 15091, subd. (a).) For each significant environmental effect identified in an EIR for a proposed project, the approving agency must issue a written finding reaching one or more of three permissible conclusions. The three possible findings are:

- (1) Changes or alterations have been required in, or incorporated into, the project which mitigate or avoid the significant effects on the environment.

- (2) Those changes or alterations are within the responsibility and jurisdiction of another public agency and have been, or can and should be, adopted by that other agency.
- (3) Specific economic, legal, social, technological, other considerations, including considerations for the provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or alternatives identified in the environmental impact report.

(Pub. Resources Code, section 21081, subd (a); see also CEQA Guidelines, section 15091, subd. (a).)

Public Resources Code section 21061.1 defines “feasible” to mean “capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, social and technological factors.” CEQA Guidelines section 15364 adds another factor: “legal” considerations. (See also *Citizens of Goleta Valley v. Board of Supervisors (Goleta II)* (1990) 52 Cal.3d 553, 565.)

The concept of “feasibility” also encompasses the question of whether a particular alternative or mitigation measure promotes the underlying goals and objectives of a project. (*City of Del Mar v. City of San Diego* (1982) 133 Cal.App.3d 401, 417 (*City of Del Mar*)). “[F]easibility” under CEQA encompasses ‘desirability’ to the extent that desirability is based on a reasonable balancing of the relevant economic, environmental, social, and technological factors.” (Ibid.; see also *Sequoyah Hills Homeowners Assn. v. City of Oakland* (1993) 23 Cal.App.4th 704, 715 (*Sequoyah Hills*); see also *California Native Plant Society v. City of Santa Cruz* (2009) 177 Cal.App.4th 957, 1001 [after weighing “economic, environmental, social, and technological factors” ... ‘an agency may conclude that a mitigation measure or alternative is impracticable or undesirable from a policy standpoint and reject it as infeasible on that ground’].)

With respect to a project for which significant impacts are not avoided or substantially lessened, a public agency, after adopting proper findings, may nevertheless approve the project if the agency first adopts a statement of overriding considerations setting forth the specific reasons why the agency found that the project's “benefits” rendered “acceptable” its “unavoidable adverse environmental effects.” (CEQA Guidelines, sections 15093, 15043, subd. (b); see also Pub. Resources Code, section 21081, subd. (b).) The California Supreme Court has stated, “[t]he wisdom of approving . . . any development project, a delicate task which requires a balancing of interests, is necessarily left to the sound discretion of the local officials and their constituents who are responsible for such decisions. The law as we interpret and apply it simply requires that those decisions be informed, and therefore balanced.” (*Goleta II, supra*, 52 Cal.3d at p. 576.)

In making these findings and the determination regarding the project approvals, the Board of Directors recognizes that the project implicates potentially controversial environmental issues and that a range of technical and scientific opinion exists with respect to those issues. The Board of Directors has acquired an understanding of the range of this technical and scientific opinion by its review of the EIR, the comments received on the Draft EIR and the responses to those comments in the Final EIR, as well as testimony, letters and reports regarding the Final EIR and the merits of the project. The Board of Directors has reviewed and considered, as a whole, the evidence and analysis presented in the Draft EIR, the evidence and analysis presented in the comments on the Draft EIR, the evidence and analysis presented in the Final EIR, the information submitted on the Final EIR, and the reports prepared by the experts who prepared the EIR, MROSD’s technical consultants, and by staff, addressing these comments. In particular, the Board of Directors has considered the alternatives presented in the EIR, as well as the proposed comments submitted by various commenters and the responses of the EIR preparers and staff to those comments. The Board of Directors has gained a comprehensive and well-rounded understanding of the

environmental issues presented by the project. In turn, that understanding has enabled the Board of Directors to make its decisions after weighing and considering the various viewpoints on these important issues. Accordingly, the Board of Directors certifies that its findings are based on a full appraisal of all of the evidence contained in the Final EIR, as well as the evidence and other information in the record addressing the Final EIR.

These findings provide the written analysis and conclusions of the Board of Directors regarding the environmental impacts of the project and the mitigation measures included as part of the Final EIR and adopted by the Board of Directors as part of the project. To avoid duplication and redundancy, and because the Board of Directors agrees with, and hereby adopts, the conclusions in the Final EIR, these findings will not always repeat the analysis and conclusions in the Final EIR, but instead incorporates them by reference herein and relied upon them as substantial evidence supporting these findings.

Because the EIR identified significant effects that may occur as a result of the project, and in accordance with the provisions of the CEQA presented above, the Board of Directors hereby adopts these findings as part of the approval of the Bear Creek Redwoods Preserve Plan. These findings constitute the Board of Directors' best efforts to set forth the evidentiary and policy bases for its decision to approve the project in a manner consistent with the requirements of CEQA. These findings, in other words, are not merely informational, but rather constitute a binding set of obligations that come into effect with the Board of Directors' approval of the project.

## VI. POTENTIALLY SIGNIFICANT EFFECTS AND MITIGATION MEASURES

The EIR identified a number of significant and potentially significant environmental effects (or impacts) that the project will cause or contribute to. These significant effects can be avoided or substantially lessened through the adoption of feasible mitigation measures.

The MROSD Board of Directors' findings with respect to the project's significant effects and mitigation measures are summarized in a table hereinbelow. The table does not attempt to describe the full analysis of each environmental impact contained in the Final EIR. Instead, the table provides a summary description of each impact, describes the applicable mitigation measures identified in the Final EIR and adopted by MROSD, and states MROSD's findings on the significance of each impact after imposition of the adopted mitigation measures. A full explanation of these environmental findings and conclusions can be found the Draft EIR and Final EIR. MROSD has adopted all of the mitigation measures identified in the table. Some of the measures identified in the table are also within the jurisdiction and control of other agencies. To the extent any of the mitigation measures are within the jurisdiction of other agencies, MROSD finds those agencies can and should implement those measures within their jurisdiction and control.

For this project, the following impacts were identified as significant and unavoidable. That is, these impacts remain significant, despite the incorporation of all feasible mitigation measures to substantially lessen or avoid these impacts:

### **Impact 4.4-2: Change the significance of a historical resource (Structures).**

Many extant structures on the Preserve have been evaluated for eligibility for listing on the California Register of Historic Resources (CRHR). Structures at Bear Creek Stables were found to be ineligible. The classroom, 1934 and 1950 libraries, chapel, and garage at the former Alma College site have also been found ineligible for listing on the CRHR, nor is the site eligible as a historic district. However, the "Alma College Complex" remains listed on the Santa Clara County Heritage Resource Inventory; it was originally listed in 1995. The proposed project would result in the demolition of four buildings that are

listed as part of the “Alma College Complex” on the Santa Clara County Heritage Resource Inventory. There are also other unevaluated historic-era structures, or structural remnants, that could be affected by the project. Demolition of historic resources would result in a significant impact because the historic resources would no longer exist. Implementation of Mitigation Measure 4.4-2, Documentation of historic buildings prior to removal, would lessen the impacts related to the loss of the classroom building, 1950 library, utility garage, and 1934 library, but the structures, which are listed on the Santa Clara Heritage Resource Inventory, would no longer exist. This impact is significant and unavoidable.

## **VII. MITIGATION MONITORING AND REPORTING PLAN**

MROSD has prepared a Mitigation Monitoring and Reporting Plan (MMRP) for the project. A copy of the MMRP is attached to the Board Resolution as Exhibit C. MROSD, in adopting these findings, also approves the MMRP. MROSD will use the MMRP to track compliance with project mitigation measures. The MMRP will remain available for public review during the compliance period. The MMRP is attached to and incorporated into the project and is approved in conjunction with certification of the EIR and adoption of these Findings of Fact. In the event of any conflict between these findings and the MMRP with respect to the requirements of an adopted mitigation measure, the more stringent measure shall control, and shall be incorporated automatically into both the findings and the MMRP.

## **VIII. RECIRCULATION OF DRAFT EIR**

In the course of responding to comments received during the public review and comment period on the Draft EIR, certain portions of the Draft EIR have been modified and new information has been added. No information has revealed the existence of: (1) a significant new environmental impact that would result from the project or an adopted mitigation measure; (2) a substantial increase in the severity of an environmental impact; (3) a feasible project alternative or mitigation measure not adopted that is considerably different from others analyzed in the Draft EIR that would clearly lessen the significant environmental impacts of the project; or (4) information that indicates that the public was deprived of a meaningful opportunity to review and comment on the Draft EIR. Consequently, MROSD finds that the amplifications and clarifications made to the Draft EIR in the Final EIR do not collectively or individually constitute significant new information within the meaning of Public Resources Code section 21092.1 and CEQA Guidelines section 15088.5. Recirculation of the Draft EIR or any portion thereof, is therefore not required.

## **IX. PROJECT ALTERNATIVES**

### **A. Findings Regarding Project Alternatives**

Public Resources Code section 21002 provides that “public agencies should not approve projects as proposed if there are feasible alternatives or feasible mitigation measures available which would substantially lessen the significant environmental effects of such projects[.]” The same statute states that the procedures required by CEQA “are intended to assist public agencies in systematically identifying both the significant effects of proposed projects and the feasible alternatives or feasible mitigation measures which will avoid or substantially lessen such significant effects.”

All of the environmental impacts associated with the project may be substantially lessened or avoided with the adoption of the mitigation measures set forth in these findings, with the exception of Impact 4.4-2, “Change the significance of a historic resource (structures).”

The Draft EIR discussed several alternatives to the project in order to present a reasonable range of options. To be suitable for consideration in the EIR, alternatives must be “potentially” feasible and “attain most of the basic objectives of the project.” (CEQA Guidelines, section 15126.6, subd. (a).) The

alternatives analyzed in detail in the EIR are:

- Alternative 1: No Project
- Alternative 2: No Alma College Rehabilitation
- Alternative 3: No Special Events

## **B. Alternatives Analyzed in the Draft EIR and Final EIR**

MROSD adopts the following findings with respect to each alternative.

### Alternative 1: No Project

Under the No Project Alternative, no Preserve Plan actions would be taken and the existing condition of the Preserve would continue. The Bear Creek Stables would remain in the current condition, and the former Alma College site would remain closed to the public and existing structures would not be removed or rehabilitated.

Impacts associated with the No Project Alternative are generally similar or slightly less than those that would occur with the project. However, impacts to Cultural Resources would be greater under the No Project Alternative, because the former Alma College site would remain closed to the public and would continue to deteriorate. Also, impacts to Hydrology and Water Quality would be greater if the Preserve Plan was not implemented because the Preserve Plan includes many actions to reduce erosion and sedimentation into creeks. Furthermore, as shown in Table 6-2 of the Draft EIR, with the exception of three objectives pertaining to protection of natural resources, the No Project Alternative would not meet any of the project objectives related (but not limited) to public access, enhancing the public benefit of the Stables, providing interpretive and educational opportunities, and addressing wildfire risk and other environmental hazards. This alternative would also conflict with MROSD's Open Space Vision Plan, which identifies increased public access, Stables renovation, and Alma College site rehabilitation as priority projects at Bear Creek Redwoods. These priorities were reaffirmed by the public at large through the passage of Measure AA in 2014, to secure the necessary funding to implement these priorities.

Because Alternative 1 is not environmentally superior to the Project and would not meet most of the project objectives, MROSD rejects Alternative 1.

### Alternative 2: No Alma College Rehabilitation

The No Alma College Rehabilitation Alternative includes all of the components of the proposed project except that the former Alma College site would not be rehabilitated. Under this alternative, public access would not be permitted at the former Alma College site because the existing structures would not be stabilized, posing an increasing public safety hazard as the structures continue to degrade over time, especially given the proximity to the San Andreas Fault. Parking, interpretation and recreation-supporting facilities would not be included at the former Alma College site.

Impacts from the No Alma College Rehabilitation Alternative would be similar to impacts from the project, with exception of the unavoidable significant impact to historic resources, which would not occur, and additional, temporary air quality and greenhouse gas emissions related to construction/demolition. However, overall impacts to Cultural Resources are greater under the No Alma College Rehabilitation Alternative, because deterioration of the structures slated for stabilization would continue under the natural influence of time, weather, and seismic activity. Additionally, the public would not be able to access the site and learn about the interpretation of the site, and therefore its historic significance could not be understood. In terms of project objectives, the No Alma College Rehabilitation Alternative does not meet the Preserve Plan's public access objective, which includes parking,

interpretation and other visitor facilities at the site. If these facilities were not built as part of the project, access to the western Preserve would be less easily accessible, requiring the public to park further away and hike much longer distances.

Because the No Alma College Rehabilitation Alternative is not environmentally superior to the project, and does not meet key Preserve Plan objectives, MROSD rejects Alternative 2.

### Alternative 3: No Special Events

Under the No Special Events Alternative, all proposed features of the Preserve Plan would be implemented except for the special events that are currently proposed to occur at Bear Creek Stables and the former Alma College site. This alternative would slightly reduce impacts in issue areas that are affected by vehicular trip generation, but would not substantially reduce any environmental impacts.

While the No Special Events Alternative would result in a slight reduction in impacts related to air quality, greenhouse gas emission, and noise, without increasing any environmental impacts compared to the proposed project, none of the slight differences would alter the significance conclusions identified for these impacts. The No Special Events Alternative meets the basic project objectives. However, special events at Bear Creek Stables, which would be limited to a maximum of 250 people and would prohibit amplified sound, could contribute to the Preserve Plan objective to maximize public benefits of the Stables by broadening public access and use of the facility. Occasional events such as 4-H exhibitions or equestrian trainings, could significantly increase the financial sustainability of the Stables operation. Such events would be permissible by MROSD permit only.

Special events at the former Alma College site, such as MROSD staff events, environmental education tours and hikes, or recreational events such as group hikes or runs, would also be limited to a maximum of 250 people, would not permit amplified sound, and would occur by MROSD permit only. These types of events also serve to enhance the public benefit and extent of public outreach by providing a wider range of recreational opportunities and group interaction that facilitates interpretation and education.

MROSD rejects the No Special Events Alternative due to the fact that it does not substantially reduce impacts of the project, it would remove a potential key funding opportunity for the proposed project, it does not meet the project objectives as fully as the proposed project, and it could preclude development of full public benefits at Bear Creek Stables.

#### **A. Other Alternatives**

State CEQA Guidelines section 15126.6(c) provides that an EIR “should also identify any alternatives that were considered by the lead agency but rejected as infeasible during the scoping process and briefly explain the reasons underlying the lead agency’s determination.” The following alternatives were considered, but were dismissed from further consideration, as explained below. MROSD adopts the following findings with respect to these alternatives.

Full Alma College Rehabilitation. This Alternative would be similar to the proposed project, except that rather than any demolition of structures at the former Alma College site, it would rehabilitate all existing structures. This alternative would avoid project-related significant and unavoidable impacts associated with removal of historic structures that are listed on the County’s Heritage Resource Inventory. However, this alternative was eliminated from further consideration for two primary reasons. First, most structures identified for demolition are located on or within 50 feet of a trace fault associated with the San Andreas Fault. Compliance with California Building Code (CBC) to rehabilitate these structures for reuse would be prohibitively expensive and limitations that would need to be placed on the extent and hours of habitable use would render the buildings impractical to upgrade, keep, and maintain. Second, damage

from previous earthquakes, as well as exposure and age, has deteriorated these structures such that the repair and rehabilitation alone, absent the seismic code requirements, would be prohibitively expensive. The expense associated with this alternative renders it financially infeasible and the limitations on use question the appropriateness of using public funds for rehabilitation. Furthermore, retaining the 1950 library for large events, such as weddings or conventions, would require cost-prohibitive utility upgrades (including substantially greater water demand) and potentially result in noise, traffic, or hazards-related impacts. This level of “concentrated use” is also outside the mission of MROSD, which provides for “low-intensity” public use only. For these reasons, the Full Alma College Rehabilitation Alternative has been eliminated from further consideration and is rejected by MROSD.

Former Bear Creek Stables “Alternative C.” MROSD considered and presented to the public a different iteration of Alternative C for Bear Creek Stables. The primary feature that distinguished former Alternative C from Bear Creek Stables Alternatives A, B, and the current Alternative C, which are evaluated throughout Chapter 4, is that it would include a multi-purpose structure combining residential space for the caretaker, as well as office and hay storage space. This multi-purpose structure would have been three stories tall. Development of the multi-purpose structure would have required demolition of the oldest barn associated with Bear Creek Stables. MROSD dismissed Alternative C from further consideration because the height and mass of the multi-purpose structure was not considered to be aesthetically compatible with the surrounding environment. Furthermore, Bear Creek Stables Alternative C included more intense development than the other two alternatives and would not reduce or avoid any of the impacts associated with the proposed project. For all of these reasons, Bear Creek Stables Alternative C has been eliminated from further consideration and is rejected by MROSD.

## **B. Environmentally Superior Alternative**

The Board finds that because none of the project alternatives would avoid a significant effect of the proposed project while still meeting the basic project objectives, the proposed project is considered environmentally superior.

## X. STATEMENT OF OVERRIDING CONSIDERATIONS

For Significant Unavoidable Impacts Identified in the Findings and the Final Environmental Impact Report for the Bear Creek Redwoods Preserve Plan, including the Bear Creek Stables Site Plan and the Alma College Cultural Landscape Rehabilitation Plan (Project)

State Clearinghouse Number 2015062029

January 2017

CEQA requires the decision-making agency to balance, as applicable, the economic, legal, social, technological, or other benefits of a project against its unavoidable risks when determining whether to approve a project. If the specific economic, legal, social, technological or other benefits of the project outweigh the unavoidable adverse environmental effects, those effects may be considered acceptable. CEQA requires the agency to support, in writing, the specific reasons for considering a project acceptable when significant impacts are not avoided or substantially lessened. Those reasons must be based on substantial evidence in the EIR or elsewhere in the administrative record.

Midpeninsula Regional Open Space District has made a reasonable good faith effort to eliminate or substantially mitigate the environmental impacts resulting from the proposed project. MROSD recognizes, however, that even with implementation of all feasible mitigation measures, the project will have significant and unavoidable impacts. In particular, the proposed project would result in significant unavoidable impacts to historic resources, arising from the demolition of structures at the former Alma College site that are listed on the Santa Clara County Heritage Resource Inventory. These significant unavoidable impacts are identified and discussed in Section VI of these Findings and in a table included hereinbelow. MROSD further specifically finds that these significant unavoidable impacts are outweighed by the proposed project's benefits which constitute an overriding consideration warranting approval of the proposed project. MROSD also notes that implementation of the No Project Alternative would not avoid the significant impact.

MROSD finds that any one of the benefits set forth below is sufficient by itself to warrant approval of the proposed project, and justify the unavoidable adverse environmental impacts from the project. This determination is based on the findings herein and the evidence in the record. Having balanced the unavoidable adverse environmental impacts against each of the benefits, pursuant to CEQA section 21081 and CEQA Guideline 15093, MROSD adopts this Statement of Overriding Considerations, for the following reasons:

### **A. Social and Recreational Benefits**

The Bear Creek Redwoods Preserve Plan provides social and recreational benefits by opening a regional open space preserve, including hiking and equestrian trails and a multi-use trail connection, for use by the general public. Bear Creek Redwoods is located in close proximity to the dense urban centers of the South Bay Area, and is easily accessible via Highway 17 and an established regional trail system. Visitor use of the Preserve is therefore expected to be high. The Preserve Plan includes actions to ensure that trails and facilities will be accessible, safe, and enjoyable for a wide range of users.

As an integral part of the Preserve Plan, rehabilitation of the Alma College cultural landscape will provide important interpretive and educational opportunities to the public. Opening the former Alma College site will allow preserve visitors to understand the broad patterns of California history that are reflected in the multi-layered cultural landscape and presented in the interpretive features. Parking and other facilities at the Alma College site will enable easy access to the entire western Preserve, which otherwise would require visitors to park further away and hike much longer distances, thus potentially making the western trails inaccessible to visitors with mobility constraints.

The Preserve Plan also includes renovation of Bear Creek Stables, an important resource to the equestrian community, and provision of greatly expanded public programming at the site including, potentially, a livery stable for public program horses.

### **B. Environmental Benefits**

A fundamental objective of the Preserve Plan project is to protect and enhance the natural environment. The project prioritizes improvements to existing roads, trails, and other facilities that aim to reduce erosion, improving water quality in creeks and in downstream waterbodies, including the Lexington Reservoir. Other Preserve Plan actions will restore degraded habitat areas by cleaning up historic-era debris and controlling invasive weeds; stabilize dams and spillways to protect aquatic habitat; monitor and manage Sudden Oak Death to improve forest health; and construct habitat to protect bats.

Demolition of certain buildings and rehabilitation of the former Alma College site will remove dilapidated structures, including the garage, a former automotive utility building located on the bank of Webb Creek, and clean up other potential sources of contamination. Although the site is fenced off, structures remain a physical hazard due to their dilapidated condition and proximity to seismic fault traces, as well as attracting vandalism and trespass. Rehabilitation will improve overall aesthetics of the site and restore historic views and spatial organization of the cultural landscape, since the 1950 addition of the large concrete library structure blocked longitudinal views along the ridgeline, that were integral to the estate's landscape design.

### **C. Economic Benefits**

The Preserve Plan project will allow for social, recreational, and environmental benefits as discussed in Sections A and B, while reserving the limited available funds on stabilizing and rehabilitating structures that can actually be feasibly re-used. Demolition of unsafe structures and stabilization of the chapel and 1934 library superstructure would allow the former Alma College site to open for public use and open the opportunity for partner-funded re-use and long-term maintenance of the site.

### **D. Policy**

The Preserve Plan project complies with Board-adopted Policies for Acquisition and Maintenance of District Lands. Regarding potential rehabilitation of structures at the former Alma College site, the project is in compliance with MROSD Board Policy 4.09, Factors to Consider for Structures Disposition. Under this policy, the MROSD Board of Directors considers adopted policies, compatibility with open space character, historic and educational value, partnership opportunities, cost, including liability and management, potential use, public sentiment, regional importance, strategic fit, tradeoffs and impacts on MROSD resources, and visitor experience, when considering which structures to retain at the site. The resulting project balances these factors, in accordance with District policy.

Summary of Impacts and Mitigation Measures			
Impacts	Mitigation Measure	Significance after Mitigation	Findings of Fact
4.1 Aesthetics			
<p>Impact 4.1-1: Effects to a scenic vista or substantial degradation of the site's existing visual character or quality. The project site is part of the overall scenic vista associated with the Santa Cruz Mountains portion of the Pacific Coast Range. This scenic vista, including the project site, is visible from Highway 17, SR 35, and surrounding rural residences. The visual character of the project site is primarily a natural setting dominated by views of dense evergreen and deciduous forests. Proposed improvements at Bear Creek Stables would not result in a substantial adverse change to the scenic vista or degrade the visual character or quality of the site. Instead, it would provide a more unified appearance to the existing developed area of the Stables property. At the former Alma College site, the visual character of the project site would change with proposed demolition of several existing dilapidated and hazardous structures. Although the change would be noticeable to those familiar to the site, because the former Alma College site access is currently restricted, any changes to the visual character would be mostly unnoticed. In addition, the change to the visual character would not be considered an adverse visual change, but would rather benefit from the overall rehabilitation and reuse of the former Alma College site, which would allow the public to gain access and appreciate the visual qualities of the site and structures proposed for rehabilitation. Other project components, such as trails, restrooms, and parking areas, would be designed consistent with County and MROSD policies related to visual quality. Overall, changes in the views of the Preserve's recreational facilities would be barely perceptible and would not obstruct the panoramic views of the site and surrounding areas. Therefore, these activities</p>	<p>No mitigation measures necessary.</p>	<p>LTS</p>	<p>Under CEQA, no mitigation measures are required for impacts that are less than significant. (Pub. Resources Code, § 21002; CEQA Guidelines, §§ 15126.4, subd. (a)(3), 15091.)</p>

Summary of Impacts and Mitigation Measures			
Impacts	Mitigation Measure	Significance after Mitigation	Findings of Fact
would not substantially degrade the visual quality and character of the sites or have a substantial adverse effect on a scenic vista. This would be considered less-than-significant.			
Impact 4.1-2: Substantial damage to scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway or local scenic road. Activities proposed that may result in tree removal include the establishment of new recreation trails and construction of parking areas and driveway access. Specifically, construction of parking areas near the former Alma College site would result in removal of several medium-to small-sized trees, and construction of the driveway to the Lower Parking Lot would require removal of several trees (to maintain adequate line of site) near Bear Creek Road, a Santa Clara County local scenic roadway. Two of the trees to be removed would likely qualify as heritage trees, due to their species (coast live oak) and size. No tree removal is proposed within view of SR 35 and Highway 17, and rock outcroppings located on the site would not be removed or altered. Historic-era buildings located at the former Alma College site are proposed for demolition or rehabilitation; however, views of the former Alma College site are not available from Highway 17 or SR 35, and are only fleetingly available from Bear Creek Road. Some distant and limited views of proposed structures within the Bear Creek Stables property may become available to Highway 17 motorists and distant views of new recreational trails may become available to Bear Creek Road, Highway 17, and SR 35 motorists. Consistent with MROSD Policy SA-1, proposed trails and associated signage would be located in areas that minimize their visibility from a distance and in a way that blends in with the natural environment. In addition,	No mitigation measures necessary.	LTS	Under CEQA, no mitigation measures are required for impacts that are less than significant. (Pub. Resources Code, § 21002; CEQA Guidelines, §§ 15126.4, subd. (a)(3), 15091.)

Summary of Impacts and Mitigation Measures			
Impacts	Mitigation Measure	Significance after Mitigation	Findings of Fact
implementation of Environmental Protection Measures AES-1 and AES-2 would ensure that proposed trail alignments blend in with the surrounding natural setting and that siting of trails would avoid noticeable changes to open hillsides and ridgelines. Overall, these activities would not have a substantial adverse effect on scenic resources within the vicinity of a state scenic highway or local roadway. This would be a less-than-significant impact.			
Impact 4.1-3: Substantial new source of light or glare. Limited nighttime lighting is currently used at the Bear Creek Stables arenas. This lighting would continue to be used with implementation of the Preserve Plan. New lighting associated with proposed structures on the Bear Creek Stables property would be limited to safety lighting. Outdoor lighting is not provided within MROSD preserve parking areas, and limited special events at the former Alma College site or Bear Creek stables would occur only during posted Preserve (daytime) hours. Environmental Protection Measure AES-4 requires that new lighting include light shields and other devices to ensure that no new light or glare will impact sensitive receptors. This would be a less-than-significant impact.	No mitigation measures necessary.	LTS	Under CEQA, no mitigation measures are required for impacts that are less than significant. (Pub. Resources Code, § 21002; CEQA Guidelines, §§ 15126.4, subd. (a)(3), 15091.)
<b>4.2 Air Quality</b>			
Impact 4.2-1: Short-term construction-generated emissions of criteria air pollutants and precursors. Short-term construction-generated emissions would not exceed BAAQMD's significance threshold for criteria air pollutants and precursors (i.e., ROG, NOX, exhaust PM10 and PM2.5). The project also includes dust control and other construction-related measures required in BAAQMD's Best Management Practices. Therefore, fugitive dust emissions would not contribute to	No mitigation measures necessary.	LTS	Under CEQA, no mitigation measures are required for impacts that are less than significant. (Pub. Resources Code, § 21002; CEQA Guidelines, §§ 15126.4, subd. (a)(3), 15091.)

<b>Summary of Impacts and Mitigation Measures</b>			
<b>Impacts</b>	<b>Mitigation Measure</b>	<b>Significance after Mitigation</b>	<b>Findings of Fact</b>
concentrations of PM10 and PM2.5 that exceed the NAAQS or CAAQS and other construction-related emissions would not exceed recommended thresholds. This would be a less-than-significant impact.			
Impact 4.2-2: Long-term operational emissions of criteria air pollutants and precursors. Operation of the proposed plan under full buildout would not result in emissions of ROG, NOX, PM10, or PM2.5 that exceed applicable mass emission thresholds. Thus, long-term operational emissions of criteria air pollutants and precursors would not conflict with the air quality planning efforts or contribute substantially to the nonattainment status of Santa Clara County with respect to the NAAQS or CAAQS for ozone, PM10, or PM2.5. This would be a less-than-significant impact.	No mitigation measures necessary.	LTS	Under CEQA, no mitigation measures are required for impacts that are less than significant. (Pub. Resources Code, § 21002; CEQA Guidelines, §§ 15126.4, subd. (a)(3), 15091.)
Impact 4.2-3: Mobile-source carbon monoxide emissions. Though buildout of the plan would result in additional vehicle trips on the surrounding roadway network, project operation would not result in increases in traffic such that the BAAQMD screening criteria for local carbon monoxide (CO) concentrations would be triggered. Therefore, the project would not result in increased concentrations of CO that would expose sensitive receptors to unhealthy levels. This would be a less-than-significant impact.	No mitigation measures necessary.	LTS	Under CEQA, no mitigation measures are required for impacts that are less than significant. (Pub. Resources Code, § 21002; CEQA Guidelines, §§ 15126.4, subd. (a)(3), 15091.)
Impact 4.2-4: Exposure of sensitive receptors to toxic air contaminants. Construction activities would not result in substantial emissions of diesel PM, even during the most intense construction season, and would not take place in the same locations affecting the same off-site receptors in the plan area every construction season during the buildout period. During major construction of proposed project features, the Preserve area under construction would be closed to the	No mitigation measures necessary.	LTS	Under CEQA, no mitigation measures are required for impacts that are less than significant. (Pub. Resources Code, § 21002; CEQA Guidelines, §§ 15126.4, subd. (a)(3), 15091.)

Summary of Impacts and Mitigation Measures			
Impacts	Mitigation Measure	Significance after Mitigation	Findings of Fact
public (consistent with MROSD practice), avoiding exposure of Preserve users to toxic air contaminants. TACs associated with long-term operations of the BCRPP would also be intermittent and relatively low. Therefore, levels of TACs from project-related construction and operations would not result in an increase in health risk exposure at off-site sensitive receptors. This impact would be less than significant.			
Impact 4.2-5: Exposure of sensitive receptors to odors. The proposed project would not result in any new sources of odor into the area or introduce new odor-sensitive receptors where they would be exposed to substantial objectionable odors. Therefore, this impact would be less than significant.	No mitigation measures necessary.	LTS	Under CEQA, no mitigation measures are required for impacts that are less than significant. (Pub. Resources Code, § 21002; CEQA Guidelines, §§ 15126.4, subd. (a)(3), 15091.)
<b>4.3 Biological Resources</b>			
Impact 4.3-1: Loss of special-status plants. Although there have been no documented occurrences of special-status plants within the Preserve, there is potential habitat for a number of special-status plant species on-site. Special-status species are protected under ESA, CESA, or CEQA. Ground-disturbing activities related to the trail construction, road improvements, water conveyance pipelines, improvements to Bear Creek Stables and the former Alma College site, or road and trail improvements/maintenance could result in disturbance or removal of habitat for special-status species; however, implementation of environmental protection measures, which includes pre-construction surveys and avoidance measures would further minimize potential effects on special-status plants. In addition, recreational use of the Preserve is expected to be primarily limited to previously disturbed areas. Therefore, the potential for loss of special-status plants would be less than significant.	No mitigation measures necessary.	LTS	Under CEQA, no mitigation measures are required for impacts that are less than significant. (Pub. Resources Code, § 21002; CEQA Guidelines, §§ 15126.4, subd. (a)(3), 15091.)

Summary of Impacts and Mitigation Measures			
Impacts	Mitigation Measure	Significance after Mitigation	Findings of Fact
<p>Impact 4.3-2: Loss of bat colonies or special-status individuals. Implementation of the Preserve Plan would involve modifications to existing abandoned buildings within the former Alma College site and some tree removal. Previous surveys have documented the presence of bat colonies within several of the former Alma College buildings. Rehabilitation, demolition, sealing, or other construction activities at these facilities could result in disturbance to active bat colonies that could affect the survival of young or adult bats. In addition, removal of large trees that provide roosting habitat could affect survival of young or adult bats. Loss of an active bat colony or special-status bats would be potentially significant.</p>	<p>Mitigation Measure 4.3-2: Implement measures to protect bat colonies. To mitigate for activities requiring removal of roosting bats from buildings, pre- construction surveys for roosting bats within areas of potential disturbance in the Preserve will be conducted by a qualified biologist. Surveys will consist of a daytime pedestrian survey looking for evidence of bat use (e.g., guano) and/or an evening emergence survey to note the presence or absence of bats. The type of survey will depend on the condition of the buildings. If no bat roosts are found, then no further study is required. If evidence of bat use is observed, the number and species of bats using the roost will be determined. Bat detectors may be used to supplement survey efforts, but are not required.</p> <p>If roosts of Townsend’s big-eared bats, pallid bats, or western red bats are determined to be present and must be removed, the bats will be excluded from the roosting site before the facility is removed. A program addressing compensation, exclusion methods, and roost removal procedures will be developed in consultation with CDFW before implementation. Exclusion methods may include use of one-way doors at roost entrances (bats may leave but not reenter), or sealing roost entrances when the site can be confirmed to contain no bats. Exclusion efforts may be restricted during periods of sensitive activity (e.g., during hibernation or while females in maternity colonies are nursing young). The loss of each roost (if any) will be replaced in coordination with CDFW and may include construction and installation of bat boxes or other structures suitable to the bat species and colony size excluded from the original roosting site.</p>	LTS	<p>Finding: Compliance with Mitigation Measure 4.3-2, which has been required as part of the project, will reduce this impact to a less-than-significant level, by requiring surveying, avoidance and minimization of impacts to bat colonies. MROSD hereby adopts these mitigation measures. MROSD, therefore, finds that changes or alterations have been required in, or incorporated into, the project that avoid the potentially significant environmental effect as identified in the EIR.</p> <p>Explanation/Facts in Support of Finding: Project rehabilitation, demolition, sealing or other construction activities could result in potential impacts to bat colonies and special-status bats. Mitigation 4.3-2 would reduce significant impacts to bat individuals and colonies to a less-than-significant level by surveying for bats before disturbance to potential roosting habitat, and minimizing impacts if they are present by providing alternative roost habitat and excluding the bats from the roost habitat to be removed.</p>
<p>Impact 4.3-3: Loss of special-status wildlife. Implementation of environmental protection measures (See Appendix C) as part of Preserve Plan would ensure that proposed activities would not result in the degradation of habitat and loss of special-status wildlife species, including nesting birds and special-</p>	<p>Mitigation Measure 4.3-3a: Implement measures to protect special-status amphibians and western pond turtle. MROSD shall implement the following measures during construction within suitable habitat for special-status amphibians:</p>	LTS	<p>Finding: Compliance with Mitigation Measures 4.3-3a through 4.3-3c, which has been required as part of the project, will reduce this impact to a less-than-significant level, by requiring avoidance and minimization of impacts to</p>

Summary of Impacts and Mitigation Measures			
Impacts	Mitigation Measure	Significance after Mitigation	Findings of Fact
<p>status mammals. However, improvements proposed in or adjacent to ponds, waterways, or wetlands could affect special-status amphibians and reptiles. Special-status species are protected under ESA, CESA, California Fish and Game Code, CEQA, or other regulations. Ground-disturbing activities related to construction could result in disturbance or removal of habitat for these species or loss of individuals. Therefore, the potential loss of special- status wildlife would be potentially significant.</p>	<p>▲ Construction within or adjacent to waterways will be avoided during the breeding season for California red-legged frog and foothill yellow-legged frog (November – March) and western pond turtle (May – mid-July). If construction cannot be avoided within or adjacent to waterways during the breeding season, a qualified biologist shall conduct a pre-activity survey for California red-legged frog, foothill yellow-legged frog, Santa Cruz black salamander, California giant salamander, and western pond turtle prior to implementing actions that include ground disturbance, vegetation removal, or other activities within or adjacent to potential habitat that could otherwise harm California red-legged frog, foothill yellow-legged frog, Santa Cruz black salamander, California giant salamander, or western pond turtle. A qualified biologist shall inspect the work area while vegetation and debris is removed during the initial phase of construction. Because Santa Cruz black salamander lay and brood eggs below ground, prior to ground disturbance, rocks, logs, and other debris shall be turned over and visually inspected. If no California red-legged frog, foothill yellow-legged frog, Santa Cruz black salamander, California giant salamander, or western pond turtle are observed during either the pre-activity survey or during removal of vegetation and debris, then work may proceed without a qualified biologist present. If any of these sensitive species are observed at any time before or during construction within the work area by anyone involved in the project, work shall cease and USFWS and/or CDFW shall be contacted.</p> <p>Measures to avoid and minimize disturbance to sensitive reptiles and amphibians shall be implemented and may include delaying the disturbance until after eggs or larvae have metamorphosed, redesigning the project footprint to avoid the species, moving individuals to areas of suitable habitat outside of the disturbance area, or other feasible measures acceptable to the wildlife agencies.</p>		<p>special-status wildlife and habitat during construction. MROSD hereby adopts these mitigation measures. MROSD, therefore, finds that changes or alterations have been required in, or incorporated into, the project that avoid the potentially significant environmental effects as identified in the EIR.</p> <p>Explanation/Facts in Support of Finding: Project construction activities could result in potential impacts to California red-legged frog, foothill yellow-legged frog, Santa Cruz black salamander, California giant salamander, and western pond turtle. Mitigation Measure 4.3-3a would generally limit the potential for disturbance to, or loss of, special-status wildlife to a less-than-significant level by requiring pre-construction surveys to determine presence/absence of California red-legged frog, foothill yellow-legged frog, Santa Cruz black salamander, California giant salamander, and western pond turtle. If the species is observed at any time during construction, work shall cease and USFWS and/or CDFW shall be contacted. Avoidance of impacts may include delaying the disturbance until after eggs or larvae have metamorphosed, redesigning the project footprint to avoid the species, moving individuals to areas of suitable habitat outside of the disturbance area, or other feasible</p>

Summary of Impacts and Mitigation Measures			
Impacts	Mitigation Measure	Significance after Mitigation	Findings of Fact
	<p><u>The loss of western pond turtle breeding habitat due to development of the Alma College parking area will be replaced at a 1:1 ratio. If it is determined that the full amount of replacement breeding habitat cannot all feasibly be located at Upper Lake, the remainder of the replacement breeding habitat will be located at Lower Lake, which also supports western pond turtle. The replacement breeding habitat will be located within 300 feet of the pond's ordinary high water mark and will be designed to avoid adverse effects to native plant communities and other sensitive species habitat. The replacement habitat will be located away from areas that attract concentrated visitor use, or trail use will be limited as necessary during breeding periods. Design of the replacement breeding habitat, as well as a maintenance and monitoring plan to control encroachment of brush, invasive species, and manage visitor access, will be prepared by a qualified biologist in consultation with the CDFW. The maintenance and monitoring plan will also include baseline population surveys and ongoing population and breeding habitat monitoring.</u></p> <p>Mitigation Measure 4.3-3b: Implement measures to protect nesting birds. To minimize potential disturbance to nesting birds, project activities shall occur during the non-breeding season (September 16 through February 14), unless it is not feasible to do so, in which case the following measures shall be applied:</p>		<p>measures acceptable to the wildlife agencies. Implementation of Mitigation Measure 4.3-3b would reduce potentially significant impacts on special-status and otherwise protected bird species, including golden eagle and other raptors, to a less-than-significant level because it would require preconstruction surveys to identify active nests and measures to avoid or minimize disturbances of active nests so that project construction would not result in nest abandonment and loss of eggs or young. Implementation of Mitigation Measure 4.3-3c would reduce potentially significant impacts to San Francisco dusky-footed woodrat to a less-than-significant level by surveying for woodrats prior to disturbance. If woodrats are determined to be present buffers will be required around active nests, and if necessary the relocation of active nests will occur in consultation with CDFW.</p>

Summary of Impacts and Mitigation Measures			
Impacts	Mitigation Measure	Significance after Mitigation	Findings of Fact
	<p>▲ During trail construction, road improvements, and other construction activities, removal of trees greater than 6 inches dbh shall be limited to the greatest degree possible. If construction activity is scheduled to occur during the nesting season (February 15 to September 15), a qualified biologist shall conduct pre-construction surveys to identify active nests that could be affected by construction. The surveys shall be conducted before the approval of grading and/or improvement plans and no less than 14 days and no more than 30 days before the beginning of construction in a particular area. If no nests are found, no further measures are needed.</p> <p>▲ If active nests are found, impacts on nesting birds shall be avoided by establishment of appropriate buffers around the nests. No project activity shall commence within the buffer area until a qualified biologist confirms that any young have fledged or the nest is no longer active. A 500-foot buffer for large raptors such as buteos, 250-foot buffer for small raptors such as accipiters, and 250-foot for passerines are generally adequate to protect them from disturbance, but the size of the buffer may be adjusted by a qualified biologist in consultation with CDFW depending on site-specific conditions. For trail construction, use of non-power hand-tools may be permitted within the buffer area if the behavior of the nesting birds would not be altered as a result of the construction. Monitoring of the nest by a qualified biologist during and after construction activities will be required if the activity has potential to adversely affect the nest.</p>		

Summary of Impacts and Mitigation Measures			
Impacts	Mitigation Measure	Significance after Mitigation	Findings of Fact
	<p>Mitigation Measure 4.3-3c: Implement measures to protect San Francisco dusky-footed woodrat. To minimize potential disturbance to San Francisco dusky-footed woodrat, the following measures will be implemented:</p> <ul style="list-style-type: none"> <li>▲ Prior to removal of any buildings or vegetation within riparian, oak woodland, montane hardwood, or coastal scrub, redwood or Douglas fir forests, a qualified biologist will conduct a survey for woodrat nests within the area to be disturbed. If no woodrat nests are found, no further measures are necessary.</li> <li>▲ If woodrat nests are found, they should be avoided if possible and a minimum buffer of 10 feet shall be established around the nest(s). This buffer may be adjusted in consultation with CDFW.</li> <li>▲ If the nests cannot be avoided, MROSD will consult with CDFW in areas where removal of San Francisco dusky-footed woodrat nests is required. Consultation will occur prior to removal of the nests. Actions needed to protect woodrat nests will be determined in consultation with CDFW and may include the live capture and relocation of woodrats to suitable adjacent habitats and removal of nesting sites. Trapping activities will occur prior to April and after July each year to prevent impacts to woodrats rearing young or young woodrats. Nest middens will be dismantled by hand under the supervision of a biologist. Nest material will be moved to suitable adjacent areas that will not be disturbed. As woodrats exhibit high site fidelity, buildings with previous woodrat nests will be regularly inspected for potential intrusion to prevent infestation.</li> </ul>		
Impact 4.3-4: Loss of sensitive natural communities and fill of waters of the United States. Although pipelines, trails, bridges, and other recreational facilities would be located to avoid	Mitigation Measure 4.3-4: Avoid and minimize impacts to sensitive natural communities and compensate for loss of riparian and wetland habitats.	LTS	Finding: Compliance with Mitigation 4.3-4, which has been required as part of the project, will reduce this impact to a less-than-significant

Summary of Impacts and Mitigation Measures			
Impacts	Mitigation Measure	Significance after Mitigation	Findings of Fact
<p>sensitive natural communities and wetlands to the extent possible, construction of these facilities, including temporary use of cofferdams, could require removal of riparian and wetland vegetation and could result in the placement of fill material into waters of the United States. This impact would be potentially significant.</p>	<p>MROSD will seek to avoid wetland impacts through siting, design, and other avoidance measures. However, if avoidance is not possible, MROSD will review its Routine Maintenance Agreements with CDFW and the RWQCB to determine if the proposed activities are covered by these permits. If so, MROSD will comply with the terms of these existing agreements.</p> <p>If MROSD determines that one or more activities are not covered by existing permits, a jurisdictional wetland delineation will be conducted by a qualified wetland specialist for sensitive areas that cannot be avoided. The preliminary delineation shall be submitted to USACE for verification. The wetlands may be subject to CDFW regulation under Section 1602 of the Fish and Game Code. No grading, fill, or other ground disturbing activities shall occur until all required permits, regulatory approvals, and permit conditions for effects on wetland habitats are secured.</p> <p>If the wetlands are determined to be subject to USACE jurisdiction, the project may qualify for use of a Nationwide Permit if certain criteria are met. For those wetlands that cannot be avoided, MROSD shall commit to replace, restore, or enhance on a “no net loss” basis (in accordance with USACE, RWQCB, and CDFW) the acreage of all wetlands and other waters of the United States that would be removed, lost, and/or degraded with project implementation. Wetland habitat shall be restored, enhanced, and/or replaced at an acreage and location and by methods agreeable to USACE, RWQCB, and CDFW, as appropriate, depending on agency jurisdiction, and as determined during the permitting processes.</p>		<p>level, by avoiding loss or modification of sensitive natural communities and fill or disturbance of wetlands in USACE, CDFW, or RWQCB jurisdiction. MROSD hereby adopts these mitigation measures. MROSD, therefore, finds that changes or alterations have been required in, or incorporated into, the project that avoid the potentially significant environmental effect as identified in the EIR.</p> <p>Explanation/Facts in Support of Finding: Although the project avoids wetland features through siting and design and other avoidance measures, the proposed project could result in loss and/or modification sensitive natural communities and fill of waters of jurisdictional. Significant impacts associated with loss of sensitive natural communities and fill of waters of the United States would be reduced to a less-than-significant level by implementing jurisdictional wetland delineations, obtaining all required regulatory authorizations, and compensation for loss of sensitive natural communities and wetland habitats.</p>
<p>Impact 4.3-5: Effects of increased recreation on wildlife and inference with wildlife movement. Implementation of the Preserve Plan would result in increased public access to wildlife habitats that previously have experienced limited human disturbance. Proposed trail connections would provide recreational opportunities for hikers, mountain</p>	<p>No mitigation measures necessary.</p>	<p>LTS</p>	<p>Under CEQA, no mitigation measures are required for impacts that are less than significant. (Pub. Resources Code, § 21002; CEQA Guidelines, §§ 15126.4, subd. (a)(3), 15091.)</p>

Summary of Impacts and Mitigation Measures			
Impacts	Mitigation Measure	Significance after Mitigation	Findings of Fact
bikers, and equestrians. However, these activities are unlikely to substantially adversely affect native wildlife or plant communities. The construction and use of trails are also not likely to substantially interfere with wildlife movement in the region. Therefore, this impact would be less than significant.			
Impact 4.3-6: Introduction or spread of invasive plants. Invasive species have been documented within the Preserve, and construction, recreational use, and maintenance has the potential to introduce additional invasive plants or cause invasive plant populations to spread. Noxious weeds and other invasive plants could inadvertently be introduced or spread within the Preserve during grading and construction and maintenance activities if nearby source populations passively colonize disturbed ground, or if personnel and equipment is transported to the site from an infested area. Soil, vegetation, and other materials transported to the Preserve from off-site sources could contain invasive plant seeds or plant material that could become established on-site. Additionally, invasive species could be introduced or spread through use of trails by hikers and equestrians. The introduction and spread of invasive species would degrade terrestrial plant, wildlife, and aquatic habitats, including sensitive communities within the Preserve. However, implementation of environmental protection measures and measures in MROSD's <i>IPM Guidance Manual</i> would minimize the introduction and spread of invasive species. Therefore, this impact would be less than significant.	No mitigation measures necessary.	LTS	Under CEQA, no mitigation measures are required for impacts that are less than significant. (Pub. Resources Code, § 21002; CEQA Guidelines, §§ 15126.4, subd. (a)(3), 15091.)
Impact 4.3-7: Conflict with any local applicable policies protecting biological resources. Although some tree removal would be required for the Preserve Plan, tree removal would be avoided to the extent possible and any trees removed	Mitigation Measure 4.3-7: Remove and replace trees consistent with the Santa Clara County Tree Preservation and Removal Ordinance (County Code, Sections C16.1 to C16.17).	LTS	Finding: Compliance with Mitigation Measures 4.3-7, which has been required as part of the project, will reduce this impact to a less-than-significant level, by complying with the Santa

Summary of Impacts and Mitigation Measures			
Impacts	Mitigation Measure	Significance after Mitigation	Findings of Fact
would be done in accordance with local policies and ordinances. Because the proposed project is a plan, detailed improvement programs and grading plans will not be prepared until specific improvements are funded and authorized, which would occur after approval of the Preserve Plan. Once these detailed plans are available, MROSD will coordinate with Santa Clara County to adhere to the requirements of the Ordinance. However, impacts to trees are considered potentially significant until MROSD complies with the County's Tree Preservation and Removal Ordinance.	MROSD will comply with the requirements of the Santa Clara County Tree Preservation and Removal Ordinance as applied to parcels greater than 3 acres in lands zoned HS and as applied to trees located within County right-of-way. For removal of large oak trees, MROSD will replace each oak tree removed at a 3:1 ratio with 15-gallon trees, in-kind, or other ratio approved by the County. MROSD will maintain each of the replacement trees.		<p>Clara County Tree Preservation and Removal Ordinance. MROSD hereby adopts these mitigation measures. MROSD, therefore, finds that changes or alterations have been required in, or incorporated into, the project that avoid the potentially significant environmental effect as identified in the EIR.</p> <p>Explanation/Facts in Support of Finding: The proposed project will require some tree removal. Implementation of Mitigation 4.3-7 would ensure that the project will remove trees in accordance with local policies and ordinances. Mitigation 4.3-7 also replaces removed large oak trees with 15 gallon trees at a ratio of 3:1. Implementation of this mitigation measure would reduce impacts to a less-than-significant level.</p>
<b>4.4 Cultural Resources</b>			
Impact 4.4-1: Change the significance of a historic resource (cultural landscape). The Rehabilitation Plan includes a variety of design features that, when incorporated, result in overall compliance with eight out of ten of the <i>Secretary of the Interiors Standards for Rehabilitation</i> . The alterations proposed in the Rehabilitation Plan would allow the site to convey its layered historic significance and retain its eligibility as a CRHR. Therefore, this impact would be less than significant.	No mitigation measures necessary.	LTS	Under CEQA, no mitigation measures are required for impacts that are less than significant. (Pub. Resources Code, § 21002; CEQA Guidelines, §§ 15126.4, subd. (a)(3), 15091.)

Summary of Impacts and Mitigation Measures			
Impacts	Mitigation Measure	Significance after Mitigation	Findings of Fact
<p>Impact 4.4-2: Change the significance of a historical resource (Structures). Many extant structures on the Preserve have been evaluated for eligibility for listing on the CRHR. Structures at Bear Creek Stables were found to be ineligible. The classroom, 1934 and 1950 libraries, chapel, and garage at Alma College have also been found ineligible for listing on the CRHR, nor is the site eligible as a historic district. However, the “Alma College Complex” remains listed on the Santa Clara County Heritage Resource Inventory; it was originally listed in 1995. The proposed project would result in the demolition of four buildings that are listed as part of the “Alma College Complex” on the Santa Clara County Heritage Resource Inventory. There are also other unevaluated historic-era structures, or structural remnants, that could be affected by the project. Demolition of historic resources would result in a significant impact because the historic resources would no longer exist.</p>	<p>Mitigation 4.4-2: Document historic buildings prior to removal. The Preserve Plan includes documentation of buildings before demolition; however, because the buildings are considered historical resources, a higher level of documentation is necessary. MROSD will complete documentation of the classroom building, 1950 library, utility garage, and 1934 library, prior to any construction/demolition work initiated at these buildings. Documentation shall consist of a written history of the property and drawings and photographs, as described below.</p> <ul style="list-style-type: none"> <li>▲ Written History. The Knapp Architects report, <i>Alma College Conditions Assessment Project Phase I: Assessment of Existing Conditions</i>, shall be used for the written history of each building. The report shall be reproduced on archival bond paper.</li> <li>▲ Drawings and Photographs. An architectural historian (or historical architect, as appropriate) shall conduct research into the availability of plans and drawings of the classroom building, 1950 library, utility garage, and 1934 library as the buildings currently exist. <ul style="list-style-type: none"> <li>▶ Drawings: select existing drawings, where available, may be photographed with large-format negatives or photographically reproduced on Mylar in accordance with the U.S. Copyright Act, as amended.</li> <li>▶ Photographs: photographs with large-format negatives of exterior and interior views, or historic views where available and produced in accordance with the U.S. Copyright Act, as amended</li> </ul> </li> </ul> <p>The documentation shall be prepared by an architectural historian, or historical architect as appropriate, meeting the Secretary of the Interior’s Standards and Guidelines for Archeology and Historic Preservation, Professional Qualification Standards. The documentation shall be submitted to the Santa Clara County Library and the Jesuit Archives in Berkeley.</p>	<p>SU</p>	<p>Finding: Specific economic, legal, social, technological, or other considerations, make infeasible mitigation measures or alternatives beyond those identified in the Draft EIR. However, MROSD finds that specific overriding economic, legal, social, technological, or other benefits of the project outweigh the Project’s impacts on changing the significance of a historical resource, as more fully stated in the Statement of Overriding Considerations.</p> <p>Explanation/Facts in Support of Finding: Most structures within the Preserve have been evaluated and identified as ineligible for listing on state or federal registers, including the classroom, 1934 and 1950 libraries, chapel, and garage at Alma College. However, the “Alma College Complex” was listed on the Santa Clara County Heritage Resource Inventory in 1995 and remains listed. The proposed project would result in the demolition of four buildings that are listed as part of the “Alma College Complex.” There are also other unevaluated historic-era structures, or structural remnants, that could be affected by the project. Demolition of historic resources would result in a significant impact because the historic resources would no longer exist. Implementation of Mitigation Measure 4.4-2 would lessen the impacts related to the loss of the classroom building, 1950 library, utility garage, and 1934 library, but the structures, which are listed on the Santa Clara Heritage</p>

Summary of Impacts and Mitigation Measures			
Impacts	Mitigation Measure	Significance after Mitigation	Findings of Fact
			Resource Inventory, would no longer exist. This impact is significant and unavoidable.
Impact 4.4-3: Cause a substantial change in the significance of an archaeological resource. Implementation of the proposed project could cause a substantial change in the significance of an archaeological resource. Archaeological resources are known to exist on the project site. Some are documented, some are undocumented. Not all of the resources have been evaluated for eligibility for listing on the state or national register. The existence of these resources suggests that there is potential that unknown archaeological resources also exist on the project site. Also, project-related ground-disturbing activities could cause a substantial change in the significance of an as yet undiscovered archaeological resource as defined in CEQA Guidelines Section 15064.5. Implementation of MROSD's Resource Management Policies and environmental protection measures would minimize impacts to archaeological resources. This impact is less than significant.	No mitigation measures necessary.	LTS	Under CEQA, no mitigation measures are required for impacts that are less than significant. (Pub. Resources Code, § 21002; CEQA Guidelines, §§ 15126.4, subd. (a)(3), 15091.)
Impact 4.4-4: Disturb Human Remains. Although unlikely, construction and excavation activities associated with project development could unearth previously undiscovered or unrecorded human remains, if they are present. This impact would be potentially significant.	Mitigation Measure 4.4-4: Halt ground-disturbing activity. If human remains are encountered, all work within 100 feet of the remains will cease immediately. MROSD will contact the Santa Clara County coroner to evaluate the remains and follow the procedures and protocols set forth in §15064.5(e) of the CEQA Guidelines. No further disturbance of the site or any nearby area reasonably suspected to overlie adjacent remains will occur until the County Coroner has made a determination of origin and disposition, which will be made within two working days from the time the Coroner is notified of the discovery, pursuant to State Health and Safety Code Section 7050.5 and Public Resources Code Section 5097.98. If the remains are determined to be Native American, the Coroner will notify NAHC within 24 hours, which will determine and notify the Most Likely Descendant (MLD). The MLD may	LTS	Finding: Compliance with Mitigation Measure 4.4-4, which has been required as part of the project, will reduce this impact to a less-than-significant level, by minimizing effects in the event that human remains are discovered during construction. MROSD hereby adopts this mitigation measure. MROSD, therefore, finds that changes or alterations have been required in, or incorporated into, the project that avoid the potentially significant environmental effect as identified in the EIR.

Summary of Impacts and Mitigation Measures			
Impacts	Mitigation Measure	Significance after Mitigation	Findings of Fact
	recommend within 48 hours of their notification by the NAHC the means of treating or disposing of, with appropriate dignity, the human remains and grave goods. In the event of difficulty locating a MLD or failure of the MLD to make a timely recommendation, the human remains and grave goods shall be reburied with appropriate dignity on the property in a location not subject to further subsurface disturbance.		Explanation/Facts in Support of Finding: There is potential for unknown human remains to be uncovered during project construction. Implementation of Mitigation Measure 4.4-4 would reduce potentially significant impacts to human remains because actions would be implemented to avoid, move, record, or otherwise treat the remains appropriately, in accordance with pertinent laws and regulations. By providing an opportunity to avoid or minimize the disturbance of human remains, and to appropriately treat any remains that are discovered, this impact would be reduced to a less-than-significant level.
Impact 4.4-5: Potential impacts to archaeological resources due to increased visitor use. Increased visitor use associated with implementation of the Preserve Plan, including development of new trails and visitor serving facilities, could place people in the vicinity of documented and undocumented archaeological resources. Implementation of MROSD's Resource Management Policies and environmental protection measures would minimize visitor-related impacts to cultural resources. This impact is less than significant.	No mitigation measures necessary.	LTS	Under CEQA, no mitigation measures are required for impacts that are less than significant. (Pub. Resources Code, § 21002; CEQA Guidelines, §§ 15126.4, subd. (a)(3), 15091.)
Impact 4.4-6: Destroy a unique paleontological resource. No paleontological resources are known to occur within the project site or a one-mile radius of the site. However, because paleontological sites have been recorded in Santa Clara Formation sediments, earth-disturbing activities could potentially damage previously unknown paleontological resources. Resource Management Policy CR-3 requires that	No mitigation measures necessary.	LTS	Under CEQA, no mitigation measures are required for impacts that are less than significant. (Pub. Resources Code, § 21002; CEQA Guidelines, §§ 15126.4, subd. (a)(3), 15091.)

Summary of Impacts and Mitigation Measures			
Impacts	Mitigation Measure	Significance after Mitigation	Findings of Fact
MROSD staff receive training in the recognition of sensitive cultural resources and that in the event of a find, work in the area is halted until a qualified archaeologist can evaluate the significance of the find; Resource Management Policy GS-3 calls for the protection of paleontological resources by identifying locations and documenting the condition of unique or exceptional geologic features. Therefore, this impact would be less than significant.			
4.5 Geology, Soils, and Seismicity			
Impact 4.5-1: Expose people or structures to substantial adverse effects, including the risk of loss, injury, or death involving rupture of a known earthquake fault or strong seismic ground shaking. The Preserve Plan includes demolition of several structures that currently occupy the former Alma College site, including the classroom and garage, as well as the 1950 library. It would include rehabilitating the 1909 chapel, and potentially retaining only the roof structure of the 1934 library. Existing retaining walls would either be structurally improved or have measures in place, such as planting dense vegetation or installing low fences to act as barriers in order to maintain distance between the walls and future site visitors. Rehabilitation of the preserved structures and any new development would be conducted in compliance with applicable building codes, which regulate the proximity of buildings to identified faults, as well as their design. This impact would be less than significant.	No mitigation measures necessary.	LTS	Under CEQA, no mitigation measures are required for impacts that are less than significant. (Pub. Resources Code, § 21002; CEQA Guidelines, §§ 15126.4, subd. (a)(3), 15091.)
Impact 4.5-2: Result in substantial soil erosion or loss of topsoil. The project site sits atop a deep layer of gravelly, sandy loam with a high potential for soil erosion to occur. The loose, coarse quality of the loam allows it to move easily and	No mitigation measures necessary.	LTS	Under CEQA, no mitigation measures are required for impacts that are less than significant. (Pub. Resources Code, § 21002;

<b>Summary of Impacts and Mitigation Measures</b>			
<b>Impacts</b>	<b>Mitigation Measure</b>	<b>Significance after Mitigation</b>	<b>Findings of Fact</b>
requires special consideration to prevent soil degradation. Construction of trails, parking areas, and public restrooms could cause temporary erosion. The continued use of the Bear Creek Stables may also result in erosion on the project site. However, through implementation of environmental protection measures combined with measures included in the Preserve Plan to reduce erosion, the project's effect on soil erosion or the loss of topsoil would be less than significant.			CEQA Guidelines, §§ 15126.4, subd. (a)(3), 15091.)
Impact 4.5-3: Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction, or collapse. The Preserve is located on an inactive, deep seated landslide in an area that is potentially unstable because of identified faults. In addition, soils in the area are susceptible to shallow landsliding where slopes are oversteepened or excessive precipitation results in saturated soils. However, because the geotechnical studies for new, habitable structures required by Environmental Protection Measure GEO-6 would include design recommendations for site-specific geologic conditions that would avoid contributing to potential for on- or offsite landsliding, there would be a less-than-significant impact.	No mitigation measures necessary.	LTS	Under CEQA, no mitigation measures are required for impacts that are less than significant. (Pub. Resources Code, § 21002; CEQA Guidelines, §§ 15126.4, subd. (a)(3), 15091.)
Impact 4.5-4: Be located on expansive soils, creating a substantial risk to life or property. Soils on the project site have a low shrink-swell potential and are not considered expansive. Additionally, new structures would be constructed in accordance with the California Building Code. This impact would be less than significant.	No mitigation measures necessary.	LTS	Under CEQA, no mitigation measures are required for impacts that are less than significant. (Pub. Resources Code, § 21002; CEQA Guidelines, §§ 15126.4, subd. (a)(3), 15091.)
Impact 4.5-5: Installation of septic tanks or alternative wastewater disposal system on soils incapable of adequately supporting such use. The project would require new and	No mitigation measures necessary.	LTS	Under CEQA, no mitigation measures are required for impacts that are less than significant. (Pub. Resources Code, § 21002;

Summary of Impacts and Mitigation Measures			
Impacts	Mitigation Measure	Significance after Mitigation	Findings of Fact
<p>upgraded septic systems. Santa Clara County regulations require a site evaluation to allow proper system design and to determine compliance with the site suitability criteria identified in the applicable ordinance and the 2014 Onsite Systems Manual. Potential effects related to installation of septic tanks or alternative wastewater disposal system on soils incapable of adequately supporting such use would be reduced through compliance with Santa Clara County's regulations related to septic system location and design. This would be a less-than-significant impact.</p>			<p>CEQA Guidelines, §§ 15126.4, subd. (a)(3), 15091.)</p>
4.6 Greenhouse Gas Emissions			
<p>Impact 4.6-1: Project-generated greenhouse gas emissions. The level of GHG emissions associated with the proposed project would not exceed the threshold of 1,100 metric tons of CO2 equivalents per year (MT CO2e/year). Therefore, implementation of the proposed project would not be considered a substantial cumulative contribution to climate change and the project would be consistent with statewide efforts to reduce GHGs. This would be a less-than-significant impact.</p>	<p>No mitigation measures necessary.</p>	<p>LTS</p>	<p>Under CEQA, no mitigation measures are required for impacts that are less than significant. (Pub. Resources Code, § 21002; CEQA Guidelines, §§ 15126.4, subd. (a)(3), 15091.)</p>
<p>Impact 4.6-2: Impacts of climate change on the project. Climate change is expected to result in a variety of effects that would influence conditions on the project site. These effects include increased temperatures, increased wildfire risk and sea level rise; and changes to timing and intensity of precipitation, resulting in increased stormwater runoff and flood risk. However, numerous state and County programs and policies would enhance the project's resiliency to these risks. Therefore, this impact would be less than significant.</p>	<p>No mitigation measures necessary.</p>	<p>LTS</p>	<p>Under CEQA, no mitigation measures are required for impacts that are less than significant. (Pub. Resources Code, § 21002; CEQA Guidelines, §§ 15126.4, subd. (a)(3), 15091.)</p>
4.7 Hazards and Hazardous Materials			

Summary of Impacts and Mitigation Measures			
Impacts	Mitigation Measure	Significance after Mitigation	Findings of Fact
<p>Impact 4.7-1: Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials. Construction and maintenance activities would increase the regional transportation, use, storage, and disposal of hazardous materials and petroleum products. Improper handling, unsound disposal methods, transportation accidents, or fires, explosions or other emergencies could expose construction workers, nearby persons or residents, and the surrounding environment to accidental releases of potentially hazardous materials. However, MROSD and its contractors would be required to comply with applicable federal, state, and local regulations for handling hazardous materials, including requirements related to reporting accidental releases. Compliance with these regulations would minimize the potential risk of a spill or accidental release of hazardous materials during construction. This impact would be less than significant.</p>	<p>No mitigation measures necessary.</p>	<p>LTS</p>	<p>Under CEQA, no mitigation measures are required for impacts that are less than significant. (Pub. Resources Code, § 21002; CEQA Guidelines, §§ 15126.4, subd. (a)(3), 15091.)</p>
<p>Impact 4.7-2: Create a significant hazard to the public or the environment through reasonably foreseeable upset and/or accident conditions involving the release of hazardous materials into the environment. Hazardous materials could be associated with building materials, other historical uses of the Preserve (such as USTs and chemical application to Mud Lake), and areas of contamination that have not yet been identified. There is potential for site activities to result in the release of these hazardous materials into the environment, which would create a potentially significant hazard to the public or the environment.</p>	<p>Mitigation Measure 4.7-2a: Conduct a hazardous materials survey and limited Phase II investigation. An in-depth hazardous materials survey shall be conducted to further assess the presence of hazardous materials onsite and to provide an inventory of equipment containing hazardous materials that will need to be removed and appropriately disposed. Before initiation of grading or other groundwork, MROSD will conduct focused soil sampling at the former Alma College site. This investigation will follow the American Society for Testing and Materials standards for preparation of a Phase II ESA and/or other appropriate testing guidelines. Specifically, soil and groundwater samples shall be collected in the areas of former structures near the rear entrance to the former Alma College site (e.g., print shop, machine shop, landfill at village site, storage) and analyzed for petroleum hydrocarbons, VOCs, and priority pollutant metals.</p>	<p>LTS</p>	<p>Finding: Compliance with Mitigation Measures 4.7-2a through 4.7-2e which have been required as part of the project, will reduce this impact to a less-than-significant level by requiring a hazardous materials survey and limited Phase II investigation. MROSD hereby adopts these mitigation measures. MROSD, therefore, finds that changes or alterations have been required in, or incorporated into, the project that avoid the potentially significant environmental effect as identified in the EIR.</p> <p>Explanations/Facts in Support of Finding: The proposed project site could create a significant hazard to the public or environment through</p>

Summary of Impacts and Mitigation Measures			
Impacts	Mitigation Measure	Significance after Mitigation	Findings of Fact
	<p>Based on the results and recommendations of the ESA-level investigation described above, MROSD shall prepare a work plan that identifies any necessary remediation activities, including excavation and removal of on-site contaminated soils, and redistribution of clean fill material on the project site. The plan shall include measures that ensure the safe transport, use, and disposal of contaminated soil removed from the site and will be implemented under the oversight of applicable regulatory agencies. These measures may include: soil profiling and identification of appropriate landfill facilities for contaminated materials and onsite application locations for other soils, plans for stockpile of soil that segregates clean and potentially contaminated materials, preparation of a health and safety plan for protection of workers, and preparation of a transportation plan that identifies approved haul routes for transport of contaminated materials.</p> <p>Mitigation Measure 4.7-2b: Conduct a geophysical survey in the suspected locations of USTs.</p> <p>A geophysical survey shall be conducted at the former Alma College site to confirm the presence or absence of additional underground structures and to determine the extent of associated piping, primarily in the suspected locations of additional USTs (south of the dormitory/plant building, downslope from the pool/Roman Plunge, and south of the former main house). Soil and/or groundwater sampling shall be conducted in the vicinity of these structures and piping to determine whether there is potential subsurface contamination. Soil and groundwater samples shall be analyzed for petroleum hydrocarbons, volatile organic compounds (VOCs), and priority pollutant metals. If the results indicate that contamination exists at levels above regulatory action standards, the site will be remediated in accordance with recommendations made by</p>		<p>accidental release of hazardous materials. Through implementation of Mitigation Measure 4.7-2a, MROSD would further characterize the potential for there to be undocumented areas of contamination on the site. With implementation of Mitigation Measures 4.7-b through 4.7-2e, additional survey of the areas suspected of having additional contamination would be conducted. Mitigation Measure 4.7-2e would establish procedures to follow if additional hazardous materials are encountered during construction. With the implementation of these additional studies and any remediation that is developed as a result of the investigations, as well as the contingency procedures for other potentially hazardous wastes, this impact would be less than significant.</p>

Summary of Impacts and Mitigation Measures			
Impacts	Mitigation Measure	Significance after Mitigation	Findings of Fact
	<p>applicable regulatory agencies, including Santa Clara County DEH, RWQCB, and DTSC. The agencies involved shall depend on the type and extent of contamination.</p> <p>Mitigation Measure 4.7-c: Notify Santa Clara County Department of Environmental Health before conducting earth work near the former Alma College underground storage tank.</p> <p>MROSD shall identify the location of the former Alma College UST on maps used for planning facilities on the project site. If any earthwork or water wells are proposed on, or in the immediate vicinity of, the UST site, MROSD shall notify the Santa Clara County DEH before grading or evacuation of the site, or the installation of water wells. MROSD shall implement any actions identified by Santa Clara County DEH to mitigate the disturbance of remedial contamination. These actions may include additional sampling or preparation of a health risk assessment.</p> <p>Mitigation Measure 4.7-2d: Conduct sediment and surface water sampling in Mud Lake. Before opening the site to public access, MROSD shall conduct sediment and surface water sampling to determine whether historical chemical use in the lake has resulted in residual impacts. Sediment and surface water should be analyzed for petroleum hydrocarbons, VOCs, and pesticides. MROSD will coordinate with Santa Clara County DEH to determine what, if any, further actions are necessary based on the results of the water and soil sample analyses. Recommended actions may include localized removal of materials, in situ remediation actions, and limitations on public access to the site.</p> <p>Mitigation Measure 4.7-2e: Prepare a hazardous materials contingency plan.</p> <p>A hazardous materials contingency plan shall be prepared before the initiation of ground disturbing activities that describes the actions</p>		

Summary of Impacts and Mitigation Measures			
Impacts	Mitigation Measure	Significance after Mitigation	Findings of Fact
	<p>that would be taken if evidence of contaminated soil or groundwater is encountered during construction. The contingency plan shall identify conditions that could indicate potential hazardous materials contamination, including soil discoloration, petroleum or chemical odors, presence of USTs, or buried building material. The plan, and obligations to abide by and implement the plan, shall be incorporated into the construction and contract specifications of the project.</p> <p>If at any time during the course of constructing the proposed project evidence of soil and/or groundwater contamination with hazardous material is encountered, MROSD shall immediately stop the project and contact the CUPA. The project shall remain stopped until there is resolution of the contamination problem (through such mechanisms as soil or groundwater sampling and remediation if potentially hazardous materials are detected above threshold levels) to the satisfaction of the CUPA and RWQCB.</p>		
Impact 4.7-3: Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within 0.25-mile of an existing or proposed school. Because of the limited quantities of potentially hazardous materials required for the project, and the applicability of federal, state, and local regulations that would reduce the potential for hazard associated with the transport, use, and storage of hazardous materials, the project would have a less-than-significant impact on the school within 0.25-mile of the project site following completion of the consultations required by PRC Section 21151.4.	No mitigation measures necessary.	LTS	Under CEQA, no mitigation measures are required for impacts that are less than significant. (Pub. Resources Code, § 21002; CEQA Guidelines, §§ 15126.4, subd. (a)(3), 15091.)
Impact 4.7-4: Expose people or structures to a significant risk of loss, injury, or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where	No mitigation measures necessary.	LTS	Under CEQA, no mitigation measures are required for impacts that are less than significant. (Pub. Resources Code, § 21002;

Summary of Impacts and Mitigation Measures			
Impacts	Mitigation Measure	Significance after Mitigation	Findings of Fact
residences are intermixed with wildlands. While the introduction of persons into open space, including construction and maintenance workers and trail users, has the potential to increase the risk of fire, the preparation of the Preserve Plan provides an opportunity to enhance MROSD's fire safe practices to further reduce the risk and potential severity of a wildfire. Implementation of the practices outlined in MROSD's Resource Management Policies and Environmental Protection Measures would reduce the potential for construction, maintenance, and routine use to ignite dry vegetation through introduction of ignition sources (including construction vehicles and equipment such as power tools and torches that may create sparks). With these BMPs, construction and operation activities would have a less-than-significant impact.			CEQA Guidelines, §§ 15126.4, subd. (a)(3), 15091.)
<b>4.8 Hydrology and Water Quality Impacts</b>			
Impact 4.8-1: Violate water quality standards or waste discharge requirements, or otherwise degrade water quality. The quality of surface water in the Preserve is currently affected by ongoing erosion due to the design and condition of the existing roads and trails, lack of vegetation in some developed areas, and alterations to surface hydrology that impair surface runoff. The Preserve Plan includes road and trail improvements, revegetation, and upgraded stream crossings to address these conditions. Environmental protection measures (Appendix C) have been incorporated into the project that would effectively limit the potential for the proposed actions to violate water quality standards or waste discharge requirements, or to otherwise degrade water quality during associated construction and management activities. This impact would be less than significant.	No mitigation measures necessary.	LTS	Under CEQA, no mitigation measures are required for impacts that are less than significant. (Pub. Resources Code, § 21002; CEQA Guidelines, §§ 15126.4, subd. (a)(3), 15091.)

<b>Summary of Impacts and Mitigation Measures</b>			
<b>Impacts</b>	<b>Mitigation Measure</b>	<b>Significance after Mitigation</b>	<b>Findings of Fact</b>
Impact 4.8-2: Substantially deplete groundwater supplies. Preliminary analysis of pumping the existing MROSD well at the proposed seasonal demand of 2,000 to 8,000 gpd (or at a maximum 1-day demand of 30 gpm) suggest insignificant drawdown effects to nearest known well. The proposed project would have a less-than-significant impact.	No mitigation measures necessary.	LTS	Under CEQA, no mitigation measures are required for impacts that are less than significant. (Pub. Resources Code, § 21002; CEQA Guidelines, §§ 15126.4, subd. (a)(3), 15091.)
Impact 4.8-3: Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site. Implementation of the Preserve Plan would not substantially alter the existing drainage pattern of the site or area such that there would be a substantial increase in erosion or siltation. Due to the limited scope of potential development, and the design standards and infrastructure upgrades that MROSD has committed to implementing, the proposed project would have a less-than-significant impact.	No mitigation measures necessary.	LTS	Under CEQA, no mitigation measures are required for impacts that are less than significant. (Pub. Resources Code, § 21002; CEQA Guidelines, §§ 15126.4, subd. (a)(3), 15091.)
Impact 4.8-4: Result in runoff that would either create or contribute to on- or offsite flooding or exceed the capacity of the stormwater drainage system. Implementation of the Preserve Plan would not substantially alter the existing drainage pattern of the site or area such that there would be a substantial increase or change in the surface runoff on the site. Localized improvements would be implemented, including upgrading stream crossings, and general measures related to drainage improvements along the trails, that would reduce the potential for runoff to contribute to flooding or exceed the capacity of the existing drainage system. This impact would be less than significant.	No mitigation measures necessary.	LTS	Under CEQA, no mitigation measures are required for impacts that are less than significant. (Pub. Resources Code, § 21002; CEQA Guidelines, §§ 15126.4, subd. (a)(3), 15091.)

Summary of Impacts and Mitigation Measures			
Impacts	Mitigation Measure	Significance after Mitigation	Findings of Fact
<p>Impact 4.8-5: Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or a dam. Generally, the additional design and maintenance activities proposed in the Preserve Plan would reduce the potential for flooding to have a negative effect on the site. There is potential that an existing dam on Aldercroft Creek is located on a trace of the San Andreas Fault, and the potential for failure of this dam to result in flooding is a potentially significant impact.</p>	<p>Mitigation 4.8-5: Conduct a geologic and geotechnical investigation of the dam located on Aldercroft Creek.</p> <p>Within the first five years of implementing the Preserve Plan, MROSD will conduct an in-depth geologic and geotechnical investigation of the dam at the southern end of Alma Lake on Aldercroft Creek that is suspected of being located on a trace of the San Andreas Fault. Upgrade or removal of the dam will be completed according to recommendations of the investigations, and, if necessary, use of trails in the potentially affected areas downstream of the dam will be restricted until the recommendations have been fulfilled.</p>	LTS	<p>Finding: Compliance with Mitigation 4.8-5, which has been required or incorporated into the project, will reduce this impact to a less-than-significant level, by requiring the applicant to prepare and implement a geologic and geotechnical investigation of the dam located on Aldercroft Creek. MROSD hereby adopts these mitigation measures. The MROSD, therefore, finds that changes or alterations have been required in, or incorporated into, the project that avoid the potentially significant environmental effect as identified in the EIR.</p> <p>Explanation/Facts in Support of Finding: There is potential for a significant risk of loss, injury or death as a result of the failure of a dam located on Aldercroft Creek. Mitigation Measure 4.8-5 reduces this impact to a less-than-significant level by requiring a geotechnical and geologic investigation of the dam. Upgrade or removal of the dam will occur pending the recommendations from the investigation and trail use in the area downstream of the dam will be restricted, if deemed necessary, until these recommendations are implemented.</p>
4.9 Land Use			
<p>Impact 4.9-1: Conflict with land use plans, policies, or existing zoning. The portion of the Preserve where actions would be implemented under the Preserve Plan is designated as Other Public Open Lands under the <i>Santa Clara County General Plan</i> and is zoned HS. Use of the Preserve for recreation and open space preservation would not conflict with the existing land</p>	No mitigation measures necessary.	LTS	<p>Under CEQA, no mitigation measures are required for impacts that are less than significant. (Pub. Resources Code, § 21002; CEQA Guidelines, §§ 15126.4, subd. (a)(3), 15091.)</p>

Summary of Impacts and Mitigation Measures			
Impacts	Mitigation Measure	Significance after Mitigation	Findings of Fact
use designation or zoning. Commercial stables are also conditionally allowed under the HS zoning designation. Continued operation of Bear Creek Stables within the site would therefore require a Conditional Use Permit from the County. Obtaining a Conditional Use Permit would ensure that the uses proposed under the Preserve Plan would not conflict with land use plans, policies, or existing zoning. This impact would be less than significant.			
Impact 4.9-2: Conflict with Williamson Act contracts. Three parcels within the Preserve are subject to Williamson Act contract. However, no facilities are proposed within these parcels and the Williamson Act contract for these parcels is currently in the non-renewal process. In addition, recreation is an allowable use within the Williamson Act contract for these parcels. Therefore, implementation of the Preserve Plan would not conflict the existing Williamson Act contract. This impact would be less than significant.	No mitigation measures necessary.	LTS	Under CEQA, no mitigation measures are required for impacts that are less than significant. (Pub. Resources Code, § 21002; CEQA Guidelines, §§ 15126.4, subd. (a)(3), 15091.)
4.10 Noise			
Impact 4.10-1: Short-term, construction-related noise impacts. Project construction activities would involve the use of heavy-duty construction equipment. Construction noise would occur at various levels over a 20-year period at different locations in the project area. Construction activities would be conducted during weekday and limited Saturday daytime hours. In addition, construction activities would not occur within 126 feet of an existing occupied residence; therefore, construction noise would not exceed the County's standards identified in the Noise Ordinance. As a result, this would be a less-than-significant impact.	No mitigation measures necessary.	LTS	Under CEQA, no mitigation measures are required for impacts that are less than significant. (Pub. Resources Code, § 21002; CEQA Guidelines, §§ 15126.4, subd. (a)(3), 15091.)
Impact 4.10-2: Short-term, construction-related vibration impacts. Site preparation and grading activities could require	No mitigation measures necessary.	LTS	Under CEQA, no mitigation measures are required for impacts that are less than

Summary of Impacts and Mitigation Measures			
Impacts	Mitigation Measure	Significance after Mitigation	Findings of Fact
the use of construction equipment that would generate ground vibration. However, the levels of construction-generated ground vibration at nearby sensitive receptors would not be excessive. This impact would be less than significant.			significant. (Pub. Resources Code, § 21002; CEQA Guidelines, §§ 15126.4, subd. (a)(3), 15091.)
Impact 4.10-3: Long-term increase in noise levels from operation of on-site stationary noise sources. The project would include new stationary noise sources including activities in parking lots and at event spaces, and new heating, ventilation, and air conditioning (HVAC) units. Project-generated stationary noise sources would not result in noise levels that exceed applicable Santa Clara County noise standards or levels that would result in a substantial long-term increase in noise. This impact would be less than significant.	No mitigation measures necessary.	LTS	Under CEQA, no mitigation measures are required for impacts that are less than significant. (Pub. Resources Code, § 21002; CEQA Guidelines, §§ 15126.4, subd. (a)(3), 15091.)
Impact 4.10-4: Project-related traffic noise increase. Traffic generated by the project would result in less than a 2 dBA increase in traffic noise along Bear Creek Road and SR17. This level of noise increase would not be perceptible to the human ear and, therefore, would not be considered substantial. This impact would be less than significant.	No mitigation measures necessary.	LTS	Under CEQA, no mitigation measures are required for impacts that are less than significant. (Pub. Resources Code, § 21002; CEQA Guidelines, §§ 15126.4, subd. (a)(3), 15091.)
<b>4.11 Recreation</b>			
Impact 4.11-1: Increase the use of other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated. The proposed project would provide a regional trail connection to the adjacent Lexington Reservoir County Park and Sierra Azul Open Space Preserve and a regional trail connection to Sanborn-Skyline County Park via the proposed Skyline-Summit bike trail adjacent to SR 35. These regional trail connections may add new recreational users to these surrounding parks. However, the project's regional trail connections are	No mitigation measures necessary.	LTS	Under CEQA, no mitigation measures are required for impacts that are less than significant. (Pub. Resources Code, § 21002; CEQA Guidelines, §§ 15126.4, subd. (a)(3), 15091.)

Summary of Impacts and Mitigation Measures			
Impacts	Mitigation Measure	Significance after Mitigation	Findings of Fact
consistent with the Bay Area Ridge Trail and Santa Clara County Countywide Trails Master Plan. The project also includes the opening of additional trail opportunities and parking and restrooms facilities onsite which would appropriately serve new recreational users. Therefore, implementation of the proposed project is not expected to substantially increase the demand for or use of other parks and open space facilities, such that new or expanded facilities would be required. This impact would be less than significant.			
4.12 Traffic and Transportation			
Impact 4.12-1: Construction-related traffic impacts. Traffic generated during construction of the Preserve Plan elements would be attributable to delivery trucks and construction workers' trips to and from the site. These trips would be temporary and would occur occasionally over 20 years. One of the intersections in the project vicinity is currently operating at LOS F during the a.m. peak commute hour; however, construction trucks would access the Preserve directly from Highway 17 and would not affect traffic at this intersection. All other roadways and intersections affected by construction traffic are operating at acceptable LOS. This impact would be less than significant	No mitigation measures necessary.	LTS	Under CEQA, no mitigation measures are required for impacts that are less than significant. (Pub. Resources Code, § 21002; CEQA Guidelines, §§ 15126.4, subd. (a)(3), 15091.)
Impact 4.12-2: Existing plus project roadway level of service impacts. With implementation of the Preserve Plan, peak hour trips would be added to Bear Creek Road; however, it would continue to operate within its capacity. Therefore, this impact would be less than significant.	No mitigation measures necessary.	LTS	Under CEQA, no mitigation measures are required for impacts that are less than significant. (Pub. Resources Code, § 21002; CEQA Guidelines, §§ 15126.4, subd. (a)(3), 15091.)
Impact 4.12-3: Existing plus project intersection level of service impacts. Under existing conditions, the Highway 17 northbound ramps/Bear Creek Road intersection is operating	No mitigation measures necessary.	LTS	Under CEQA, no mitigation measures are required for impacts that are less than significant. (Pub. Resources Code, § 21002;

Summary of Impacts and Mitigation Measures			
Impacts	Mitigation Measure	Significance after Mitigation	Findings of Fact
at LOS F during the a.m. peak hour. Implementation of the proposed Preserve Plan would generate minor peak hour trips in this direction, which would add several seconds of additional time to navigate through this intersection during a.m. peak hour traffic. All other intersections would operate acceptably. This impact would be less than significant.			CEQA Guidelines, §§ 15126.4, subd. (a)(3), 15091.)
Impact 4.12-4: Future plus project intersection level of service impacts (Cumulative). Under the cumulative plus project scenario, the Highway 17 northbound ramps/Bear Creek Road intersection would continue to operate at LOS F during the a.m. peak period. The small amount of traffic generated by the proposed Preserve Plan would result in an insignificant contribution to the overall delays experienced at this intersection under cumulative conditions. All other intersections would operate acceptably. This impact would be less than significant.	No mitigation measures necessary.	LTS	Under CEQA, no mitigation measures are required for impacts that are less than significant. (Pub. Resources Code, § 21002; CEQA Guidelines, §§ 15126.4, subd. (a)(3), 15091.)
Impact 4.12-5: Safety Impacts. Because Bear Creek Road has many grades and curves, sight distance is limited in several locations, and locating the Preserve entrance off of Bear Creek Road could result in a hazard due to a design feature. However, a new entrance driveway would be constructed in accordance with the <i>Caltrans Highway Design Manual</i> . Construction of a driveway in accordance with applicable design standards for adequate lines of sight would ensure the entrance to the Preserve would not substantially increase hazards due to a design feature. This impact would be less than significant.	No mitigation measures necessary.	LTS	Under CEQA, no mitigation measures are required for impacts that are less than significant. (Pub. Resources Code, § 21002; CEQA Guidelines, §§ 15126.4, subd. (a)(3), 15091.)
<b>4.13 Utilities</b>			
Impact 4.13-1: Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed. With implementation of the proposed project, water demand on the project site would	No mitigation measures necessary.	LTS	Under CEQA, no mitigation measures are required for impacts that are less than significant. (Pub. Resources Code, § 21002; CEQA Guidelines, §§ 15126.4, subd. (a)(3), 15091.)

Summary of Impacts and Mitigation Measures			
Impacts	Mitigation Measure	Significance after Mitigation	Findings of Fact
increase from a maximum of 7,200 gpd to a maximum of 8,000 gpd. Based on the indication of availability of municipal water from SJWC, and results of the groundwater pumping and water quality testing completed for the existing well, it is anticipated that one or both of these on-site water sources would be able to provide adequate water supply to serve project demands. This impact is considered less than significant.			
Impact 4.13-2: Generate solid waste that could adversely affect landfill capacity. Proposed demolition of on-site buildings and implementation of phased elements of the Preserve Plan would result in a small increase of solid waste generation at the project site. However, adequate landfill capacity is available at the Monterey Peninsula Landfill to accommodate solid waste generated by the project. This is a less-than- significant impact.	No mitigation measures necessary.	LTS	Under CEQA, no mitigation measures are required for impacts that are less than significant. (Pub. Resources Code, § 21002; CEQA Guidelines, §§ 15126.4, subd. (a)(3), 15091.)

# 1 INTRODUCTION

## 1.1 MITIGATION MONITORING AND REPORTING PLAN

In compliance with the State CEQA Guidelines §15097 (a), when significant effects are identified in an Environmental Impact Report (EIR) or negative declaration, the Lead Agency is required to adopt a program for reporting or monitoring mitigation measures that were adopted or made conditions of approval for the proposed project. This Mitigation Monitoring and Reporting Plan (MMRP) has been developed for the Bear Creek Redwoods Preserve Plan project, consistent with the requirements of §15097. The intent of the MMRP is to prescribe and enforce a means for properly and successfully implementing the mitigation measures identified within the EIR for this project. Unless otherwise noted, the applicant shall be responsible for complying with and paying for all mitigation measures identified herein.

## 1.2 COMPLIANCE CHECKLIST

The intent of the MMRP is to ensure the effective implementation and enforcement of adopted mitigation measures and permit conditions. The MMRP is intended to be used by Midpeninsula Regional Open Space District (MROSD) staff and mitigation monitoring personnel to ensure compliance with mitigation measures during project implementation. Mitigation measures identified in this MMRP were developed in the EIR prepared for the proposed project. The MMRP will provide for monitoring of construction activities as necessary and in-the-field identification and resolution of environmental concerns.

Monitoring and documenting the implementation of mitigation measures will be coordinated by MROSD. The table attached to this report identifies the mitigation measure, the responsible agency for the monitoring action, and timing of the monitoring action. MROSD will be responsible for fully understanding and effectively implementing the mitigation measures contained within the MMRP and for ensuring compliance.

### 1.2.1 Mitigation Monitoring and Reporting Plan

The following table indicates the mitigation measure number, the mitigation measure text, the monitoring agency, implementation timing, and an area to record monitoring compliance. Note that changes made since the Draft EIR was released to the public are identified using ~~strike through~~ text for deleted text and double-underline text for added text.

**Mitigation Monitoring and Reporting Plan**

Mitigation Measure	Measure Description	Monitoring Agency	Implementation Schedule	Monitoring Compliance Record (Name/Date)
<b>4.3 Biological Resources</b>				
<p><b>Mitigation Measure 4.3-2:</b>  <b>Implement measures to protect bat colonies.</b></p>	<p>To mitigate for activities requiring removal of roosting bats from buildings, pre-construction surveys for roosting bats within areas of potential disturbance in the Preserve will be conducted by a qualified biologist. Surveys will consist of a daytime pedestrian survey looking for evidence of bat use (e.g., guano) and/or an evening emergence survey to note the presence or absence of bats. The type of survey will depend on the condition of the buildings. If no bat roosts are found, then no further study is required. If evidence of bat use is observed, the number and species of bats using the roost will be determined. Bat detectors may be used to supplement survey efforts, but are not required.</p> <p>If roosts of Townsend’s big-eared bats, pallid bats, or western red bats are determined to be present and must be removed, the bats will be excluded from the roosting site before the facility is removed. A program addressing compensation, exclusion methods, and roost removal procedures will be developed in consultation with CDFW before implementation. Exclusion methods may include use of one-way doors at roost entrances (bats may leave but not reenter), or sealing roost entrances when the site can be confirmed to contain no bats. Exclusion efforts may be restricted during periods of sensitive activity (e.g., during hibernation or while females in maternity colonies are nursing young). The loss of each roost (if any) will be replaced in coordination with CDFW and may include construction and installation of bat boxes or other structures suitable to the bat species and colony size excluded from the original roosting site. Roost replacement will be implemented before bats are excluded from the original roost sites. MROSD has successfully constructed bat boxes elsewhere that have subsequently been occupied by bats. Once the replacement roosts are constructed and it is confirmed that bats are not present in the original roost site, the structures may be removed or sealed.</p> <p>To mitigate for removal of large trees during the April through August nursery season to tree roosting bats:</p> <ul style="list-style-type: none"> <li>▲ Avoid removal of trees greater than 16 inches in diameter at breast height (dbh) during the April through August nursery season when possible.</li> <li>▲ If removal of trees greater than 16 inches dbh during the April through August nursery season cannot be avoided, a qualified biologist will conduct surveys for roosting bats where suitable large trees are to be removed. Surveys will consist of daytime pedestrian surveys to look for visual signs of bats (e.g., guano), and if determined necessary, evening emergence surveys to note the presence or absence of bats. If evidence of roosting bats is found, the number and species of roosting bats will be determined. If no evidence of bat roosts is found, then no further study will be required.</li> </ul>	<p>MROSD</p> <p>CDFW, as appropriate</p>	<p>Prior to demolition of structures and removal of large trees</p>	

**Mitigation Monitoring and Reporting Plan**

Mitigation Measure	Measure Description	Monitoring Agency	Implementation Schedule	Monitoring Compliance Record (Name/Date)
	<p>If bat roosting sites are located in trees to be removed during the nursery season, no nursery sites will be disturbed until a qualified biologist confirms that there are no lactating females and that young are fully independent of flight and thermoregulation. If a non-nursery bat roost is to be removed, a roost removal plan shall be prepared and submitted to CDFW. The roost removal plan will describe the method of exclusion of bats from the roost. Possible methods include installation of one-way doors or sealing roost entrances for bats that roost within tree cavities. Netting or other methods may be used to prevent bats from roosting within vegetation. No bats will be excluded until the plan is approved by CDFW and alternative roosting habitat is available. The bats will be excluded from the roosting site before the site is closed.</p>			
<p><b>Mitigation Measure 4.3-3a: Implement measures to protect special-status amphibians and western pond turtle.</b></p>	<p>MROSD shall implement the following measures during construction within suitable habitat for special-status amphibians:</p> <ul style="list-style-type: none"> <li>▲ Construction within or adjacent to waterways will be avoided during the breeding season for California red-legged frog and foothill yellow-legged frog (November – March) and western pond turtle (May – mid-July). If construction cannot be avoided within or adjacent to waterways during the breeding season, a qualified biologist shall conduct a pre-activity survey for California red-legged frog, foothill yellow-legged frog, Santa Cruz black salamander, California giant salamander, and western pond turtle prior to implementing actions that include ground disturbance, vegetation removal, or other activities within or adjacent to potential habitat that could otherwise harm California red-legged frog, foothill yellow-legged frog, Santa Cruz black salamander, California giant salamander, or western pond turtle. A qualified biologist shall inspect the work area while vegetation and debris is removed during the initial phase of construction. Because Santa Cruz black salamander lay and brood eggs below ground, prior to ground disturbance, rocks, logs, and other debris shall be turned over and visually inspected. If no California red-legged frog, foothill yellow-legged frog, Santa Cruz black salamander, California giant salamander, or western pond turtle are observed during either the pre-activity survey or during removal of vegetation and debris, then work may proceed without a qualified biologist present. If any of these sensitive species are observed at any time before or during construction within the work area by anyone involved in the project, work shall cease and USFWS and/or CDFW shall be contacted. Measures to avoid and minimize disturbance to sensitive reptiles and amphibians shall be implemented and may include delaying the disturbance until after eggs or larvae have metamorphosed, redesigning the project footprint to avoid the species, moving individuals to areas of suitable habitat outside of the disturbance area, or other feasible measures acceptable to the wildlife agencies.</li> <li>▲ <u>The loss of western pond turtle breeding habitat due to development of the Alma College parking area will be replaced at a 1:1 ratio. If it is determined that the full</u></li> </ul>	<p>MROSD</p> <p>CDFW, as appropriate</p> <p>USFWS, as appropriate</p>	<p>Prior to and during construction</p>	

**Mitigation Monitoring and Reporting Plan**

Mitigation Measure	Measure Description	Monitoring Agency	Implementation Schedule	Monitoring Compliance Record (Name/Date)
	<p><u>amount of replacement breeding habitat cannot all feasibly be located at Upper Lake, the remainder of the replacement breeding habitat will be located at Lower Lake, which also supports western pond turtle. The replacement breeding habitat will be located within 300 feet of the pond's ordinary high water mark and will be designed to avoid adverse effects to native plant communities and other sensitive species habitat. The replacement habitat will be located away from areas that attract concentrated visitor use, or trail use will be limited as necessary during breeding periods. Design of the replacement breeding habitat, as well as a maintenance and monitoring plan to control encroachment of brush, invasive species, and manage visitor access, will be prepared by a qualified biologist in consultation with the CDFW. The maintenance and monitoring plan will also include baseline population surveys and ongoing population and breeding habitat monitoring.</u></p>			
<p><b>Mitigation Measure 4.3-3b: Implement measures to protect nesting birds.</b></p>	<p>To minimize potential disturbance to nesting birds, project activities shall occur during the non-breeding season (September 16 through February 14), unless it is not feasible to do so, in which case the following measures shall be applied:</p> <ul style="list-style-type: none"> <li>▲ During trail construction, road improvements, and other construction activities, removal of trees greater than 6 inches dbh shall be limited to the greatest degree possible.</li> <li>▲ If construction activity is scheduled to occur during the nesting season (February 15 to September 15), a qualified biologist shall conduct pre-construction surveys to identify active nests that could be affected by construction. The surveys shall be conducted before the approval of grading and/or improvement plans and no less than 14 days and no more than 30 days before the beginning of construction in a particular area. If no nests are found, no further measures are needed.</li> <li>▲ If active nests are found, impacts on nesting birds shall be avoided by establishment of appropriate buffers around the nests. No project activity shall commence within the buffer area until a qualified biologist confirms that any young have fledged or the nest is no longer active. A 500-foot buffer for large raptors such as buteos, 250-foot buffer for small raptors such as accipiters, and 250-foot for passerines are generally adequate to protect them from disturbance, but the size of the buffer may be adjusted by a qualified biologist in consultation with CDFW depending on site-specific conditions. For trail construction, use of non-power hand-tools may be permitted within the buffer area if the behavior of the nesting birds would not be altered as a result of the construction. Monitoring of the nest by a qualified biologist during and after construction activities will be required if the activity has potential to adversely affect the nest.</li> </ul>	<p>MROSD  CDFW, as appropriate</p>	<p>Prior to and during construction</p>	

### Mitigation Monitoring and Reporting Plan

Mitigation Measure	Measure Description	Monitoring Agency	Implementation Schedule	Monitoring Compliance Record (Name/Date)
<b>Mitigation Measure 4.3-3c: Implement measures to protect San Francisco dusky-footed woodrat.</b>	<p>To minimize potential disturbance to San Francisco dusky-footed woodrat, the following measures will be implemented:</p> <ul style="list-style-type: none"> <li>▲ Prior to removal of any buildings or vegetation within riparian, oak woodland, montane hardwood, or coastal scrub, redwood or Douglas fir forests, a qualified biologist will conduct a survey for woodrat nests within the area to be disturbed. If no woodrat nests are found, no further measures are necessary.</li> <li>▲ If woodrat nests are found, they should be avoided if possible and a minimum buffer of 10 feet shall be established around the nest(s). This buffer may be adjusted in consultation with CDFW.</li> <li>▲ If the nests cannot be avoided, MROSD will consult with CDFW in areas where removal of San Francisco dusky-footed woodrat nests is required. Consultation will occur prior to removal of the nests. Actions needed to protect woodrat nests will be determined in consultation with CDFW and may include the live capture and relocation of woodrats to suitable adjacent habitats and removal of nesting sites. Trapping activities will occur prior to April and after July each year to prevent impacts to woodrats rearing young or young woodrats. Nest middens will be dismantled by hand under the supervision of a biologist. Nest material will be moved to suitable adjacent areas that will not be disturbed. As woodrats exhibit high site fidelity, buildings with previous woodrat nests will be regularly inspected for potential intrusion to prevent infestation.</li> </ul>	<p>MROSD  CDFW, as appropriate</p>	<p>Prior to and during vegetation or structure removal, as specified</p>	
<b>Mitigation Measure 4.3-3d: Implement measures to protect ringtail.</b>	<p>If any trees that are 6 inches or greater in dbh need to be removed, MROSD and its contractors shall implement the following measures to protect ringtail:</p> <ul style="list-style-type: none"> <li>▲ A qualified biologist will conduct pre-construction surveys to identify any potential ringtail den sites. If no den sites are identified, no further measures are needed.</li> <li>▲ If a ringtail den site is identified, it will not be removed from May through August. The den site may be removed or sealed from September through April. A qualified biologist will verify the den is not occupied immediately prior to removing or sealing the den.</li> </ul>	<p>MROSD</p>	<p>Prior to removal of trees 6 inches dbh or greater</p>	
<b>Mitigation Measure 4.3-4: Avoid and minimize impacts to sensitive natural communities and compensate for loss of riparian and wetland habitats.</b>	<p>MROSD will seek to avoid wetland impacts through siting, design, and other avoidance measures. However, if avoidance is not possible, MROSD will review its Routine Maintenance Agreements with CDFW and the RWQCB to determine if the proposed activities are covered by these permits. If so, MROSD will comply with the terms of these existing agreements. If MROSD determines that one or more activities are not covered by existing permits, a jurisdictional wetland delineation will be conducted by a qualified wetland specialist for sensitive areas that cannot be avoided. The preliminary delineation shall be submitted to USACE for verification. The wetlands may be subject to CDFW regulation under Section 1602 of</p>	<p>MROSD  CDFW, as appropriate  RWQCB, as appropriate</p>	<p>Prior to ground disturbing activities near wetlands or other jurisdictional waters</p>	

**Mitigation Monitoring and Reporting Plan**

Mitigation Measure	Measure Description	Monitoring Agency	Implementation Schedule	Monitoring Compliance Record (Name/Date)
	<p>the Fish and Game Code. No grading, fill, or other ground disturbing activities shall occur until all required permits, regulatory approvals, and permit conditions for effects on wetland habitats are secured.</p> <p>If the wetlands are determined to be subject to USACE jurisdiction, the project may qualify for use of a Nationwide Permit if certain criteria are met. For those wetlands that cannot be avoided, MROSD shall commit to replace, restore, or enhance on a “no net loss” basis (in accordance with USACE, RWQCB, and CDFW) the acreage of all wetlands and other waters of the United States that would be removed, lost, and/or degraded with project implementation. Wetland habitat shall be restored, enhanced, and/or replaced at an acreage and location and by methods agreeable to USACE, RWQCB, and CDFW, as appropriate, depending on agency jurisdiction, and as determined during the permitting processes.</p>	USACE, as appropriate		
<p><b>Mitigation Measure 4.3-7: Remove and replace trees consistent with the Santa Clara County Tree Preservation and Removal Ordinance (County Code, Sections C16.1 to C16.17).</b></p>	<p>MROSD will comply with the requirements of the Santa Clara County Tree Preservation and Removal Ordinance as applied to parcels greater than 3 acres in lands zoned HS and as applied to trees located within County right-of-way. For removal of large oak trees, MROSD will replace each <del>of the redwood trees and two oak trees removed at a 3:1 ratio with 15 gallon trees, in-kind, or other ratio</del> <u>as approved by the County and in compliance with current best management practices to prevent the spread of soil pathogens.</u> MROSD will maintain each of the replacement trees.</p>	<p>MROSD  Santa Clara County</p>	<p>Prior to removal of large trees</p>	
<p><b>4.4 Cultural Resources</b></p>				
<p><b>Mitigation Measure 4.4-2: Document historic buildings prior to removal.</b></p>	<p>The Preserve Plan includes documentation of buildings before demolition; however, because the buildings are considered historical resources, a higher level of documentation is necessary. MROSD will complete documentation of the classroom building, 1950 library, utility garage, and 1934 library, prior to any construction/demolition work initiated at these buildings. Documentation shall consist of a written history of the property and drawings and photographs, as described below.</p> <ul style="list-style-type: none"> <li>▲ Written History. The Knapp Architects report, <i>Alma College Conditions Assessment Project Phase I: Assessment of Existing Conditions</i>, shall be used for the written history of each building. The report shall be reproduced on archival bond paper.</li> <li>▲ Drawings and Photographs. An architectural historian (or historical architect, as appropriate) shall conduct research into the availability of plans and drawings of the classroom building, 1950 library, utility garage, and 1934 library as the buildings currently exist.</li> </ul>	MROSD	<p>Prior to demolition of identified structures</p>	

**Mitigation Monitoring and Reporting Plan**

Mitigation Measure	Measure Description	Monitoring Agency	Implementation Schedule	Monitoring Compliance Record (Name/Date)
	<ul style="list-style-type: none"> <li>▶ Drawings: select existing drawings, where available, may be photographed with large-format negatives or photographically reproduced on Mylar in accordance with the U.S. Copyright Act, as amended.</li> <li>▶ Photographs: photographs with large-format negatives of exterior and interior views, or historic views where available and produced in accordance with the U.S. Copyright Act, as amended</li> </ul> <p>The documentation shall be prepared by an architectural historian, or historical architect as appropriate, meeting the Secretary of the Interior’s Standards and Guidelines for Archeology and Historic Preservation, Professional Qualification Standards. The documentation shall be submitted to the Santa Clara County Library and the Jesuit Archives in Berkeley.</p>			
<p><b>Mitigation Measure 4.4-4: Halt ground-disturbing activity.</b></p>	<p>If human remains are encountered, all work within 100 feet of the remains will cease immediately. MROSD will contact the Santa Clara County coroner to evaluate the remains and follow the procedures and protocols set forth in §15064.5(e) of the CEQA Guidelines. No further disturbance of the site or any nearby area reasonably suspected to overlie adjacent remains will occur until the County Coroner has made a determination of origin and disposition, which will be made within two working days from the time the Coroner is notified of the discovery, pursuant to State Health and Safety Code Section 7050.5 and Public Resources Code Section 5097.98. If the remains are determined to be Native American, the Coroner will notify NAHC within 24 hours, which will determine and notify the Most Likely Descendant (MLD). The MLD may recommend within 48 hours of their notification by the NAHC the means of treating or disposing of, with appropriate dignity, the human remains and grave goods. In the event of difficulty locating a MLD or failure of the MLD to make a timely recommendation, the human remains and grave goods shall be reburied with appropriate dignity on the property in a location not subject to further subsurface disturbance.</p>	<p>MROSD</p> <p>County Coroner, as appropriate</p> <p>NAHC, as appropriate</p>	<p>During construction</p>	
<p><b>4.7 Hazards and Hazardous Materials</b></p>				
<p><b>Mitigation Measure 4.7-2a: Conduct a hazardous materials survey and limited Phase II investigation.</b></p>	<p>An in-depth hazardous materials survey shall be conducted to further assess the presence of hazardous materials onsite and to provide an inventory of equipment containing hazardous materials that will need to be removed and appropriately disposed.</p> <p>Before initiation of grading or other groundwork, MROSD will conduct focused soil sampling at the former Alma College site. This investigation will follow the American Society for Testing and Materials standards for preparation of a Phase II ESA and/or other appropriate testing guidelines. Specifically, soil and groundwater samples shall be collected in the areas of former structures near</p>	<p>MROSD</p>	<p>Prior to initiating grading or other groundwork near the former Alma College site</p>	

### Mitigation Monitoring and Reporting Plan

Mitigation Measure	Measure Description	Monitoring Agency	Implementation Schedule	Monitoring Compliance Record (Name/Date)
	<p>the rear entrance to the former Alma College site (e.g., print shop, machine shop, landfill at village site, storage) and analyzed for petroleum hydrocarbons, VOCs, and priority pollutant metals.</p> <p>Based on the results and recommendations of the ESA-level investigation described above, MROSD shall prepare a work plan that identifies any necessary remediation activities, including excavation and removal of on-site contaminated soils, and redistribution of clean fill material on the project site. The plan shall include measures that ensure the safe transport, use, and disposal of contaminated soil removed from the site and will be implemented under the oversight of applicable regulatory agencies. These measures may include: soil profiling and identification of appropriate landfill facilities for contaminated materials and onsite application locations for other soils, plans for stockpile of soil that segregates clean and potentially contaminated materials, preparation of a health and safety plan for protection of workers, and preparation of a transportation plan that identifies approved haul routes for transport of contaminated materials.</p>			
<p><b>Mitigation Measure 4.7-2b: Conduct a geophysical survey in the suspected locations of USTs.</b></p>	<p>A geophysical survey shall be conducted at the former Alma College site to confirm the presence or absence of additional underground structures and to determine the extent of associated piping, primarily in the suspected locations of additional USTs (south of the dormitory/plant building, downslope from the pool/Roman Plunge, and south of the former main house). Soil and/or groundwater sampling shall be conducted in the vicinity of these structures and piping to determine whether there is potential subsurface contamination. Soil and groundwater samples shall be analyzed for petroleum hydrocarbons, volatile organic compounds (VOCs), and priority pollutant metals. If the results indicate that contamination exists at levels above regulatory action standards, the site will be remediated in accordance with recommendations made by applicable regulatory agencies, including Santa Clara County DEH, RWQCB, and DTSC. The agencies involved shall depend on the type and extent of contamination.</p>	<p>MROSD</p> <p>Santa Clara County</p> <p>DEH, as appropriate</p> <p>RWQCB, as appropriate</p> <p>DTSC, as appropriate</p>	<p>Prior to ground disturbance at the former Alma College site</p>	
<p><b>Mitigation Measure 4.7-c: Notify Santa Clara County Department of Environmental Health before conducting earth work near the former Alma College underground storage tank.</b></p>	<p>MROSD shall identify the location of the former Alma College UST on maps used for planning facilities on the project site. If any earthwork or water wells are proposed on, or in the immediate vicinity of, the UST site, MROSD shall notify the Santa Clara County DEH before grading or evacuation of the site, or the installation of water wells. MROSD shall implement any actions identified by Santa Clara County DEH to mitigate the disturbance of remedial contamination. These actions may include additional sampling or preparation of a health risk assessment.</p>	<p>MROSD</p> <p>Santa Clara County DEH, as appropriate</p>	<p>Prior to any earthwork in the vicinity of a UST (if identified in previous mitigation measures)</p>	

### Mitigation Monitoring and Reporting Plan

Mitigation Measure	Measure Description	Monitoring Agency	Implementation Schedule	Monitoring Compliance Record (Name/Date)
<b>Mitigation Measure 4.7-2d: Conduct sediment and surface water sampling in Mud Lake</b>	Before opening the site to public access, MROSD shall conduct sediment and surface water sampling to determine whether historical chemical use in the lake has resulted in residual impacts. Sediment and surface water should be analyzed for petroleum hydrocarbons, VOCs, and pesticides. MROSD will coordinate with Santa Clara County DEH to determine what, if any, further actions are necessary based on the results of the water and soil sample analyses. Recommended actions may include localized removal of materials, in situ remediation actions, and limitations on public access to the site.	MROSD  Santa Clara County DEH, as appropriate	Prior to opening the site to public access	
<b>Mitigation Measure 4.7-2e: Prepare a hazardous materials contingency plan.</b>	A hazardous materials contingency plan shall be prepared before the initiation of ground disturbing activities that describes the actions that would be taken if evidence of contaminated soil or groundwater is encountered during construction. The contingency plan shall identify conditions that could indicate potential hazardous materials contamination, including soil discoloration, petroleum or chemical odors, presence of USTs, or buried building material. The plan, and obligations to abide by and implement the plan, shall be incorporated into the construction and contract specifications of the project.  If at any time during the course of constructing the proposed project evidence of soil and/or groundwater contamination with hazardous material is encountered, MROSD shall immediately stop the project and contact the CUPA. The project shall remain stopped until there is resolution of the contamination problem (through such mechanisms as soil or groundwater sampling and remediation if potentially hazardous materials are detected above threshold levels) to the satisfaction of the CUPA and RWQCB.	MROSD  Santa Clara County DEH (CUPA), as appropriate  RWQCB, as appropriate	Prior to initiating ground disturbing activities and during construction	
<b>4.8 Hydrology and Water Quality</b>				
<b>Mitigation 4.8-5: Conduct a geologic and geotechnical investigation of the dam located on Aldercroft Creek.</b>	Within the first five years of implementing the Preserve Plan, MROSD will conduct an in-depth geologic and geotechnical investigation of the dam at the southern end of Alma Lake on Aldercroft Creek that is suspected of being located on a trace of the San Andreas Fault. Upgrade or removal of the dam will be completed according to recommendations of the investigations, and, if necessary, use of trails in the potentially affected areas downstream of the dam will be restricted until the recommendations have been fulfilled.	MROSD	Within the first five years of implementing the Preserve Plan	

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**File Contents**

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**Appendices**

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