AUGUST 2023

INITIAL STUDY/PROPOSED MITIGATED NEGATIVE DECLARATION

Coyote Valley Open Space Preserve Public Access Improvement Project

PREPARED FOR:

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Initial Study/Proposed Mitigated Negative Declaration

for the

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Prepared for:

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August 2023

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PROPOSED MITIGATED NEGATIVE DECLARATION

PROJECT: COYOTE VALLEY OPEN SPACE PRESERVE PUBLIC ACCESS IMPROVEMENT PROJECT

LEAD AGENCY: SANTA CLARA VALLEY OPEN SPACE AUTHORITY

Under the California Environmental Quality Act (CEQA), the lead agency is the public agency with primary responsibility for approval of the project. The Santa Clara Valley Open Space Authority (Authority) is the CEQA lead agency because it is responsible for implementation and operation of the Coyote Valley Open Space Preserve Public Access Improvement Project (project).

PROJECT DESCRIPTION SUMMARY

The Authority proposes to resurface the existing approximately 0.25-mile Heart's Delight Trail to provide an accessible connection from the Americans with Disabilities (ADA) parking area and restrooms to other visitor use areas within the Coyote Valley Open Space Preserve (CVAL or preserve). The project includes improvements to an existing pedestrian bridge along Heart's Delight Trail; reconfiguring entry areas into the preserve by replacing existing shade structures, adding seating, decommissioning redundant trails, and updating preserve informational and wayfinding signage; developing two small overlooks along the Heart's Delight Trail to provide additional seating for interpretation and nature viewing; and regrading the ADA parking area. Improvements would require localized excavation for footings and minor regrading of trails to meet accessibility guidelines. Trail and visitor amenity areas would be designed to meet United States Access Board Architectural Barriers Act (ABA) Guidelines for Outdoor Developed Areas standards.

FINDINGS

An Initial Study (IS) has been prepared to assess the project's potential effects on the environment and the significance of those effects. Based on the IS, it has been determined that the project would not have any significant effects on the environment once mitigation measures are implemented. With the inclusion of revisions to the project directed by the mitigation measures, all potentially significant effects on the environment would be clearly reduced to a less-than-significant level. The conclusion is supported by the following findings:

1. The project would have no impact related to agriculture and forest resources, land use and planning, mineral resources, population and housing, and utilities and service systems.
2. The project would have a less-than-significant impact on aesthetics, energy, geology and soils, greenhouse gas emissions, hazards and hazardous materials, hydrology and water quality, noise, public services, recreation, transportation, and wildfire.
3. Mitigation is required to reduce potentially significant impacts related to air quality, biological resources, cultural resources, and tribal cultural resources to less-than-significant levels.

Air Quality Mitigation Measures

Mitigation Measure AQ-1: Implement the Applicable Bay Area Air Quality Management District's Basic Best Management Practices for Construction-Related Fugitive Dust Emissions

To reduce the project's fugitive dust emissions, the Authority will implement the following measures during construction:

- All exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) shall be watered two times per day.
- All haul trucks transporting soil, sand, or other loose material off-site shall be covered.
- All visible mud or dirt trackout onto adjacent public roads shall be removed using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited.
- All vehicle speeds on unpaved roads shall be limited to 15 mph.
- All roadways, driveways, and sidewalks to be paved shall be completed as soon as possible. Building pads shall be laid as soon as possible after grading unless seeding or soil binders are used.
- All excavation, grading, and/or demolition activities shall be suspended when average wind speeds exceed 20 mph.
- All trucks and equipment, including their tires, shall be washed off prior to leaving the site.
- Unpaved roads providing access to sites located 100 feet or further from a paved road shall be treated with a 6- to 12-inch layer of compacted layer of wood chips, mulch, or gravel.
- Publicly visible signs shall be posted with the telephone number and name of the person to contact at the lead agency regarding dust complaints. This person shall respond and take corrective action within 48 hours. The Air District's General Air Pollution Complaints number shall also be visible to ensure compliance with applicable regulations.

Biological Resource Mitigation Measures

Mitigation Measure BIO-1: Avoid Loss of Crotch Bumble Bee Nest Colonies

For any construction during the period when Crotch bumble bee nest colonies may be present (April through August), the Authority will implement the following measures.

- Prior to construction that occurs during the period of April through August, a habitat evaluation and preconstruction nesting survey of the limit of disturbance will occur following the guidance provided in *Survey Considerations for California Endangered Species Act (CESA) Candidate Bumble Bee Species* (CDFW 2023). Habitat evaluation and surveys will be conducted by a qualified biologist with the appropriate Memorandum of Understanding with CDFW or permit to identify the location of active nest colonies. Permits for the survey would be required only if handling of bumble bees is needed.
- During preconstruction surveys, if Crotch bumble bees or nesting colonies are detected, the Authority will contact CDFW. If nest colonies are detected within the project area, they will be flagged and no ground disturbing activities will occur within 15 feet of the colony during April through August, or until the colony is no longer active (i.e., no bees are seen flying in or out of the nest for three consecutive days).

Mitigation Measure BIO-2: Avoid Special-Status Bird Nests, Common Raptor Nests, and Nests of Other Common Birds

To avoid and minimize impacts on special-status birds, common raptors, and other nesting birds, the Authority will implement the following measures.

- To the extent feasible, the Authority will schedule work from August 31 through January 1 to avoid the nesting period for special-status birds, common raptors, and other nesting birds.

- If work is required during the nesting season (January 1–August 31), a qualified biologist will conduct a preconstruction survey to identify raptor nests within 500 feet and other bird nests within 50 feet of the project area. The survey will be conducted no more than 14 calendar days before the beginning of construction.
- If non-raptor bird nests are located within 50 feet of the project area, no construction will occur within 50 feet of the nest during the nesting season or until the young have fledged, as determined by a qualified biologist. If raptor nests are located within 500 feet of the project area, no construction will occur within 500 feet of the nest during the nesting season or until the young have fledged, as determined by a qualified biologist.

Mitigation Measure BIO-3: Avoid American Badger Dens

To avoid and minimize impacts to American badger, the Authority will implement the following measures.

- If project activities using heavy construction equipment are avoided during the period when pups are potentially in the den (February 15 through July 1), no mitigation is required.
- If project activities using heavy construction equipment (e.g., grader, compactor/roller, bulldozer) are scheduled to occur during the period when pups are potentially in the den (February 15 through July 1), no more than 14 days prior to use of heavy construction equipment a qualified biologist will conduct preconstruction surveys for occupied American badger den sites within 100 feet of the project area.
- If any occupied American badger dens are located during preconstruction surveys, no work using heavy construction equipment will be performed within a 100-foot buffer around dens during the period when pups are potentially in the den (February 15 through July 1).

Cultural Resource and Tribal Cultural Resource Mitigation Measures

Mitigation Measure CUL-1: Inadvertent Discovery of Human Remains

Construction will cease if human remains are discovered during ground-disturbing activities. There will be no further excavation or disturbance of the site within a 50-foot radius of the location of such discovery, or any nearby area reasonably suspected to overlie adjacent remains. The Santa Clara County Coroner will be notified and will make a determination as to whether the remains are Native American. If the Coroner determines that the remains are not subject to his authority, he will notify the Native American Heritage Commission (NAHC), which will attempt to identify descendants of the deceased Native American. NAHC-designated most likely descendant shall recommend the ultimate treatment and disposition of the remains and take appropriate steps to ensure that additional human interments are not disturbed. The responsibilities for acting upon notification of a discovery of Native American human remains are identified in PRC Section 5097.94.

Mitigation Measure TCR-1: Retain Native American and Archaeological Monitors for Ground Disturbing Activities

Tribal and archaeological monitors will be invited to monitor ground disturbing activities. The Authority shall notify the monitors a minimum of 7 days before beginning ground-disturbing activities and the tribal representative and archaeological consultant shall confirm the monitors at least 48 hours before ground-disturbing activities are scheduled to begin. If confirmation is not provided, ground-disturbing activities may proceed without the presence of a tribal monitor. The tribal monitor and archaeological monitor shall complete daily monitoring logs that describe each day's activities, including construction activities, locations, soil, and any cultural materials identified. The monitoring logs will be emailed to the tribe and the Authority on a weekly basis. The onsite monitoring shall end when the site grading and excavation activities are completed or when the tribal representatives and monitor have indicated that their presence is no longer necessary.

Mitigation Measure TCR-2: Conduct Cultural Sensitivity Training

A cultural sensitivity training program will be provided to all construction personnel prior to the start of project construction. A representative or representatives from culturally affiliated Native American Tribe(s) will be invited to participate in the development and delivery of the cultural resource awareness and respect training program in

coordination with a qualified archaeologist meeting the Secretary of Interior guidelines for professional archaeologists. The program will include relevant information regarding sensitive cultural and TCRs, including protocols for resource avoidance, applicable laws regulations, and the consequences of violating them. The program will also underscore the requirement for confidentiality and culturally appropriate treatment of any find of significance to Native Americans and protocols, consistent, to the extent feasible, with Native American Tribal values.

Mitigation Measure TCR-3: Protective Measures for Tribal Cultural Materials

If precontact cultural materials (including midden soil, chipped stone, bone, or shell) are encountered, all ground-disturbing activity within 50 feet of the discovery shall be halted until the qualified archaeologist and tribal monitor can assess the finding(s). Then the archaeological monitor in coordination with the tribal monitor shall determine the appropriate treatment of the find. Culturally appropriate treatment may be, but is not limited to, processing materials for reburial, minimizing handling of cultural objects, leaving objects in place within the landscape, or returning objects to a location within the project vicinity where they will not be subject to future impacts. Materials shall not be permanently curated unless approved by the tribe. Treatment that preserves or restores the cultural character and integrity of a tribal cultural resource may include culturally appropriate recovery of cultural objects and reburial of cultural objects or cultural soil. The Authority shall work with the contractor and tribal representative to facilitate the appropriate tribal treatment of any finds, as necessary.

Pursuant to Section 21082.1 of the California Environmental Quality Act, the Authority has independently reviewed and analyzed the IS and Mitigated Negative Declaration (MND) for the project and finds that the IS and MND reflects the independent judgment of the Authority. The Authority further finds that the project mitigation measures shall be implemented as stated in the MND.

I hereby approve this project:

_____

Lucas Shellhammer, Planning Manager
Santa Clara Valley Open Space Authority
(to be signed upon approval of the project after the public review period is complete)

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TABLE OF CONTENTS

Section		Page
1	INTRODUCTION	1-1
1.1	Introduction and Regulatory Guidance	1-1
1.2	Summary of Findings	1-2
1.3	Document Organization	1-2
2	PROJECT DESCRIPTION	2-1
2.1	Project Background and Overview	2-1
2.2	Project Location and Setting	2-1
2.3	Description of the Project	2-3
2.4	Construction Activities and Timing	2-12
2.5	Operations and Maintenance	2-13
2.6	Permits and Approvals	2-13
2.7	Habitat Plan Conditions on Covered Activities	2-14
3	ENVIRONMENTAL CHECKLIST	3-1
3.1	Aesthetics	3-5
3.2	Agriculture and Forest Resources	3-10
3.3	Air Quality	3-13
3.4	Biological Resources	3-23
3.5	Cultural Resources	3-33
3.6	Energy	3-37
3.7	Geology and Soils	3-40
3.8	Greenhouse Gas Emissions	3-46
3.9	Hazards and Hazardous Materials	3-51
3.10	Hydrology and Water Quality	3-57
3.11	Land Use and Planning	3-63
3.12	Mineral Resources	3-65
3.13	Noise	3-66
3.14	Population and Housing	3-73
3.15	Public Services	3-74
3.16	Recreation	3-77
3.17	Transportation	3-78
3.18	Tribal Cultural Resources	3-83
3.19	Utilities and Service Systems	3-87
3.20	Wildfire	3-90
3.21	Mandatory Findings of Significance	3-93
4	REPORT PREPARERS	4-1
5	REFERENCES	5-1

Appendices

Appendix A –Special-Status Species Tables
Appendix B – Noise Modeling

Figures

Figure 2-1 Project Location 2-2
Figure 2-2 Project Overview 2-4
Figure 2-3 Proposed Picnic Area Improvements 2-5
Figure 2-4 Existing Picnic Area and Rendering of Proposed Picnic Area 2-6
Figure 2-5 Equestrian Trailhead Improvements 2-8
Figure 2-6 Pedestrian Bridge Improvements 2-9
Figure 2-7 Meadow Overlook Overview 2-10
Figure 2-8 Lone Oak Overlook Overview 2-11

Tables

Table 2-1 Potential Permits and Approvals 2-13
Table 2-2 Habitat Plan Conditions on Covered Activities Likely Applicable to the Project 2-14
Table 3.1-1 Sensitive Viewer Groups Near the Project 3-6
Table 3.3-1 Air Pollutants and Effects on Public Health 3-14
Table 3.3-2 Attainment Status Designations for Santa Clara County 3-15
Table 3.3-3 BAAQMD Air Quality Significance Thresholds 3-17
Table 3.8-1 Santa Clara County 2017 GHG Emissions Inventory Summary 3-47
Table 3.13-1 Acoustic Term Definitions 3-66
Table 3.13-2 Typical Noise Levels 3-67
Table 3.13-3 Groundborne Vibration Impact Criteria for Human Response 3-69
Table 3.13-4 Structural Damage Potential to Buildings at Various Groundborne Vibration Levels 3-69
Table 3.13-5 Exterior Noise Limits 3-70
Table 3.13-6 Mobile Equipment – Maximum Noise Levels for Nonscheduled, Intermittent, Short-Term Operation (Less Than Ten Days) 3-71
Table 3.13-7 Stationary Equipment – Maximum Noise Levels for Repetitively Scheduled and Relatively Long-Term Operation (Periods of Ten Days or More) 3-71
Table 3.21-1 Cumulative Projects List 3-96

ACRONYMS AND ABBREVIATIONS

AB	Assembly Bill
ABA	Architectural Barriers Act
ABAG	Association of Bay Area Governments
ACC	Advanced Clean Cars program
ADA	Americans with Disabilities Act
ATCM	Airborne Toxic Control Measure
BAAQMD	Bay Area Air Quality Management District
BMPs	Best Management Practices
CAA	Clean Air Act
CAAQS	California Ambient Air Quality Standards
CAFE	Corporate Average Fuel Economy
CAL FIRE	California Department of Forestry and Fire Protection
CalEPA	California Environmental Protection Agency
Caltrans	The California Department of Transportation
CARB	California Air Resources Board
CBC	California Building Code
CCAA	California Clean Air Act
CDFW	California Department of Fish and Wildlife
CEC	California Energy Commission
CEQA	California Environmental Quality Act
CESA	California Endangered Species Act
CFR	Code of Federal Regulations
CH4	methane
CI	carbon intensity
CNPS	California Native Plant Society
CO	carbon monoxide
CRHR	California Register of Historical Resources
CUPA	Certified Unified Program Agency
CWPP	County Community Wildfire Protection Plan
dB	decibels
dBA	A-weighted decibel
DOC	California Department of Conservation
DTSC	Department of Toxic Substances Control
EIR	environmental impact report
EPA	US Environmental Protection Agency

ESA	Endangered Species Act
EV	electric vehicle
FTA	Federal Transit Administration
GHG	greenhouse gas
GIS	geographic information system
IBC	International Building Code
IPM	Integrated Pest Management
IS	Initial Study
ITE	Institute of Transportation Engineers
LEA	Local Enforcement Agency
L_{eq}	Equivalent Noise Level
L_{max}	Maximum Noise Level (
LOS	level of service
LUST	leaking underground storage tank
MGD	million gallons per day
MND	mitigated negative declaration
MPO	metropolitan planning organizations
MRZ	Mineral Resource Zone
MTC	Metropolitan Transportation Commission
MY	model years
N_2O	nitrous oxide
NAAQS	National Ambient Air Quality Standards
NAHC	Native American Heritage Commission
NHTSA	National Highway Traffic and Safety Administration
NO_2	nitrogen dioxide
NOA	naturally occurring asbestos
NO_X	nitrogen oxides
NPDES	National Pollutant Discharge Elimination System
NRHP	National Register of Historic Places
OEM	Office of Emergency Management
OPDMDs	Other Power-Driven Mobility Devices
OPR	the Office of Planning and Research
PG&E	Pacific Gas and Electric
PM_{10}	Respirable Particulate Matter
$PM_{2.5}$	Fine Particulate Matter
PRC	Public Resources Code
PSE	Participating Special Entity

ROG	reactive organic gases
ROW	right-of-way
RTPs	regional transportation plans
RWQCBs	regional water quality control boards
SB	Senate Bill
SCCSO	Santa Clara County Sheriff's Office
SCRWA	South County Regional Wastewater Authority
SCSs	sustainable communities strategies
SCVWD	Santa Clara Valley Water District
SDG	stabilized decomposed granite
SFBAAB	San Francisco Bay Area Air Basin
SHMA	Seismic Hazards Mapping Act
SIP	California's State Implementation Plan
SO_2	sulfur dioxide
SSCCFD	South Santa Clara County Fire District
SVCE	Silicon Valley Clean Energy
SWPPP	Stormwater Pollution Prevention Plan
SWRCB	State Water Resources Control Board
TACs	toxic air contaminants
TCP	Traffic Control Plan
TCRs	tribal cultural resources
TMDL	total maximum daily load
UST	Underground Storage Tank
VdB	vibration decibels
VMT	vehicle miles traveled
VOCs	volatile organic compounds
VTA	Valley Transportation Authority
WDRs	waste discharge requirements
WQOs	Water Quality Objectives
WRCC	Western Regional Climate Center
WWTP	Wastewater Treatment Plant
ZEV	zero-emission vehicle

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1 INTRODUCTION

1.1 INTRODUCTION AND REGULATORY GUIDANCE

This Initial Study (IS) has been prepared by the Santa Clara Valley Open Space Authority (Authority) to evaluate potential environmental effects resulting from the Coyote Valley Open Space Preserve Public Access Improvement Project (proposed project or project). Chapter 2, "Project Description," presents a detailed description of the project.

This document has been prepared in accordance with the California Environmental Quality Act (CEQA) (Public Resources Code Section 21000 et seq.) and the State CEQA Guidelines (California Code of Regulations Section 15000 et seq.). An IS is prepared by a lead agency to evaluate if a project may have a significant effect on the environment (State CEQA Guidelines Section 15063[a]), and thus determine the appropriate environmental document. In accordance with State CEQA Guidelines Section 15070, a "public agency shall prepare…a proposed negative declaration or mitigated negative declaration…when: "(a) the Initial Study shows that there is no substantial evidence, in light of the whole record before the agency, that the project may have a significant impact on the environment, or (b) The initial study identifies potentially significant effects, but: (1) Revisions in the project plans or proposals made by, or agreed to by the applicant before a proposed mitigated negative declaration and initial study are released for public review would avoid the effects or mitigate the effects to a point where clearly no significant effects would occur, and (2) There is no substantial evidence, in light of the whole record before the agency, that the project as revised may have a significant effect on the environment

In one of these circumstances, the lead agency prepares a written statement describing its reasons for concluding that the project would not have a significant effect on the environment and, therefore, does not require the preparation of an environmental impact report (EIR). As described in the environmental checklist (Chapter 3 of this IS), either potentially significant environmental impacts would not occur or they would be mitigated by project changes to a point that is clearly less than significant, depending on the environmental topic. Therefore, an IS/proposed mitigated negative declaration (MND) is the appropriate document for compliance with the requirements of CEQA. This IS/Proposed MND conforms to the content requirements of State CEQA Guidelines Section 15071.

Under CEQA, the lead agency is the public agency with primary responsibility over approval of the project. The Authority is the CEQA lead agency because it is responsible for approving and implementing the project. The purpose of this document is to present to decision-makers and the public information about the environmental consequences of implementing the project. This disclosure document is being made available to the public for review and comment on the Authority's website at: https://www.openspaceauthority.org/our-work/current-projects/coyote-valley-open-space-preserve.html.

This IS/Proposed MND is available for a 30-day public review period from August 14, 2023, to September 15, 2023. The public review period ends at 5:00 pm on September 15, 2023. Comments can be delivered to:

Jennifer Hooper
Santa Clara Valley Open Space Authority
33 Las Colinas Lane
San José, CA 95119

Comment may also be sent via e-mail comments to: jhooper@openspaceauthority.org

If you have questions regarding the IS/Proposed MND, please email or call Jennifer Hooper at: (408) 224-7476. Supporting documentation referenced in this IS/Proposed MND is available for review upon request to the Authority.

After comments are received from the public and reviewing agencies, the Authority shall consider the environmental evaluation in the IS along with comments received and may (1) adopt the MND and approve the project; (2) undertake additional environmental studies to support the conclusions of the MND; (3) determine an EIR must be prepared; or (4) abandon the project. If the project is approved and funded, the Authority may proceed with the project after obtaining all necessary permits and other approvals.

1.2 SUMMARY OF FINDINGS

Chapter 3 of this document contains the analysis and discussion of potential environmental impacts of the project.

Based on the issues evaluated in that chapter, it was determined that the project would have either no impact or a less-than-significant impact related to most of the issue areas identified in the Environmental Checklist, included as Appendix G of the State CEQA Guidelines. These consist of the following environmental topics:

- Aesthetics
- Agriculture and Forest Resources
- Air Quality
- Biological Resources
- Cultural Resources
- Energy
- Geology & Soils
- GHGs
- Hazards
- Hydrology and Water Quality
- Land Use
- Mineral Resources
- Noise
- Pop & Housing
- Public Services
- Recreation
- Transportation
- Tribal Cultural Resources
- Utilities & Service Systems
- Wildfire

Potentially significant impacts were identified for air quality, biological resources, cultural resources, and tribal cultural resources (TCRs); however, mitigation measures included in the IS/Proposed MND and proposed by the Authority as revisions to the project would clearly reduce all impacts to a less-than-significant level with mitigation incorporated.

1.3 DOCUMENT ORGANIZATION

This IS/Proposed MND is organized as follows:

Chapter 1: Introduction. This chapter provides an introduction to the environmental review process. It describes the purpose and organization of this document as well as presents a summary of findings.

Chapter 2: Project Description and Background. This chapter describes the purpose of and need for the proposed project, identifies project objectives, and provides a detailed description of the project.

Chapter 3: Environmental Checklist. This chapter presents an analysis of a range of environmental issues identified in the CEQA Environmental Checklist and determines if project actions would result in no impact, a less-than-significant impact, a less-than-significant impact with mitigation incorporated, or a potentially significant impact. If any impacts were determined to be potentially significant, an EIR would be required. For this project, however, none of the impacts were determined to be significant after implementation of mitigation measures.

Chapter 4: References. This chapter lists the references used in preparation of this IS/Proposed MND.

Chapter 5: List of Preparers. This chapter identifies report preparers.

2 PROJECT DESCRIPTION

2.1 PROJECT BACKGROUND AND OVERVIEW

The Coyote Valley Open Space Preserve Public Access Improvement Project (project) is proposed by the Santa Clara Valley Open Space Authority (Authority) to resurface an existing 0.25-mile trail, known as the Heart's Delight Trail, as well as provide new and improved visitor amenities for day use. The project is located in Santa Clara County within the existing Coyote Valley Open Space Preserve (CVAL or preserve), which is currently open to the public (see Figure 2-1). The 348-acre preserve includes a paved parking lot for passenger vehicles and gravel lot for equestrian trailers, Americans with Disabilities Act-accessible (ADA) restroom facilities, parking stalls, and picnic tables, and the existing Heart's Delight Trail and Arrowhead Trail. The Arrowhead Trail was certified by the National Park Service as an official interpretive site of the historic Juan Bautista de Anza Trail. The Arrowhead Trail is a 4-mile multi-use loop for hikers, bikers, and equestrians. Information about the preserve's wildlife, cultural resources, and water resources is provided through a series of educational panels along the trail.

The Authority proposes to resurface the existing approximately 0.25-mile Heart's Delight Trail to provide an accessible connection from the ADA parking area and restrooms to other visitor use areas within the preserve. The project includes reconfiguring entry areas into the preserve by replacing existing shade structures, adding seating, and updating preserve informational and wayfinding signage. Additionally, the project would restore an existing picnic area and provide additional seating for interpretation and nature viewing. Improvements would require localized excavation for footings and minor regrading of trails to meet accessibility guidelines. Trail and visitor amenity areas would be designed to meet United States Access Board Architectural Barriers Act (ABA) Guidelines for Outdoor Developed Areas standards. The proposed project features are described in detail in Section 2.3, "Description of the Project" below.

The project is located within the permit area of the Santa Clara Valley Habitat Plan (Habitat Plan). The Authority will be applying for coverage under the Habitat Plan for the project as a Participating Special Entity (PSE). The Authority would implement all applicable compliance conditions outlined in Habitat Plan and the PSE permit issued by the Habitat Agency to minimize the potential environmental impacts of the project.

2.2 PROJECT LOCATION AND SETTING

The project is in unincorporated Santa Clara County, on the west side of the Coyote Valley, approximately 1 mile south of Baily Avenue and approximately 3 miles north of the City of Morgan Hill (Figure 2-1). The project area is within CVAL in the foothills of the Santa Cruz Mountains. CVAL is located adjacent to Cinnabar Hills Golf Club, and east of the Authority's Rancho Cañada del Oro Open Space Preserve and Calero County Park, a 4,471-acre park that offers recreational opportunities for hikers, bikers, and equestrians. Few land uses other than open space and recreation exist in the immediate vicinity of the project area. Additional facilities in the vicinity of the project area are Coyote Canyon Ranch equestrian facilities, approximately 0.18 miles to the east and Coyote Valley Sporting Clays, a skeet and trap target shooting range, approximately 1.6 miles to the southeast. Access to the preserve is provided by Palm Avenue.

Land cover types within CVAL include annual grasslands, oak savanna, oak woodland, serpentine grassland, and serpentine scrub. Fisher Creek Branch D runs east to west across the northern portion of the preserve, and an unnamed tributary to Fisher Creek runs north to south, crossing under a pedestrian bridge of the Heart's Delight Trail and connecting with Fisher Creek Branch D.

The preserve consists of two legal parcels divided by a 50-foot-wide linear parcel owned by the Santa Clara Valley Water District (SCVWD) for the Cross Valley Pipeline. The water conveyance pipeline which connects Anderson and Calero Reservoirs consists of a 72-inch non-pressure underground pipeline and appurtenant maintenance access facilities. The linear parcel owned by SCVWD contains an unpaved roadway that begins at the south corner of the existing parking lot and heads northwest, eventually curving west and running south of the Heart's Delight Trail.

Source: Adapted by Ascent in 2023.

Figure 2-1 Project Location

The preserve was a Native American habitation site dating at least as far back as 6,000 years. The entire preserve falls within the boundary of a prehistoric district, the Circle of Circles Archaeological District, listed on the National Register of Historic Places (#82004985). In modern history, CVAL has been used for cattle grazing, dry-land grain production in its valley floor areas, and as a private event area complete with an amphitheater and picnic grounds. When purchased by the Authority, a variety of storage area features, temporary structures, and other dilapidated facilities on the property were removed. In addition, when the Authority purchased the preserve, the right-of-way (ROW) Agreement between SCVWD and the previous owner transferred to the Authority.

2.3 DESCRIPTION OF THE PROJECT

The Authority proposes to provide new and improved trail and day-use features at CVAL to support public access and low-intensity recreation at the preserve. The primary project features include:

- Enhancing user (hiker, bicyclist, and equestrian) experience at preserve entryway, including providing new wayfinding and directional signage.
- Resurfacing the existing Heart's Delight Trail with stabilized decomposed granite (SDG) to meet current accessibility guidelines.
- Modifying existing ADA parking spaces and accessible path of travel to meet current California Building Code requirements.
- Replacing existing shade structures and providing new seating at the preserve's staging area.
- Redeveloping an existing picnic area along the Heart's Delight Trail near a heritage oak tree (Meadow Overlook) to improve accessibility and preserve tree health.
- Constructing one new overlook along the Heart's Delight Trail toward the end of the trail (Lone Oak Overlook).
- Providing new signage and features interpreting the preserve's natural and cultural resources.

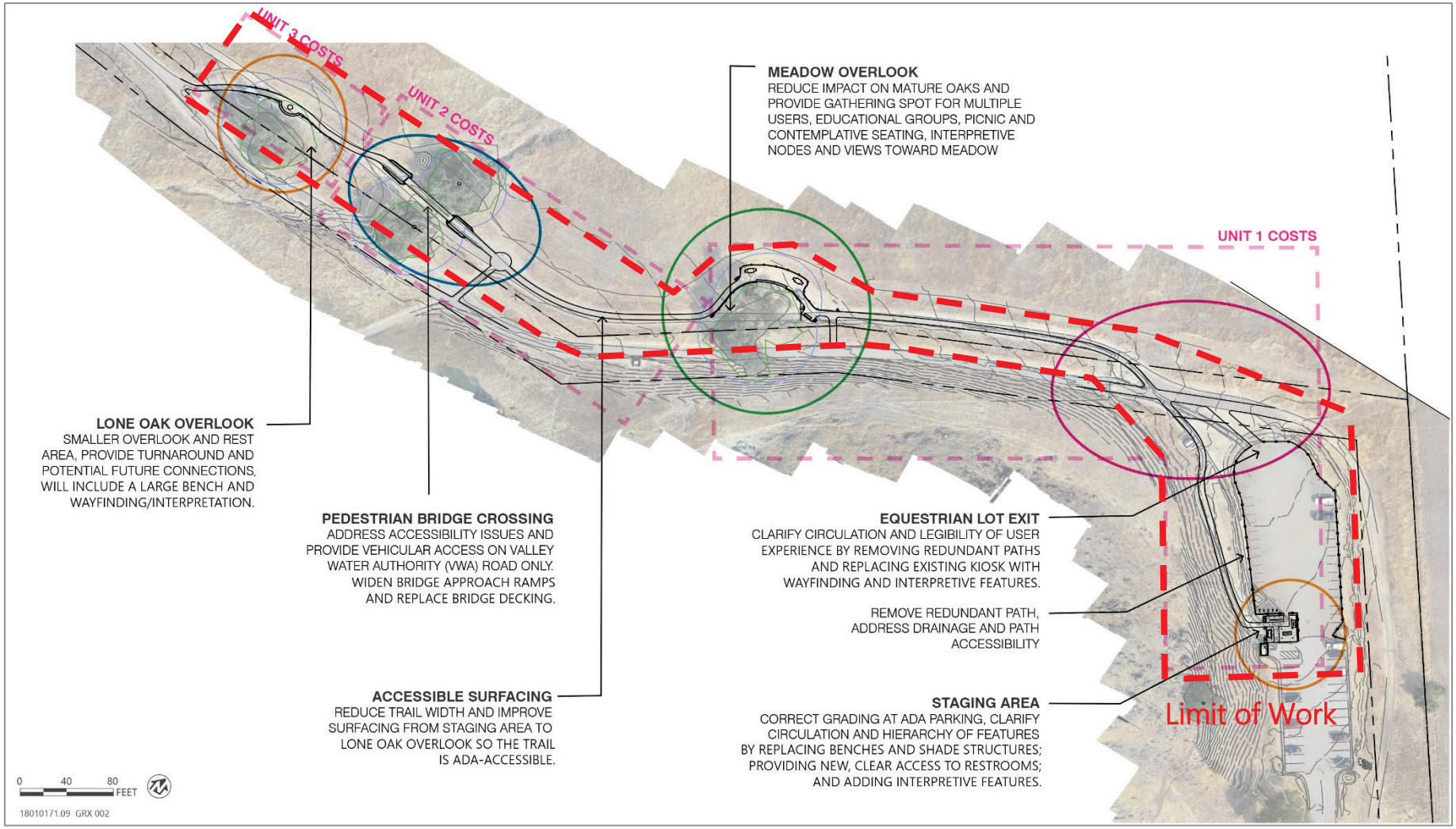
Additional project features would include modifications to existing ADA parking stalls and an accessible path to meet current California Building Code (CBC) requirements., removal of redundant paths, and revegetation of disturbed areas by re-seeding with a native seed mix. The features proposed as part of the project would be consistent with CBC, ADA, and ABA Guidelines for Outdoor Developed Areas (where applicable) to provide increased accessibility to the preserve for the general public as well as for the Authority's educational programs.

Total ground disturbance would be approximately 0.30 acre with most improvements taking place in areas of existing disturbance (e.g., along existing trails or in the same location as other existing built features). Trail resurfacing would not extend below the natural grade of the soil. Excavation for footings associated with benches and new signage would be required at the picnic area, overlook and at the staging area to replace the existing shade structures. Footings for the proposed shade structure would require the deepest excavation of up to 5 feet deep. Figure 2-2 provides a conceptual overview of the project and each project feature.

2.3.1 Recreational Facilities and Amenities

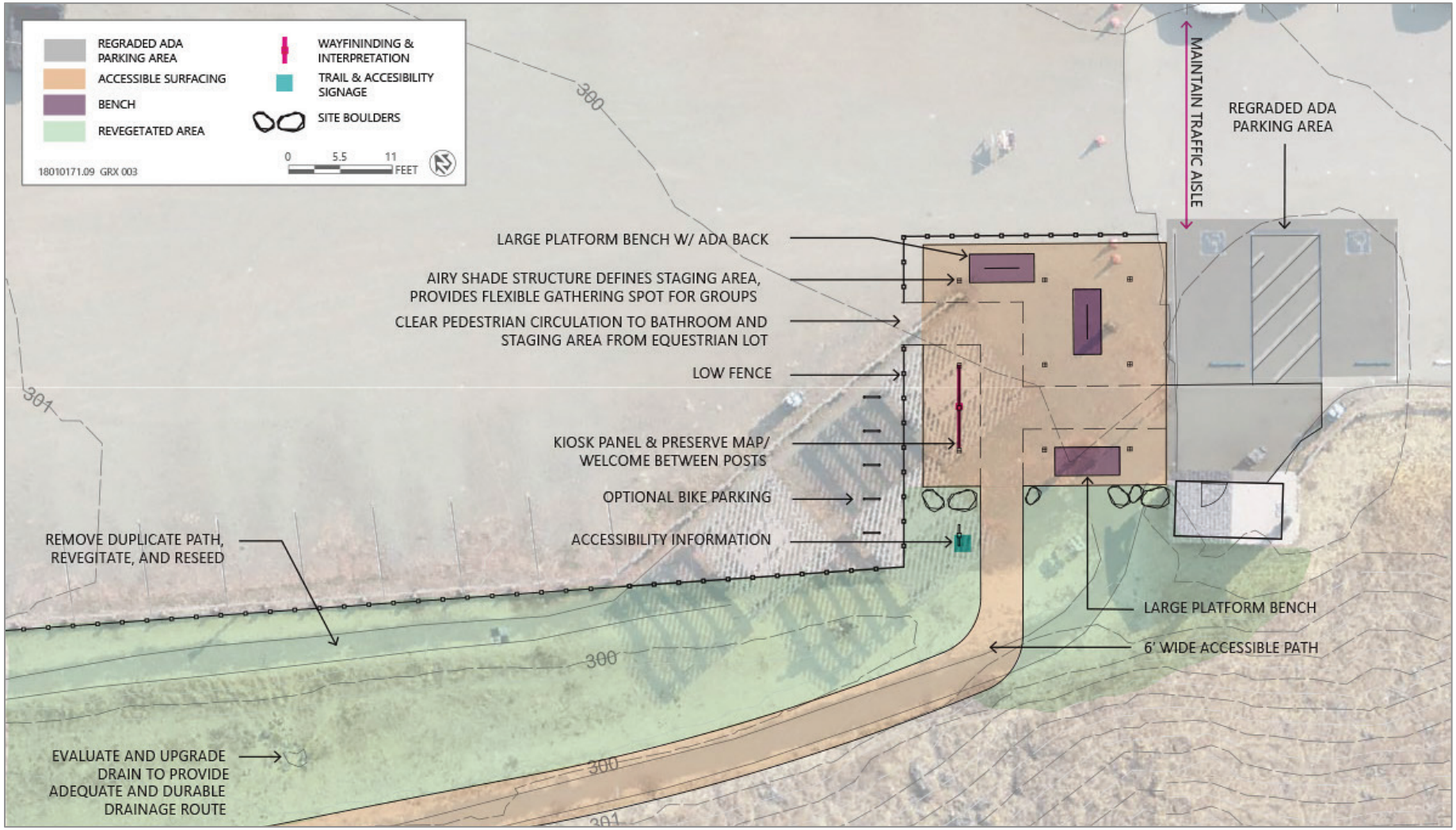
STAGING AREA

The Authority proposes to renovate the picnic/gathering area located in the existing CVAL parking lot, referred to as the staging area (see Figure 2-3). Improvements to the existing staging area would include replacing the three picnic tables with three large platform benches, two of which would be ADA-accessible. The existing shade structure would also be improved by replacing the roof and angling it for maximum coverage during afternoons and the winter season. Other improvements to the picnic area include adding an area for bicycle parking, new interpretive features, including a kiosk panel for wayfinding and a preserve map, and additional accessibility information (see Figure 2-4).



Source: Provided by the Authority in 2023.

Figure 2-2 Project Overview

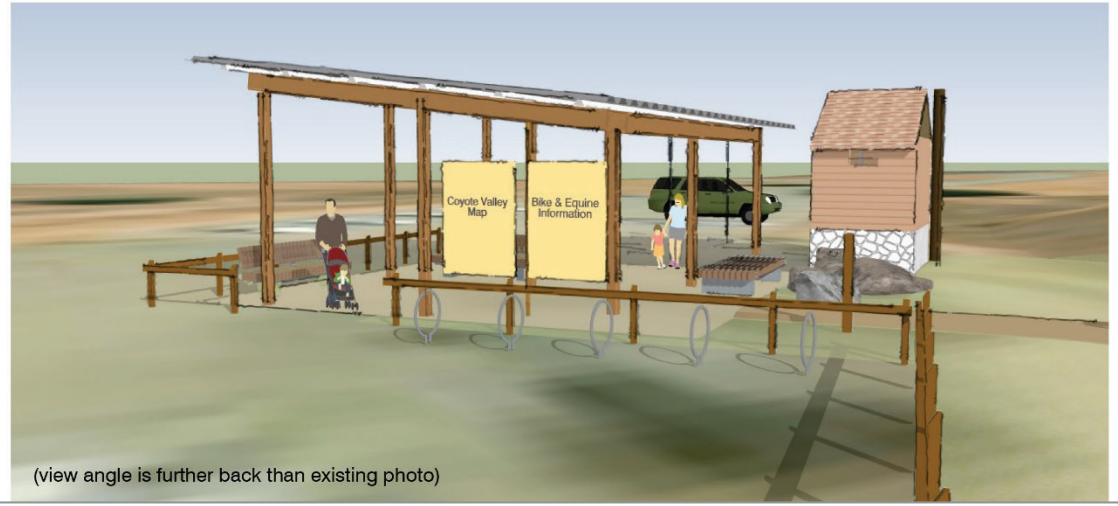


Source: Provided by the Authority in 2023.

Figure 2-3 Proposed Picnic Area Improvements

EXISTING CONDITIONS

- Inefficient use of space and confusing circulation
- Entry into picnic area amorphous from trail side, restricted from parking lot



PROPOSED

- Clear entry and exit into shaded area from both parking lots and trail system
- Bike parking provided
- Shade structure angled for maximum coverage during afternoons and winter (structure shown is conceptual - not yet designed)

18010171.09 GRX 008

Source: Provided by the Authority in 2023.

Figure 2-4 Existing Picnic Area and Rendering of Proposed Picnic Area

EQUESTRIAN TRAILHEAD

The project would improve the equestrian trailhead located at the end of the equestrian parking lot (Figure 2-5). To improve circulation, the Authority would provide a single 10-foot-wide gate with an informational panel at the equestrian main entrance point. The equestrian trail that would be accessed through the gate would be reduced to 10 feet in width. Directional signage would be provided to encourage equestrians and bicyclists to use the Arrowhead Trail to avoid damage to the Heart's Delight Trail. No other improvements to existing equestrian trails would occur.

HEART'S DELIGHT TRAIL

The Authority would resurface approximately 1,130 feet (0.25 mile) of the existing Heart's Delight Trail to meet ABA accessibility guidelines. The existing trail has a width of approximately 10 feet wide in most areas, which would be reduced to 6 feet. In some areas this would require minor increases in trail width; however, overall, the project would result in a net reduction of non-vegetative surfacing. Adjacent to the staging area, two redundant paths near the trailhead would be removed and reduced to one trail. Decommissioned and narrowed trail areas would be scarified and re-seeded with a native seed mix. The trail would be resurfaced with SDG. SDG is a natural quarried rock material with a stabilizer that is pollutant-free, erosion-resistant, durable, and pervious. SDG is an accessible surfacing material that meets the trail guidelines for ABA accessibility. An existing informational kiosk would be replaced with improved wayfinding interpretive features adhering to ABA guidelines. The trail and picnic area would be realigned at the Meadow Overlook described below to be further from an area of mature oak trees to reduce impacts on the root systems. An old unpaved roadway in the vicinity of the trail would be decommissioned and re-seeded with native seed mix. The Authority would add and replace interpretive and wayfinding signage along the trail and at use areas.

As part of the project, the Authority proposes to improve a small pedestrian bridge that is part of the Heart's Delight Trail by widening the approach ramps to the bridge, aligning the trail to the bridge, and retreading the bridge by replacing the decking to reduce gaps. The bridge improvements are depicted in Figure 2-6. The widened approach ramps would be within disturbed upland areas associated with the existing trail and no encroachment into riparian areas or the streambed or bank would occur.

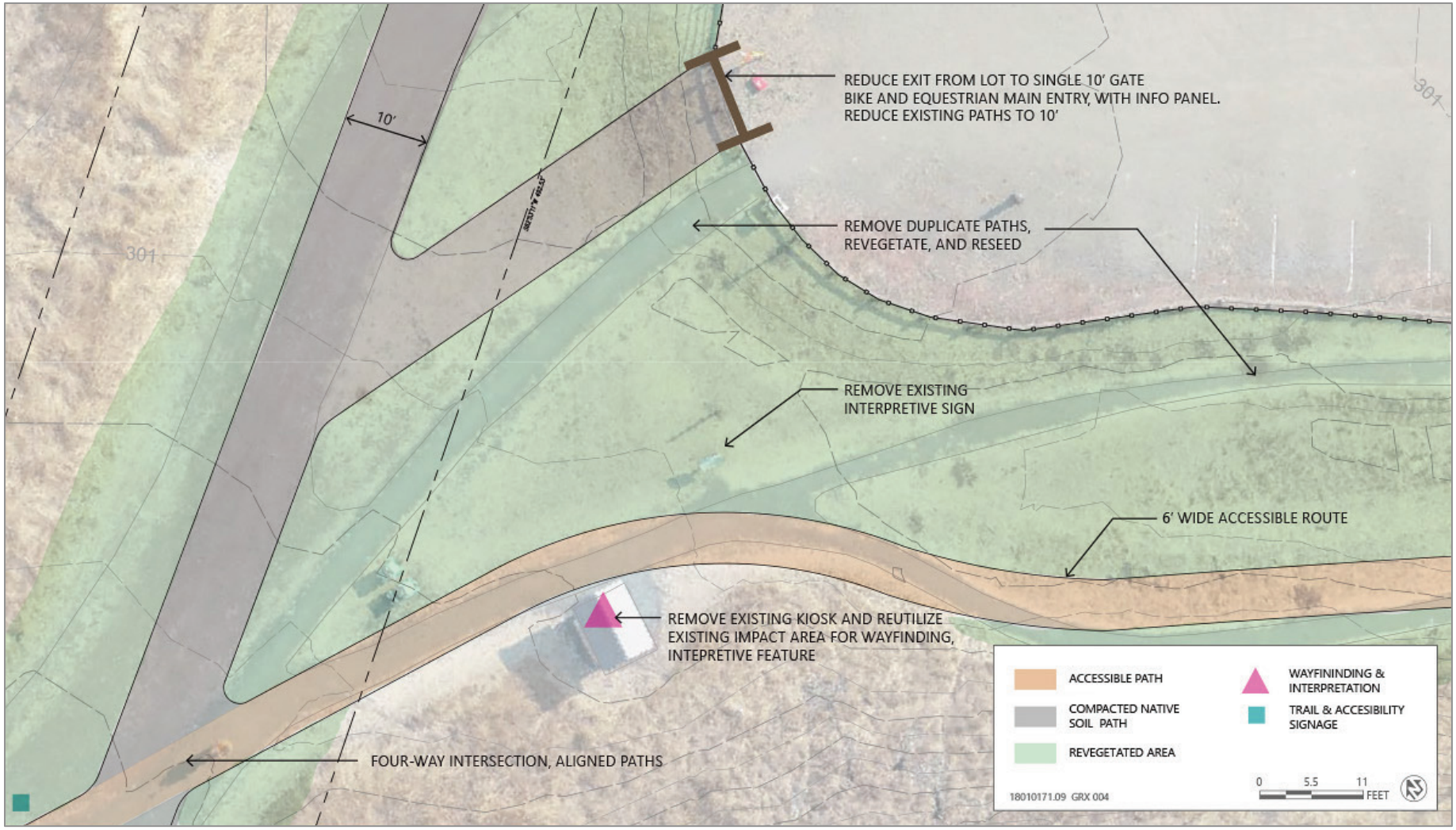
HEART'S DELIGHT TRAIL OVERLOOKS

Meadow Overlook

The Meadow Overlook would serve as the first resting/gathering/scenic overlook spot on the trail and would provide seating, picnic tables, interpretive nodes, and views toward the meadow for multiple users and educational groups (Figure 2-7). Proposed seating includes ADA-accessible benches and picnic tables. Wayfinding and interpretive nodes would also be provided in the Meadow Overlook area. A trail and accessibility sign would be provided at the entrance to the Meadow Overlook. The Meadow Overlook area would be located outside of the drip line of mature oak trees to reduce stress and avoid adverse effects on oak root systems. A new path with a cattle guard would connect from the existing Arrowhead Trail into the proposed Meadow Overlook area and an existing redundant path would be removed and revegetated with a native seed mix.

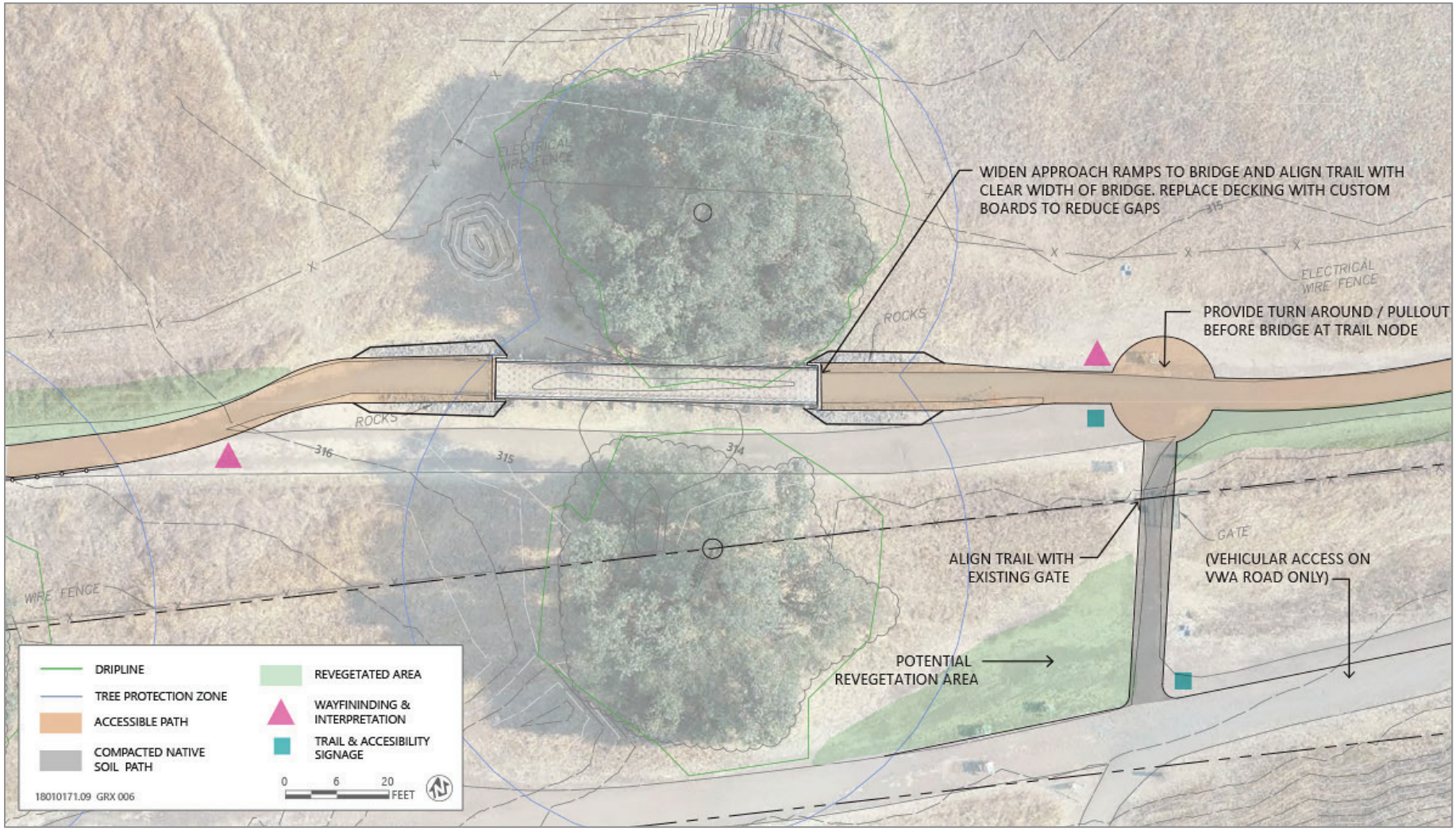
Lone Oak Overlook

The Lone Oak Overlook would serve as a second, smaller overlook, located at the terminus of the accessible portion of the Heart's Delight Trail (see Figure 2-8). The Lone Oak Overlook would contain wayfinding and interpretive signage, as well as a seating area consisting of an ADA-accessible bench. Trail and accessibility signage would be provided near the bench. The Lone Oak Overlook would serve as a turnaround point as well as an area for potential future trail connections. Areas around the Lone Oak Overlook area would also be restored/revegetated, and the existing dead end unpaved roadway would be removed, and the area revegetated with a native seed mix.



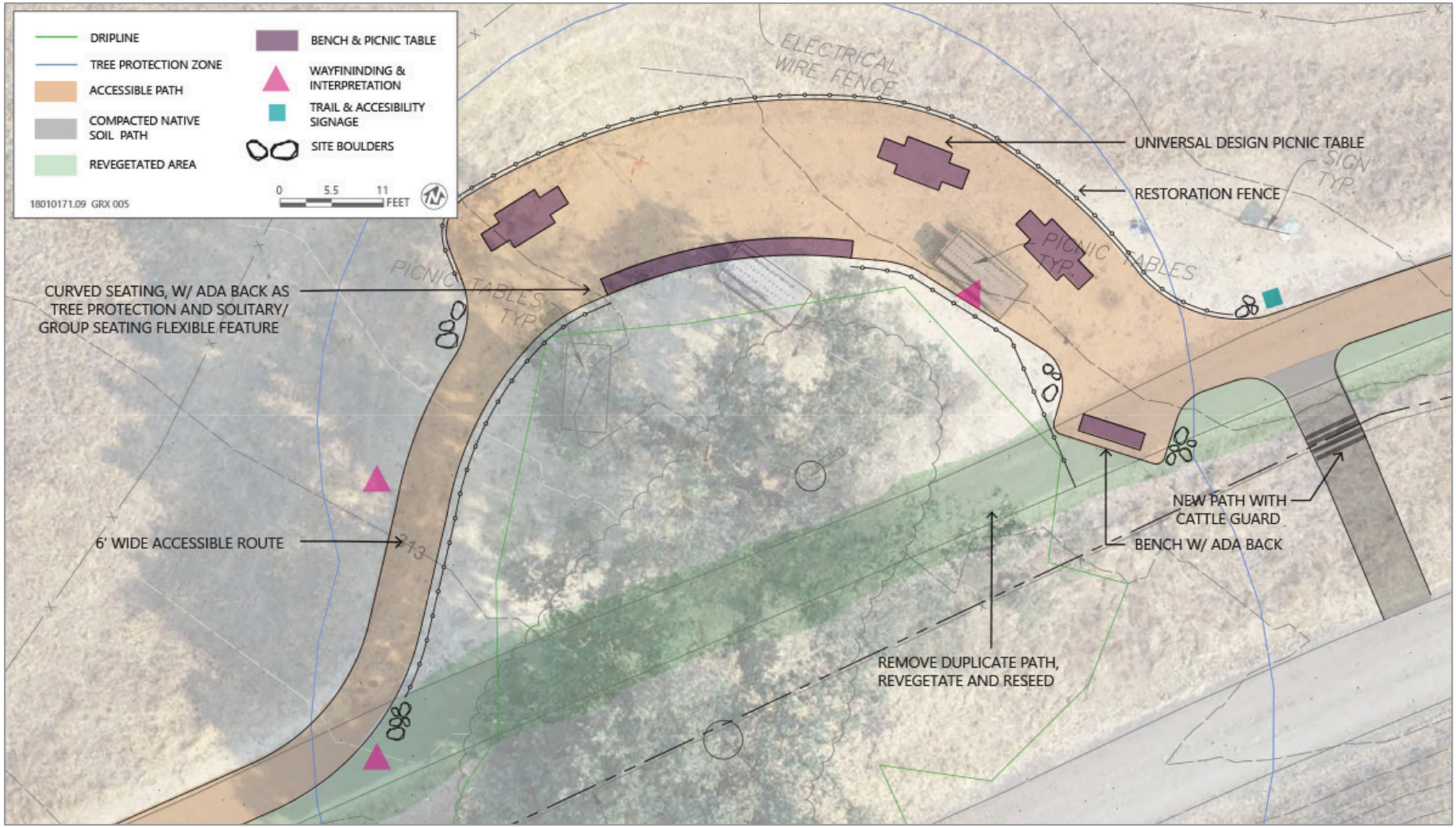
Source: Provided by the Authority in 2023.

Figure 2-5 Equestrian Trailhead Improvements



Source: Provided by the Authority in 2023.

Figure 2-6 Pedestrian Bridge Improvements



Source: Provided by the Authority in 2023.

Figure 2-7 Meadow Overlook Overview

Source: Provided by the Authority in 2023.

Figure 2-8 Lone Oak Overlook Overview

ACCESS AND PARKING

The existing parking lot provides two CBC-compliant and ADA-accessible spaces, 27 spaces for passenger vehicles, and an equestrian area that can accommodate four to eight horse trailers, depending on trailer size. The Authority proposes to regrade the accessible parking stalls to meet current building code and would also provide new, clearly marked access to the picnic area and restrooms in the parking lot.

2.3.2 Stormwater Drainage and Landscaping

The Authority would maintain the existing drainage patterns within the project area. All runoff from the trail and proposed overlooks would disperse into surrounding natural areas to percolate into the ground. The project would include repairing and improving an existing drainage swale located west of the parking lot picnic area (refer to Figure 2-3). The project would not create or expand the amount of impervious surface and the total anticipated area of disturbance would be less than 1 acre and would be exempt from a California State Water Resources Control Board Construction General Permit and Stormwater Pollution Prevention Plan (SWPPP). Following construction, all disturbed portions of the project area would be re-seeded with a native plant seed mix.

2.3.3 Utilities

There are currently no utilities that serve the project area, such as lighting, power, water lines, or sewers. No new lighting, utility extensions, or other features requiring utility hookups or relocations would be included in the project. SCVWD's Cross Valley Pipeline extends underground through the project area; however, no subsurface work or other disturbance to the area would occur. Approval is required from SCVWD for any work on their property (see Table 2-1 below).

2.4 CONSTRUCTION ACTIVITIES AND TIMING

If approved, construction would be scheduled to begin in Fall of 2024 and occur over approximately 6 months, reaching completion in Spring of 2025. The project would be constructed by one crew consisting of 6-10 personnel. Construction personnel, vehicles, and equipment would access the project area via Palm Avenue and all construction equipment and vehicle staging would occur within the existing parking lot or limit of disturbance of the project. Construction equipment would consist of an excavator, haul trucks, grader, compactor/roller, bulldozer, backhoe/power auger, and a water truck. Consistent with Section B11-154 of the Santa Clara County Code, construction would occur between 7:00 a.m. and 7:00 p.m. Monday through Saturday, and no work would occur on Sundays or legal holidays.

Construction activities would consist of five phases. Phase 1 would involve initial site preparation, including designating staging access routes, material stockpile, and waste disposal areas. In addition, temporary tree protection fencing, temporary meadow exclusion fencing, and temporary erosion control features would be installed by hand. Erosion control would include installation of fiber rolls and silt fencing for bridge improvements. Phase 2 would involve removal of existing site features to be replaced and drainage repair, including asphalt removal in the ADA parking area; decommissioning redundant paths and unpaved roadways; removing existing shade structures, kiosks, site furnishings, fences and metal gates; excavation for concrete footings; repairing existing drainage; and revegetation. All concrete rubble and other materials removed would be discarded in an appropriate facility. Site furnishings and fences/metal gates to be salvaged would be returned to the Authority for reuse. Phase 3 would include installing rocks to support the pedestrian bridge access ramps; grading the Heart's Delight Trail; power auger excavation of all post fittings for shade structures, fences, gates and signage; and resurfacing the asphalt in the ADA-accessible portion of the parking lot. Phase 4 would include installing shade structures, site furnishings, signage, and fencing; placing boulders; and removing and replacing the existing bridge decking with custom boards. Post construction restoration and site clean-up would include aerating the soil and hydroseeding the areas to be revegetated; removing fiber rolls, silt fencing, tree protection fencing, and meadow protection fencing by hand; and overall site cleanup.

Materials to construct the new public amenities would be transported to the project area by haul truck or all-terrain vehicle equipped with a utility trailer, and they would be erected onsite. Up to 20 haul truck trips could be required to transport materials to the project area. Following construction, construction related equipment and debris would be removed, disturbed areas would be graded consistent with the surrounding landscape, and native topsoil/seeding would be placed to restore disturbed areas and assist with erosion control.

In total, the project would result in approximately 0.30 acres of ground disturbance, with most improvements taking place in areas of existing disturbance due to existing trails or other features. Temporarily disturbed ground would be revegetated with native plants. No import or export of soil is planned; all soil would be balanced onsite.

2.5 OPERATIONS AND MAINTENANCE

The Authority currently owns, manages, and maintains the preserve, including the project area. Ongoing operations and maintenance activities at the preserve include cleaning picnic benches and signs; daily cleaning of the restroom; opening/closing the gates at the preserve daily; general fence and gate repair, repainting, and upkeep; mowing or flash grazing the meadow area in May or June; restriping the existing parking lot annually; and repainting the restroom annually.

The project scope consists of improvements and renovation or replacement of existing facilities for passive public recreation. These improvements would have little to no impact on current maintenance and natural resource protection activities. Ongoing maintenance would include the activities described above that occur under existing conditions, as well as weekly blowing debris off of the Heart's Delight Trail; brushing back vegetation along the edges of the Heart's Delight Trail; string trimming up to 3 feet on either side of the Heart's Delight Trail four times per year; and spraying herbicide up to 1 foot on either side of the Heart's Delight Trail twice per year (around February and April), consistent with the Authority's Integrated Pest Management (IPM) Program. The Authority would also visually inspect and maintain trails and other infrastructure on an ongoing basis and make repairs as needed, particularly following storm events.

Trail design and use management of the preserve and project features would be consistent with the Authority's Other Power-Driven Mobility Devices (OPDMDs) Policy, pursuant to ADA Title II Regulations, 28 C.F.R., Part 35. In order to increase recreational opportunities for people with disabilities, it is the policy of the Authority to allow the use of OPDMDs on Authority lands, where they can be operated safely, without posing a risk of harm to natural and cultural resources. The Heart's Delight Trail would be improved such that it would be ABA-accessible and would continue to accommodate OPDMDs used by persons with mobility disabilities.

2.6 PERMITS AND APPROVALS

Table 2-1 below discloses the potential permits and approvals that would be required to implement the project following its approval by the Authority. None of the proposed project features would encroach into any riparian, streambed, or wetland areas; therefore, permits under Clean Water Act Section 404 and Fish and Game Code Section 1602 would not be needed.

Table 2-1 Potential Permits and Approvals

Permit/Approval	Agency	Purpose/Applicability
PSE Application leading to Certificate of Inclusion	Habitat Agency (approval by USFWS and CDFW also required)	A PSE application is required to request coverage under the Habitat Plan for projects that are considered covered activities occurring within the Permit Area of the Habitat Plan that could affect special-status species.
Building Permit and ADA/CBC Code Compliance	Santa Clara County	Building permit may be required for the proposed shade structures and ADA and CBC code compliance review for the ADA parking stall improvements.
Encroachment Permit	Santa Clara Valley Water District	An encroachment permit is required from the Santa Clara Valley Water District for the proposed work over the pipeline easement.

Notes: ADA = Americans with Disabilities Act; CBC = California Building Code.
Source: Compiled by Authority and Ascent in 2023.

2.7 HABITAT PLAN CONDITIONS ON COVERED ACTIVITIES

In accordance with PSE requirements, the Authority will incorporate and adhere to applicable Habitat Plan Conditions, as found in Part IV of the Application for PSEs and Chapter 6 of the Habitat Plan. The Conditions that are anticipated to be applicable to the project are included in Table 2-2 below.

Table 2-2 Habitat Plan Conditions on Covered Activities Likely Applicable to the Project

Habitat Plan Condition	Summary of Requirements
Condition 1: Avoid direct impacts on legally protected plant and wildlife species	Direct impacts to federally endangered plant species, fully protected wildlife species, species protected by the Migratory Bird Treaty Act, and species protected by the Bald and Golden Eagle Protection Act must be avoided consistent with applicable legal protections.
Condition 3: Maintain hydrologic conditions and protect water quality	This condition applies to all projects. Several measures are included to protect water quality (Table 6-2 in the Habitat Plan) from design through post-construction. Applicable BMPs include, but are not limited to, preventing the accidental release of chemicals, fuels, and lubricants, and removing any pollutants from surface runoff prior to reaching Llagas Creek; minimizing site erosion and sedimentation during construction; and washing vehicles only at approved sites outside of a project area.
Condition 7: Rural development	This condition applies to all private and public projects in rural areas (outside the urban service areas of cities). Several measures are included to minimize impacts from rural development projects on covered species and sensitive land cover types covered under the Plan. Applicable measures include, but are not limited to use of existing roads for access and disturbed areas for staging; runoff from impermeable surfaces must be directed to natural or landscaped areas; blend grading into the existing landform as much as possible; at project sites that are adjacent to any drainage, natural or human-made, stabilize exposed soils to prevent erosion and sedimentation; and revegetation of all temporarily disturbed soils with native plants and/or grasses, or sterile, nonnative species suitable for the soil conditions upon completion of construction.
Condition 10: Fuel Buffer	This condition applies to projects that are covered under the Habitat Plan and located within Reserve System lands; or in the Diablo Range or Santa Cruz Mountains; or in grassland, chaparral, oak woodland, or conifer woodland types; or in areas designated by the County as a very high fire hazard severity zone. This condition helps provide fire protection by establishing minimum standards for removing brush, flammable vegetation, or combustible growth near occupied structures.
Condition 11: Stream and Riparian Setbacks	This condition applies to projects that overlap a stream or stream setback—requirements differ based on project's location in relation to the urban service area. This condition helps minimize impacts on streams by specifying setbacks and buffer zones.
Condition 15: Burrowing Owl	To avoid or minimize direct impacts of covered activities on western burrowing owls, surveys, avoidance, and minimization measures described in the Habitat Plan must be implemented.

Source: County of Santa Clara et al. 2012 (compiled by Ascent in 2023).

3 ENVIRONMENTAL CHECKLIST

PROJECT INFORMATION

1. Project Title:	Coyote Valley Open Space Preserve Public Access Improvement Project
2. Lead Agency Name and Address:	Santa Clara Valley Open Space Authority 33 Las Colinas Lane, San José, CA 95119
3. Contact Person and Phone Number:	Lucas Shellhammer, (408) 224-7476
4. Project Location:	550 Palm Ave, Morgan Hill, CA 95037
5. Project Sponsor's Name and Address:	N/A
6. General Plan Designation:	Ranchlands
7. Zoning:	AR-d1: Agricultural Ranchlands with Combining District
8. Description of Project:	Refer to Chapter 2, "Project Description."
9. Surrounding Land Uses and Setting:	Refer to Section 2.2, "Project Location and Setting."
10. Other public agencies whose approval is required:	Refer to Table 2-2 in Chapter 2, "Project Description."

11. Have California Native American tribes traditionally and culturally affiliated with the project area requested consultation pursuant to Public Resources Code section 21080.3.1? If so, is there a plan for consultation that includes, for example, the determination of significance of impacts to tribal cultural resources, procedures regarding confidentiality, etc.?

In accordance with Assembly Bill (AB) 52 (Statutes of 2014), Native American tribal contacts in Santa Clara County were sent letters via certified mail August 11, 2022. The Authority sent letters to the following tribal contacts: Valentin Lopez, chairperson, Amah Mutsun Tribal Band; Irenne Zwierlein, chairperson, Amah Mutsun Tribal Band of Mission San Juan Bautista; Ann Marie Sayers, chairperson, and Kanyon Sayers-Roods, MLD, Indian Canyon Mutsun Band of Costanoan; Charlene Nijmeh, chairperson, and Monica Arellano, vice chairperson, Muwekma Ohlone Indian Tribe of the San Francisco Bay Area; Katherine Erolinda Perez, chairperson, and Timothy Perez, North Valley Yokuts Tribe; Andrew Galvan, Ohlone Indian Tribe; Kenneth Woodrow, chairperson, Wuksache Indian Tribe/Eshom Valley Band; and Quirina Luna Geary, chairperson, Tamien Nation.

A request to consult was received from the Tamien Nation. The Authority integrated recommendations from the Tribe that were received during AB 52 consultation into mitigation measures to avoid and minimize impacts to cultural and tribal cultural resources (TCRs). Refer to Section 3.18, "Tribal Cultural Resources" for more details regarding tribal consultation and associated mitigation measures.

ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:

The environmental factors checked below would be potentially affected by this project, involving at least one impact that is a "Potentially Significant Impact" as indicated by the checklist on the following pages. Where checked below, the topic with a potentially significant impact will be addressed in an environmental impact report.

☐ Aesthetics	☐ Agriculture and Forest Resources	☐ Air Quality
☐ Biological Resources	☐ Cultural Resources	☐ Energy
☐ Geology / Soils	☐ Greenhouse Gas Emissions	☐ Hazards / Hazardous Materials
☐ Hydrology / Water Quality	☐ Land Use / Planning	☐ Mineral Resources
☐ Noise	☐ Population / Housing	☐ Public Services
☐ Recreation	☐ Transportation	☐ Tribal Cultural Resources
☐ Utilities / Service Systems	☐ Wildfire	☐ Mandatory Findings of Significance
	☐ None	☒ None with Mitigation Incorporated

DETERMINATION (To be completed by the Lead Agency)

On the basis of this initial evaluation:

☐ I find that the proposed project could not have a significant effect on the environment, and a **NEGATIVE DECLARATION** will be prepared.

☒ I find that although the proposed project COULD have a significant effect on the environment, there WILL NOT be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A **MITIGATED NEGATIVE DECLARATION** will be prepared.

☐ I find that the proposed project **MAY** have a significant effect on the environment, and an **ENVIRONMENTAL IMPACT REPORT** is required.

☐ I find that the proposed project **MAY** have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An **ENVIRONMENTAL IMPACT REPORT** is required, but it must analyze only the effects that remain to be addressed.

☐ I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier **EIR** or **NEGATIVE DECLARATION** pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier **EIR** or **NEGATIVE DECLARATION**, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

August 10, 2023

Signature Date

Lucas Shellhammer Planning Manager

Printed Name Title

Santa Clara Valley Open Space Authority

Agency

EVALUATION OF ENVIRONMENTAL IMPACTS

1. A brief explanation is required for all answers except "No Impact" answers that are adequately supported by the information sources a lead agency cites in the parentheses following each question. A "No Impact" answer is adequately supported if the referenced information sources show that the impact simply does not apply to projects like the one involved (e.g., the project falls outside a fault rupture zone). A "No Impact" answer should be explained where it is based on project-specific factors as well as general standards (e.g., the project will not expose sensitive receptors to pollutants, based on a project-specific screening analysis).
2. All answers must take account of the whole action involved, including off-site as well as on-site, cumulative as well as project-level, indirect as well as direct, and construction as well as operational impacts.
3. Once the lead agency has determined that a particular physical impact may occur, then the checklist answers must indicate whether the impact is potentially significant, less than significant with mitigation, or less than significant. "Potentially Significant Impact" is appropriate if there is substantial evidence that an effect may be significant. If there are one or more "Potentially Significant Impact" entries when the determination is made, an EIR is required.
4. "Negative Declaration: Less Than Significant with Mitigation Incorporated" applies where the incorporation of mitigation measures has reduced an effect from "Potentially Significant Impact" to a "Less Than Significant Impact." The lead agency must describe the mitigation measures, and briefly explain how they reduce the effect to a less than significant level (mitigation measures from "Earlier Analyses," as described in (5) below, may be cross-referenced).
5. Earlier analyses may be used where, pursuant to the tiering, program EIR, or other CEQA process, an effect has been adequately analyzed in an earlier EIR or negative declaration. Section 15063(c)(3)(D). In this case, a brief discussion should identify the following:
   a) Earlier Analysis Used. Identify and state where they are available for review.
   b) Impacts Adequately Addressed. Identify which effects from the above checklist were within the scope of and adequately analyzed in an earlier document pursuant to applicable legal standards, and state whether such effects were addressed by mitigation measures based on the earlier analysis.
   c) Mitigation Measures. For effects that are "Less than Significant with Mitigation Measures Incorporated," describe the mitigation measures which were incorporated or refined from the earlier document and the extent to which they address site-specific conditions for the project.
6. Lead agencies are encouraged to incorporate into the checklist references to information sources for potential impacts (e.g., general plans, zoning ordinances). Reference to a previously prepared or outside document should, where appropriate, include a reference to the page or pages where the statement is substantiated.
7. Supporting Information Sources: A source list should be attached, and other sources used or individuals contacted should be cited in the discussion.
8. This is only a suggested form, and lead agencies are free to use different formats; however, lead agencies should normally address the questions from this checklist that are relevant to a project's environmental effects in whatever format is selected.
9. The explanation of each issue should identify:
   a) the significance criteria or threshold, if any, used to evaluate each question; and
   b) the mitigation measure identified, if any, to reduce the impact to less than significance.

3.1 AESTHETICS

ENVIRONMENTAL ISSUES	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
I. Aesthetics.				
Except as provided in Public Resources Code section 21099 (where aesthetic impacts shall not be considered significant for qualifying residential, mixed-use residential, and employment centers), would the project:				
a) Have a substantial adverse effect on a scenic vista?	☐	☐	☒	☐
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?	☐	☐	☐	☒
c) In non-urbanized areas, substantially degrade the existing visual character or quality of public views of the site and its surroundings? (Public views are those that are experienced from publicly accessible vantage points.) If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality?	☐	☐	☒	☐
d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?	☐	☐	☒	☐

3.1.1 Environmental Setting

VISUAL CHARACTER AND QUALITY

The criteria for describing visual character and quality are vividness, intactness, and unity:

- Vividness: visual power or memorability of landscape components as they combine in striking or distinctive visual patterns.
- Intactness: visual integrity of the natural and human-built landscape and its freedom from encroaching elements. This factor can be present in well-kept urban and rural landscapes, as well as in natural settings.
- Unity: visual coherence and compositional harmony of the landscape considered as a whole.

The project area is within the 348-acre CVAL, situated in the foothill landscape of the Santa Cruz Mountains. The project area is visually intact and consists of rolling hills covered in grasslands, with serpentine outcrops and forest canopy composed of oaks, creating unique variation in the landscape by breaking up the otherwise visually consistent and dominant grasslands. Scenic resources within the project area include the large oak trees along the Heart's Delight Trail and in the vicinity of the proposed Meadow Overlook, and the seasonal unnamed tributary to Fisher Creek that flows through the project area, crossed by the existing pedestrian bridge along Heart's Delight Trail. The unique combination of grasslands and serpentine outcrops, along with the scenic contributions of the oak trees and the unnamed tributary to Fisher Creek, provide a vivid landscape with high quality and distinctive visual patterns. Existing recreational amenities (e.g., fencing, picnic tables, signage) are visible but not dominant; they are visually cohesive with the existing natural environment. Views to the east of the project area include an existing Pacific Gas

and Electric (PG&E) power line and associated poles, as well as, ranch structures and access roads, which disrupts the visual unity of the landscape. Views to the west include rolling hillsides covered in grass and areas of trees, with a linear transmission line and towers visible along the ridgeline, which disrupts the otherwise unified and intact view. Overall, because the project area is within and surrounded by a natural, undeveloped landscape with few human intrusions, vividness, intactness, and unity are generally high; therefore, visual quality in the project area is also high.

VIEWER SENSITIVITY AND VIEWER EXPOSURE

Viewer sensitivity is a measure of public expectation or concern for changes to scenic quality. Number of viewers from publicly accessible viewpoints, viewer activity, view duration, distance from seen objects (i.e., foreground versus background), and special planning designations, such as zoning and general plan designations, are used to characterize viewer sensitivity. The project area is situated at the end of a road, adjacent to and wrapping around a hillside, which blocks general public views of the project area. As a result, viewers of the project area are limited to recreationists (hikers, bicyclists, and equestrians) visiting the existing CVAL recreational facilities adjacent to and within the project area.

Visitors with views of the project area include hikers, bicyclists, and equestrians using the existing parking and staging area and public trails within and in the immediate vicinity of the project area. The trails providing views of the project area include the existing Heart's Delight Trail, which is proposed for improvement, and the Arrowhead Loop Trail, a 4-mile loop through the preserve. The recreational facilities are open to the public every day; therefore, the usage volume (i.e., number of visitors) and frequency of visits by recreationists is high. Recreationists also have high viewer sensitivity because the recreational activities they engage in are largely dependent on the scenic quality of the landscape. Given the high number of viewers, duration of visits, and frequency of views, the overall viewer sensitivity for project area recreationists is high.

Table 3.1-1 lists viewer groups that would be exposed to the project's visual changes; defines their geographic proximity to the project; qualitatively estimates the volume of viewers, duration of views, and frequency of views; and identifies the viewer sensitivity of each general viewer group. Visual sensitivity associated with views in a particular area is the combination of viewer sensitivity and viewer exposure.

Table 3.1-1 Sensitive Viewer Groups Near the Project

Viewer Group	Viewer Exposure				Viewer Sensitivity
	Area	Usage Volume	Duration of Views	Frequency of Views	
Recreationists	Within and adjacent to project area	High	High	High	High

Source: Compiled by Ascent Environmental in 2023

SCENIC HIGHWAYS

A highway may be designated as "scenic" depending on how much of the natural landscape travelers can see, the scenic quality of the landscape, and the extent to which development intrudes on travelers' enjoyment of the view. The California Department of Transportation (Caltrans) maintains a list of eligible highways and officially designated scenic highways in California. No officially designated state scenic highways are within the vicinity of the project area (Caltrans 2015, Caltrans 2018). However, within the Santa Clara County General Plan, Metcalf Road, approximately 4.4 miles north of the project area, is designated as a "scenic rural route" and Bailey Avenue, approximately 1.9 miles northwest of the project area, is designated as a "local road needing scenic protection" (Santa Clara County 2008). Views of the project area are not available from these scenic routes because of distance, intervening landscape features, and topography.

ZONING GOVERNING SCENIC RESOURCES

The Santa Clara Valley Viewshed encompasses the hillsides and mountainous lands generally visible from the main Santa Clara Valley floors, for both the north and south valley areas, which includes the project area (Santa Clara County 2005). The Santa Clara County General Plan land use designation for the project area is "Ranchlands." The zoning for the Preserve is AR-d1, "Agricultural Ranchlands with Combining District" (Santa Clara County 2003). The -d1 portion of the zoning designation relates to scenic resources. This zoning designation is a combining district that has a specific design review procedure intended to conserve the scenic attributes of hillside lands by minimizing the visual impacts of structures and grading on the natural topography and landscape, using a combination of supplemental development standards, design guidelines, design review, and use of process incentives for smaller and less visible projects.

3.1.2 Discussion

a) Have a substantial adverse effect on a scenic vista?

Less than significant. A scenic vista is defined as a viewpoint that provides expansive views of a highly valued landscape for the benefit of the general public. The project area is located within the Santa Cruz Mountain foothills, with high quality views of natural features typical of the foothills including grasslands, rolling hillsides, and woodlands. There are few surrounding scenic vistas with potential views of the project area. Public views of the preserve are from the trails within the vicinity of the project area.

Construction could result in temporary visual effects to scenic vistas viewed from along the Arrowhead Loop Trail. Construction equipment, including an excavator, haul trucks, grader, compactor/roller, bulldozer, backhoe/power auger, and a water truck, along with other construction materials, could degrade views from scenic vistas by reducing visual intactness and unity characteristics of the natural area. However, temporary visual impacts from construction would be limited to the project area including the existing parking lot, and areas of intervening hillsides and dense vegetation would help to visually screen construction equipment and activities. In addition, construction equipment would only be present within the project area during the temporary, 6-month construction period, currently proposed to occur Fall 2024 to Spring 2025.

Although the scenic quality of elevated views of the project area from the Arrowhead Loop Trail may be temporarily reduced due to the presence of construction equipment and activities, given that construction would be limited to a 6-month period and would be temporary, and existing intervening hillsides and vegetation would at least partially obscure views of equipment and construction activities, construction effects on scenic vistas would not be substantial.

Long-term changes to views from scenic vistas would occur from the permanent public access features that would be constructed, including the seating areas along the trail. The benches and trail would be constructed from material that is visually similar to existing recreational facilities in the area to create an aesthetically coherent environment and maintain the high-level of visual intactness and unity. The benches would be made from Douglas fir timbers with steel bases powder coated to match the existing picnic table. The improved trail would be made of SDG which has a natural color and an open space feel relative to asphalt. Overall, the proposed project features would be small and low profile in the landscape, similar to existing features. The proposed improvements would enhance viewer access to Coyote Valley and the trail visitors' recreational experience, which would be beneficial for appreciation of the region's scenic quality.

Because visual effects of construction would be temporary, many project elements simply replace existing facilities, new project features would be designed to match the aesthetic quality of existing recreational features and are small in nature, and existing trees and vegetation within the project area would obscure views from surrounding scenic vistas, the project would have a **less-than-significant** impact on scenic vistas.

b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?

No impact. No officially designated state scenic highways are within the vicinity of the project area (Caltrans 2015, Caltrans 2018). However, within the Santa Clara County General Plan, Metcalf Road, approximately 4.4 miles north of the project area, is designated as a "scenic rural route" and Bailey Avenue, approximately 1.9 miles northwest of the project area, is designated as a "local road needing scenic protection (Santa Clara County 2008). Given the distance from the project area and intervening landscape conditions, motorists using these roadways would not have views of the project area. Therefore, **no impact** to scenic resources within a state scenic highway would occur with implementation of the project.

c) In non-urbanized areas, substantially degrade the existing visual character or quality of public views of the site and its surroundings? (Public views are those that are experienced from publicly accessible vantage points.) If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality?

Less than significant. Construction activities would temporarily reduce the vividness, unity, and intactness of the existing visual character by introducing encroaching human elements into the natural landscape for a limited period of time. Construction could result in temporary visual effects to public views of the project area from the existing trail system in the area from the presence of construction equipment, reducing visual intactness and unity characteristics of the natural area. However, as described under criterion a), temporary visual impacts from construction would be limited to the project area, including the existing parking lot, and areas of intervening hillsides and dense vegetation would help to visually screen construction equipment and activities. In addition, construction equipment would only be present within the project area during the temporary, 6-month construction period, currently proposed to occur Fall 2024 to Spring 2025.

The project would improve several existing features to support the public use of the project area including accessibility improvements around the existing preserve parking and staging area, additional seating areas along the approximately 0.25-mile-long Heart's Delight Trail and providing additional signage and interpretation. These project features could result in long-term visual impacts to the visual character and quality of the project area and its surroundings. However, as described above in criterion a), project features would visually blend with the existing visual character due to their placement and architectural materials, including weathered steel, wood, and native stone, limiting impacts to the visual intactness and unity of the project area. The project would allow for improved access to the area, continuing to provide the public opportunities to enjoy the high-quality natural views of the project area.

The visual impact from construction would be temporary and minimal due to the view-obscuring character of existing hills and tree cover in the area. The long-term visual impacts from permanent project features would be minor due to their site-sensitive design and building materials similar to existing facilities. Trail improvements would provide more visual access and opportunities for the public to enjoy the natural landscape. Therefore, the project would have a **less-than-significant** impact on the quality of public views of the site and its surroundings.

d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?

Less than significant. Construction of the project would take 6 months to complete, beginning in Fall 2024 and ending in Spring 2025. Construction activities would only occur between the hours of 7:00 a.m. and 7:00 p.m., limiting the need for exterior lighting. During the shorter days of the late fall and winter months, exterior lighting may be required, however, any construction lighting would be temporary and pointed toward construction activities. Construction equipment and vehicles may create glare that could adversely affect daytime views of the project area. However, glare created from construction equipment would be temporary and intermittent, and the intervening hillsides and vegetation would limit glare impacts to surrounding recreational viewers.

No new lighting fixtures would be installed as part of the project features; therefore, the project would not create a new, permanent source of light. The proposed architectural materials that would be used for the shade structure, gathering areas, and other project elements would not cause glare. While weathered steel would be used for the roofs of the shade structure the material would not cause glare given its rough texture and dark color. Other architectural materials, such as wood and native stone, would be chosen to visually blend in with the surrounding natural environment and would not cause glare. For these reasons, the project would have a **less-than-significant** impact related to light and glare.

3.2 AGRICULTURE AND FOREST RESOURCES

ENVIRONMENTAL ISSUES	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
II. Agriculture and Forest Resources.				
In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997, as updated) prepared by the California Department of Conservation as an optional model to use in assessing impacts on agriculture and farmland.				
In determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by the California Department of Forestry and Fire Protection regarding the state's inventory of forest land, including the Forest and Range Assessment Project and the Forest Legacy Assessment project; and forest carbon measurement methodology provided in Forest Protocols adopted by the California Air Resources Board.				
Would the project:				
a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?	☐	☐	☐	☒
b) Conflict with existing zoning for agricultural use or a Williamson Act contract?	☐	☐	☐	☒
c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))?	☐	☐	☐	☒
d) Result in the loss of forest land or conversion of forest land to non-forest use?	☐	☐	☐	☒
e) Involve other changes in the existing environment, which, due to their location or nature, could result in conversion of Farmland to non-agricultural use or conversion of forest land to non-forest use?	☐	☐	☐	☒

3.2.1 Environmental Setting

FARMLAND

The project area is mapped by the California Department of Conservation (DOC) as Grazing Land (DOC 2018). Cattle grazing has been used as a management strategy within the project vicinity for over 200 years. The Authority manages cattle grazing within and surrounding the project area through the Coyote Valley Open Space Preserve Use

and Management Plan (2013). Cattle grazing occurs seasonally and is compatible with recreational trails and resource management within CVAL. The project site is not under a Williamson Act contract (Santa Clara County 2023).

FOREST LAND AND TIMBERLAND

"Forest land" is defined in Public Resources Code (PRC) Section 12220(g) as land that can support 10 percent native tree cover of any species, including hardwoods, under natural conditions, and that allows for management of one or more forest resources, including timber, aesthetics, fish and wildlife, biodiversity, water quality, recreation, and other public benefits. Forest land within CVAL is limited to the riparian oak woodlands present along the channel of the tributary to Fisher Creek. However, no substantial woodland or forest habitat is present within the project area.

"Timberland" is defined in PRC Section 4526 as land, other than land owned by the federal government and land designated by the board as experimental forest land, which is available for, and capable of, growing a crop of trees of any commercial species used to produce lumber and other forest products, including Christmas trees. The Authority does not carry out timberland production activities on the project area or any of their managed lands, and no timberlands are located within the project area (Santa Clara County 2016).

3.2.2 Discussion

a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?

No impact. As discussed above in Section 3.2.1, "Environmental Setting," the project area is mapped by the DOC as Grazing Land (DOC 2018). No designated Prime Farmland, Unique Farmland, or Farmland of Statewide Importance is present within the project area or preserve boundaries. In addition, implementation of the project would not alter existing cattle grazing within the project area. Rather, cattle grazing would continue to be used as a vegetation management technique on the meadow and other portions of the project area. Given that no Prime Farmland, Unique Farmland, or Farmland of Statewide Importance is present in the project area, implementation of the project would not convert any of these agricultural land uses to non-agricultural use; there would be **no impact**.

b) Conflict with existing zoning for agricultural use or a Williamson Act contract?

No impact. The project area is within CVAL and is not under a Williamson Act Contract; therefore, the project would not conflict with an existing Williamson Act contract. The Santa Clara County General Plan land use designation for the project area is "Ranchlands." The project area is zoned AR-d1, "Agricultural Ranchlands with Combining District" (Santa Clara County 2003). The purpose of the Agricultural Ranchlands district is to preserve ranching, the natural resources, and the rural character of the areas to which it applies. Permitted uses include ranching or agriculture, low-intensity recreation, mineral extraction, and land in its natural state. The proposed project involves improvements to existing, low-intensity recreational facilities, which would be consistent with the zoning for the project area. However, the Authority is not subject to Zoning Ordinance compliance for the types of facilities typical in an open space preserve such as parking facilities, gates, kiosks, vault restrooms, small shade or similar structures, and trails that would facilitate access to CVAL (Authority 2013). The project would therefore have **no impact** related to conflicts with existing zoning for agricultural use or a Williamson Act Contract.

c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))?

No impact. As discussed above in criterion b), the project area is zoned AR-d1, "Agricultural Ranchlands with Combining District" (Santa Clara County 2003). The project area is not zoned as forest land, timberland, or timberland production. In addition, no existing timberland production operations occur in the project area (Santa Clara County 2016); therefore, the project would have no impact on timberland (as defined by PRC section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g)). Although portions of the project area contain forested areas, the area is not zoned for forestland and therefore the project would not conflict with existing zoning for or cause rezoning of forest land and there would be **no impact**.

d) Result in the loss of forest land or conversion of forest land to non-forest use?

No impact. While the preserve contains many forested areas, no distinct woodland or forest habitat is present within the project area. As part of its stewardship of the project area forest by the Authority, tree trimming and pruning would occur during project construction and as needed as a future maintenance activity; however, no tree removal would occur. Furthermore, as described in Section 2.4, "Construction Activities and Timing," tree protection fencing would be installed around all trees within the project area prior to construction. In the long-term, the Authority would manage the landscape to maintain a healthy forest, consistent with current practices. Therefore, the project would not result in a loss of forest land nor conversion of forest land to non-forest use and the project would have **no impact.**

e) Involve other changes in the existing environment, which, due to their location or nature, could result in conversion of Farmland to non-agricultural use or conversion of forest land to non-forest use?

No impact. As discussed above under criterion a), the project area is classified as Grazing Land by the DOC (DOC 2018). The Authority would continue to manage grazing during project operation and would implement several management approaches to maintain grazing management in tandem with public access, as detailed in the Coyote Valley Open Space Preserve Use and Management Plan (2013). Grazing infrastructure including troughs, corrals, and supplement feeders would be located away from recreational facilities, including those that would be developed for the project. Information about grazing management and guidelines for public safety around cattle would also be provided to the public on a variety of media, including interpretive signs, kiosks, and the Authority's website. The project would not involve other changes to the existing environment that could affect other agricultural or forestry resources within the project area. Therefore, **no impact** would occur.

3.3 AIR QUALITY

ENVIRONMENTAL ISSUES	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
III. Air Quality.				
Where available, the significance criteria established by the applicable air quality management district or air pollution control district may be relied on to make the following determinations.				
Are significance criteria established by the applicable air district available to rely on for significance determinations?		☒ Yes	☐ No	
Would the project:				
a) Conflict with or obstruct implementation of the applicable air quality plan?	☐	☐	☒	☐
b) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard?	☐	☒	☐	☐
c) Expose sensitive receptors to substantial pollutant concentrations?	☐	☐	☒	☐
d) Result in other emissions (such as those leading to odors) adversely affecting a substantial number of people?	☐	☐	☐	☒

3.3.1 Environmental Setting

The project area is in the San Francisco Bay Area Air Basin (SFBAAB) within unincorporated Santa Clara County. The SFBAAB is under the jurisdiction of the Bay Area Air Quality Management District (BAAQMD). The existing air quality conditions in the area are determined by such natural factors as topography, meteorology, and climate, in addition to the number of emissions released by existing air pollutant sources.

CLIMATE AND TOPOGRAPHY

The climate of the SFBAAB is determined largely by the location and persistence of a high-pressure system that is often present over the eastern Pacific Ocean. High-pressure systems are characterized by an upper layer of dry air that warms as it descends, restricting the mobility of cooler marine-influenced air near the ground surface, resulting in subsidence inversions. During summer and fall, locally generated emissions can, under the restraining influences of topography and subsidence inversions, cause conditions that are conducive to the formation of photochemical pollutants, such as ozone and secondary particulates (e.g., nitrates and sulfates). In the winter, the Pacific high-pressure system shifts southward, allowing storms to pass through the area (BAAQMD 2017a).

Santa Clara County is bound by the San Francisco Bay to the north and by mountains to the east, south, and west. Temperatures are warm on summer days and cool on summer nights, and winter temperatures are fairly mild. At the northern end of the valley, mean maximum temperatures are in the low-80s during the summer and high 50s in the winter, and mean minimum temperatures range from the high 50s in the summer to the low 40s in the winter (degrees Fahrenheit [°F]). Further inland, where the moderating effect of the San Francisco Bay is not as strong, temperature

extremes are greater. Winds in the valley are greatly influenced by the terrain, resulting in a prevailing flow that roughly parallels the valley's northwest-southeast axis. A north-northwesterly sea breeze flows through the valley during the afternoon and early evening, and a light south-southeasterly drainage flow occurs during the late evening and early morning. In the summer, the southern end of the valley sometimes becomes a "convergence zone," when air flowing from Monterey Bay gets channeled northward into the southern end of the valley and meets with the prevailing north-northwesterly winds. Wind speeds are greatest in the spring and summer and weakest in the fall and winter. Nighttime and early morning hours frequently have calm winds in all seasons, while summer afternoons and evenings are quite breezy. Strong winds are rare, associated mostly with the occasional winter storm (BAAQMD 2017a).

The local meteorology of the project area and surrounding area is represented by measurements recorded at the Western Regional Climate Center (WRCC) Los Gatos station. Normal annual precipitation is approximately 26.91 inches. January temperatures range from a normal minimum of 38.6°F to a normal maximum of 56.9°F. July temperatures range from a normal minimum of 53.2°F to a normal maximum of 84.9°F (WRCC 2016). The prevailing wind direction is from the north (WRCC 2002).

AMBIENT AIR QUALITY

Air Pollutants

As required by the federal Clean Air Act (CAA), the US Environmental Protection Agency (EPA) has identified National Ambient Air Quality Standards (NAAQS) for six criteria air pollutants: ozone, carbon monoxide (CO), nitrogen dioxide (NO_2), sulfur dioxide (SO_2), respirable and fine particulate matter (PM_{10} and $PM_{2.5}$, which are particulate matter (PM) that is 10 microns or less in diameter and 2.5 microns or less in diameter, respectively), and lead. The state of California has also established California Ambient Air Quality Standards (CAAQS) for these six pollutants as well as sulfates, hydrogen sulfide, vinyl chloride, and visibility reducing particles. NAAQS and CAAQS were established to protect the public from adverse health impacts caused by exposure to air pollution. A brief description of these criteria air pollutants and their effects on public health is provided in Table 3.3-1.

Table 3.3-1 Air Pollutants and Effects on Public Health

Pollutant	Sources	Effects
Ozone	Ozone is a secondary air pollutant produced in the atmosphere through a complex series of photochemical reactions involving reactive organic gases (ROG), also sometimes referred to as volatile organic compounds (VOCs) by some regulating agencies) and nitrogen oxides (NO_X). The main sources of ROG and NO_X, often referred to as ozone precursors, are products of combustion processes (including motor vehicle engines) and the evaporation of solvents, paints, and fuels.	Ozone causes eye irritation, airway constriction, and shortness of breath and can aggravate existing respiratory diseases such as asthma, bronchitis, and emphysema.
Carbon monoxide	CO is usually formed as the result of the incomplete combustion of fuels. The single largest source of CO is motor vehicle engines; the highest emissions occur during low travel speeds, stop-and-go driving, cold starts, and hard acceleration.	Exposure to high concentrations of CO reduces the oxygen-carrying capacity of the blood and can cause headaches, nausea, dizziness, and fatigue; impair central nervous system function; and induce angina (chest pain) in persons with serious heart disease. Very high levels of CO can be fatal.
Particulate matter	Some sources of PM, such as wood burning in fireplaces, demolition, and construction activities, are more local in nature, while others, such as vehicular traffic, have a more regional effect.	Scientific studies have suggested links between fine PM and numerous health problems, including asthma, bronchitis, and acute and chronic respiratory symptoms, such as shortness of breath and painful breathing. Recent studies have shown an association between morbidity and mortality and daily concentrations of PM in the air.

Pollutant	Sources	Effects
Nitrogen dioxide	NO_2 is a reddish-brown gas that is a by-product of combustion processes. Automobiles and industrial operations are the main sources of NO_2.	Aside from its contribution to ozone formation, NO_2 can increase the risk of acute and chronic respiratory disease and reduce visibility.
Sulfur dioxide	SO_2 is a combustion product of sulfur or sulfur-containing fuels such as coal and diesel. SO_2 is also a precursor to the formation of PM, atmospheric sulfate, and atmospheric sulfuric acid formation that could precipitate downwind as acid rain.	Exposure can lead to the irritation of upper respiratory tract and heighten asthma symptoms.
Lead	Leaded gasoline, lead-based paint, smelters (metal refineries), and the manufacture of lead storage batteries have been the primary sources of lead released into the atmosphere, with lead levels in the air decreasing substantially since leaded gasoline was eliminated in the United States.	Lead has a range of adverse neurotoxic health effects.

Notes: CO = carbon monoxide; NO_2 = nitrogen dioxide; NO_X = oxides of nitrogen; PM = particulate matter; ROG = reactive organic gases; SO_2 = sulfur dioxide; VOCs = volatile organic compounds.

Source: EPA 2022.

Attainment Area Designations

The CAA and the California Clean Air Act (CCAA) require all areas of California to be classified as attainment, non-attainment, or unclassified as to their status with regard to the NAAQS and CAAQS. Under the CAA and the CCAA, the California Air Resources Board (CARB) is to designate portions of the State based on air quality monitoring data. Attainment statuses for Santa Clara County are contained in Table 3.3-2. Santa Clara County is designated as nonattainment for ozone, PM_{10}, and $PM_{2.5}$ with respect to the CAAQS and ozone and $PM_{2.5}$ with respect to the NAAQS.

Table 3.3-2 Attainment Status Designations for Santa Clara County

Pollutant	NAAQS	CAAQS
Ozone	Attainment (1-hour)[1]	Nonattainment (1-hour) [2]
	Nonattainment (8-hour)[3] Classification – Marginal	Nonattainment (8-hour)
		Nonattainment (24-hour)
Respirable particulate matter (PM_{10})	Attainment (24-hour)	Nonattainment (24-hour)
	Attainment (24-hour)	Nonattainment (Annual)
Fine particulate matter ($PM_{2.5}$)	Nonattainment (24-hour)	(No State Standard for 24-Hour)
	Nonattainment (Annual)	Nonattainment (Annual)
Carbon monoxide (CO)	Attainment (1-hour)	Attainment (1-hour)
	Attainment (8-hour)	Attainment (8-hour)
Nitrogen dioxide (NO_2)	Unclassified/Attainment (1-hour)	Attainment (1-hour)
	Unclassified/Attainment (Annual)	Attainment (Annual)
Sulfur dioxide (SO_2)[4]	(Attainment) (1-Hour)	Attainment (1-hour)
	Attainment (3-month rolling avg.)	Attainment (24-hour)
Lead (Particulate)	Attainment (3-month rolling avg.)	Attainment (30-day average)
Hydrogen Sulfide	No Federal Standard	Unclassified (1-hour)
Sulfates		Attainment (24-hour)
Visibly Reducing Particles		Unclassified (8-hour)
Vinyl Chloride		Unclassified (24-hour)

Notes: CAAQS = California ambient air quality standards; CO = carbon monoxide; NAAQS = national ambient air quality standards; NO_2 = nitrogen dioxide; NO_X = oxides of nitrogen; PM = particulate matter; ROG = reactive organic gases; SO_2 = sulfur dioxide; VOCs = volatile organic compounds.

[1] Air Quality meets federal 1-hour Ozone standard (77 FR 64036). EPA revoked this standard, but some associated requirements still apply.

[2] Per Health and Safety Code Section 40921.5(c), the classification is based on 1989–1991 data, and therefore does not change.

[3] 2015 Standard.

[4] 2010 Standard.

Source: EPA 2023; CARB 2023.

Bay Area Air Quality Management District

BAAQMD maintains and manages air quality conditions in the SFBAAB, including unincorporated Santa Clara County, through a comprehensive program of planning, regulation, enforcement, technical innovation, and promotion of the understanding of air quality issues. The clean air strategy of BAAQMD includes the preparation of plans and programs for the attainment of the NAAQS and CAAQS, adoption and enforcement of rules and regulations, and issuance of permits for stationary sources. BAAQMD also inspects stationary sources, responds to citizen complaints, monitors ambient air quality and meteorological conditions, and implements other programs and regulations required by the CAA and CCAA.

Projects located in the SFBAAB are subject to BAAQMD's rules and regulations. The following rules and regulations are applicable to the project:

- **Regulation 2, Rule 1, General Permit Requirements.** This rule includes criteria for issuance or denial of permits, exemptions, and appeals against decisions of the Air Pollution Control Officer and BAAQMD actions on applications.
- **Regulation 6, Rule 1, General Requirements.** This rule limits the quantity of particulate matter in the atmosphere by controlling emission rates, concentration, visible emissions, and opacity.

The CCAA requires that all local air districts in the state endeavor to achieve and maintain the CAAQS in their region by the earliest practical date. It specifies that local air districts should focus attention on reducing the emissions from transportation and areawide emission sources and provides districts with the authority to regulate indirect sources. To achieve the CAAQS, BAAQMD prepares and updates air quality plans on a regular basis. The air quality plans published by BAAQMD and other local air districts in the state are incorporated into California's State Implementation Plan (SIP) strategy, most recently submitted to the EPA in 2022, and meet CAA requirements.

For state air quality planning purposes, the SFBAAB is classified as a serious nonattainment area with respect to the 1-hour ozone standard. The "serious" classification triggers various plan submittal requirements and transportation performance standards. One such requirement is that BAAQMD update its Clean Air Plan every 3 years to reflect progress in meeting the NAAQS and CAAQS and to incorporate new information regarding the feasibility of control measures and new emission inventory data. BAAQMD's record of progress in implementing previous measures must also be reviewed. BAAQMD prepared these plans in cooperation with the Metropolitan Transportation Commission (MTC) and the Association of Bay Area Governments (ABAG). On April 19, 2017, BAAQMD adopted the most recent revision to the Clean Air Plan, titled the *2017 Clean Air Plan: Spare the Air, Cool the Climate* (BAAQMD 2017b). This plan serves to:

- define a vision for transitioning the region to a post carbon economy needed to achieve 2030 and 2050 greenhouse gas (GHG) reduction targets;
- decrease emissions of air pollutants most harmful to Bay Area residents, such as particulate matter, ozone, and TACs;
- reduce emissions of methane and other potent climate pollutants; and
- decrease emissions of carbon dioxide by reducing fossil fuel combustion.

Although offensive odors rarely cause any physical harm, they can be unpleasant, leading to considerable stress among the public and often generating citizen complaints to local governments and BAAQMD. BAAQMD's Regulation 7 ("Odorous Substances") regulates odors.

BAAQMD also regulates all construction activities that produce dust potentially containing natural occurring asbestos (NOA) by implementing CARB's Airborne Toxic Control Measures (ATCMs) to reduce public exposure to NOA. See "Toxic Air Contaminants" below for more information about NOA.

Air Quality Planning

BAAQMD is responsible for assuring that the federal and state ambient air quality standards are attained and maintained in the SFBAAB. BAAQMD is also responsible for adopting and enforcing rules and regulations concerning air pollutant sources, issuing permits for stationary sources of air pollutants, inspecting stationary sources of air pollutants, responding to citizen complaints, monitoring ambient air quality and meteorological conditions, awarding grants to reduce motor vehicle emissions, conducting public education campaigns, as well as many other activities.

BAAQMD's significance thresholds recommended in the *2022 CEQA Air Quality Guidelines* for project operations within the SFBAAB are the most appropriate thresholds for use in determining air quality impacts of the project. Table 3.3-3 presents the significance thresholds for construction- and operational-related criteria air pollutants and precursor emissions used for the purposes of this analysis. These thresholds were developed by BAAQMD to achieve and maintain the NAAQS and CAAQS, which are standards intended to protect public health. The thresholds represent the levels at which a project's individual emissions of criteria air pollutants or precursors would result in a cumulatively considerable contribution to the SFBAAB's existing nonattainment air quality conditions.

Table 3.3-3 BAAQMD Air Quality Significance Thresholds

Pollutant	Construction Average Daily Emissions (lb/day)	Operational Average Daily Emissions (lb/day)	Operational Maximum Annual Emissions (tpy)
Reactive Organic Compounds (ROG)	54	54	10
Oxides of Nitrogen (NO_X)	54	54	10
Respirable Particulate Matter (PM_{10})	82 (Exhaust)	82	15
Fine Particulate Matter ($PM_{2.5}$)	54 (Exhaust)	54	10

Notes: tpy = tons per year; lb/day = pounds per day. PM_{10} and $PM_{2.5}$ fugitive dust emissions require implementation of best management practices (BMPs).

Source: BAAQMD 2022a.

The *2022 CEQA Air Quality Guidelines* include preliminary screening criteria that provides a conservative indication of whether implementing a proposed project could potentially result in the generation of construction-related criteria air pollutants or precursors that exceed the thresholds of significance. If all the following screening criteria are met, the construction of a proposed project would result in a less-than-significant impact related to criteria air pollutants and precursors:

- The project size is at or below the applicable screening level size shown in Table 4-1 in the 2022 Air Quality CEQA Guidelines.
- All best management practices (see Table 5-2 in Chapter 5, "Project-Level Air Quality Impacts" of the 2022 Air Quality CEQA Guidelines) are included in the project design and implemented during construction.
- Construction-related activities would not overlap with operational activities.
- Construction-related activities would not include:
  - demolition,
  - simultaneous occurrence of two or more construction phases (e.g., paving and building construction would occur simultaneously),
  - extensive site preparation (e.g., grading, cut and fill, or earth movement),
  - extensive material transport (e.g., soil import and export requiring a considerable amount of haul truck activity), and
  - stationary sources (e.g., backup generators) subject to air district rules and regulations.

TOXIC AIR CONTAMINANTS

According to the *2013 Edition of the California Almanac of Emissions and Air Quality*, health risks from toxic air contaminants (TACs) can largely be attributed to relatively few compounds, the most important being diesel PM (CARB 2013: 5-2 to 5-4). Diesel PM differs from other TACs in that it is not a single substance, but rather a complex mixture of hundreds of substances. Although diesel PM is emitted by diesel-fueled internal combustion engines, the composition of the emissions varies depending on engine type, operating conditions, fuel composition, lubricating oil, and whether an emissions control system is being used. Unlike other TACs, no ambient monitoring data are available for diesel PM because no routine measurement method currently exists. However, CARB has made preliminary concentration estimates based on a PM exposure method. This method uses the CARB emissions inventory's PM_{10} database, ambient PM_{10} monitoring data, and the results from several studies to estimate concentrations of diesel PM. In addition to diesel PM, the TACs for which data are available that pose the greatest existing ambient risk in California are benzene, 1,3-butadiene, acetaldehyde, carbon tetrachloride, hexavalent chromium, para-dichlorobenzene, formaldehyde, methylene chloride, and perchloroethylene. Overall, levels of most TACs, except para-dichlorobenzene and formaldehyde, have decreased since 1990 (CARB 2013).

NOA is also considered a TAC. At its July 2001 hearing, CARB approved an ATCM for Construction, Grading, Quarrying, and Surface Mining Operations. This ATCM requires road construction and maintenance activities, construction and grading operations, and quarrying and surface mining operations in areas where NOA is likely to be found to employ best available dust mitigation measures. Areas are subject to the regulation if they are identified on maps published by the DOC as ultramafic rock units or if the air district or owner/operator has knowledge of the presence of ultramafic rock, serpentine, or NOA on the site. The ATCM also applies if ultramafic rock, serpentine, or asbestos is discovered during any operation or activity (CARB 2002). BAAQMD regulates all construction activities that produce dust potentially containing NOA by implementing CARB's ATCMs to reduce public exposure to NOA.

For construction and grading projects that would disturb 1 acre or less, the regulation requires specific actions to minimize emissions of dust. These include the following:

- Vehicle speed limit is 15 mph or less;
- water must be applied prior to and during ground disturbance;
- keep storage piles wet or covered; and
- track-out prevention and removal.

Construction projects that would disturb more than 1 acre must prepare and obtain air district approval for an asbestos dust mitigation plan. The plan must specify how the operation would minimize emissions and must address specific emission sources (BAAQMD 2006). See Section 3.9, "Hazards and Hazardous Materials," for a detailed summary of NOA.

ODORS

Odors are generally regarded as an annoyance rather than a health hazard. Manifestations of a person's reaction to odors can range from psychological (e.g., irritation, anger, or anxiety) to physiological (e.g., circulatory and respiratory effects, nausea, vomiting, and headache).

BAAQMD's *2022 CEQA Air Quality Guidelines* identifies land uses associated with odor complaints to include, but are not limited to, wastewater treatment plants, landfills, confined animal facilities, composting stations, food manufacturing plants, refineries, and chemical plants (BAAQMD 2022a). These land uses associated with odor complaints identified by BAAQMD are not located within the project area. Open space recreational uses are not land uses that typically generate odors.

SENSITIVE RECEPTORS

Sensitive receptors generally include those land uses where exposure to pollutants could result in health-related risks to sensitive individuals, such as children or the elderly. Residential dwellings, schools, hospitals, playgrounds, and similar facilities are of primary concern because of the presence of individuals particularly sensitive to pollutants and/or the potential for increased and prolonged exposure of individuals to pollutants.

The project area is located within CVAL, which is an outdoor recreational park and open space area that does not contain sensitive receptor land uses. A few scattered residences beyond the preserve boundary are northeast and west of the project area, with the nearest being 0.20-mile from the project area.

3.3.2 Discussion

a) Conflict with or obstruct implementation of the applicable air quality plan?

Less than significant. The emission inventories used to develop a region's air quality attainment plans are based primarily on projected population growth and vehicle miles traveled (VMT) for the region that are determined, in part, based on the planned growth identified in regional and community plans. Therefore, projects that would result in increases in population or employment growth beyond that projected in regional or community plans could result in increases in VMT above that planned in the attainment plan, further resulting in mobile-source emissions that could conflict with a region's air quality planning efforts. Increases in VMT beyond that projected in area plans generally would have a significant adverse incremental effect on the region's ability to attain or maintain the CAAQS and NAAQS.

The project would improve several existing features to support the public use of the project area including accessibility improvements around the existing preserve parking lot, staging area, and entryway along the approximately 0.25-mile-long Heart's Delight Trail; it would not result in any substantial long-term employment opportunities nor the need for any new housing, and it would not change the amount of development projected in the SFBAAB. Moreover, implementation of the project would not change the anticipated usage of the project-site and would not generate any new VMT above what is currently occurring at this time. Therefore, the project would be consistent with the population growth and VMT projections used in BAAQMD's 2017 Clean Air Plan. Also, the project would not result in any new stationary sources of emissions. Thus, implementation of the project would not conflict with or obstruct implementation of the BAAQMD 2017 Clean Air Plan, and the impact would be **less than significant**.

b) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard?

Less than significant with mitigation incorporated.

Construction

The 2022 CEQA Air Quality Guidelines do not have specific screening criteria for a project identical to the proposed project. However, Table 4-1 of the 2022 Air Quality CEQA Guidelines, titled "Single Land Use Construction and Operational Criteria Air Pollutant and Precursor Screening Levels," shows that, for a city park, the construction criteria for pollutant screening size would be 10 acres (BAAQMD 2022a: Table 4-1). The proposed project is less than 1 acre and is, therefore, well below the applicable screening level size depicted in Table 4-1.

As discussed in the project description, construction would occur in phases and would not overlap with project operation. Furthermore, construction-related activities would not include demolition; simultaneous occurrence of two or more construction phases; extensive site preparation (e.g., grading, cut and fill, or earth movement), extensive material transport (e.g., soil import and export requiring a considerable amount of haul truck activity), or stationary sources (e.g., backup generators) subject to air district rules and regulations. Therefore, project construction

emissions for all criteria pollutants would be below the BAAQMD average daily thresholds of significance and therefore, impacts would be less than significant and would not result in adverse health impacts.

However, Based on BAAQMD's guidance in the 2022 Air Quality CEQA Guidelines, projects that do not include the Best Management Practices (BMPs) identified in Table 5-2 in Chapter 5, "Project-Level Air Quality Impacts," could have a significant impact related to fugitive dust. Therefore, fugitive dust emissions during project construction would be potentially significant.

Because the project design does not include all applicable BAAQMD's construction-related BMPs, the project could generate significant fugitive dust emissions. While, the project would not result in a cumulatively considerable net increase of ROG, NO_X, CO, exhaust PM_{10}, exhaust $PM_{2.5}$, and SO_X for which the project region is non-attainment under federal or state ambient air quality standards, unmitigated fugitive dust emissions would be potentially significant. Through the incorporation of Mitigation Measure AQ-1, fugitive dust emissions would be **less than significant with mitigation incorporated**.

Operation

Long-term emissions sources associated with project operation would include area sources (landscape equipment, and maintenance activities) and mobile sources (vehicle trips to the project area), both of which are already present with the existing trail and day use facilities and visitation. Maintenance activities would be similar to existing conditions, with the addition of light vegetation treatment (e.g., string trimming) and weekly blowing debris off of the 0.25-mile Heart's Delight Trail. The project would improve existing public access features which could slightly increase visitation into the area; however, parking capacity and recreation facility capacity would be the limiting factors on the number of visitors. Neither parking capacity nor recreation facility capacity are proposed to increase. All project improvements would result in operational emissions that are similar to existing conditions and well below the BAAQMD daily and annual thresholds for all criteria pollutants.

Mitigation Measure AQ-1: Implement the Applicable Bay Area Air Quality Management District's Basic Best Management Practices for Construction-Related Fugitive Dust Emissions

To reduce the project's fugitive dust emissions, the Authority will implement the following measures during construction:

- All exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) shall be watered two times per day.
- All haul trucks transporting soil, sand, or other loose material off-site shall be covered.
- All visible mud or dirt trackout onto adjacent public roads shall be removed using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited.
- All vehicle speeds on unpaved roads shall be limited to 15 mph.
- All roadways, driveways, and sidewalks to be paved shall be completed as soon as possible. Building pads shall be laid as soon as possible after grading unless seeding or soil binders are used.
- All excavation, grading, and/or demolition activities shall be suspended when average wind speeds exceed 20 mph.
- All trucks and equipment, including their tires, shall be washed off prior to leaving the site.
- Unpaved roads providing access to sites located 100 feet or further from a paved road shall be treated with a 6- to 12-inch layer of compacted layer of wood chips, mulch, or gravel.
- Publicly visible signs shall be posted with the telephone number and name of the person to contact at the lead agency regarding dust complaints. This person shall respond and take corrective action within 48 hours. The Air District's General Air Pollution Complaints number shall also be visible to ensure compliance with applicable regulations.

Significance after Mitigation

Implementation of Mitigation Measure AQ-1 would reduce construction-generated fugitive dust emissions of PM_{10} and $PM_{2.5}$ through BMPs such as watering exposed surfaces two times per day, limiting vehicle speeds to 15 mph, and maintaining all construction equipment. Therefore, with the implementation of Mitigation Measure AQ-1, impacts would be clearly reduced to **less than significant with mitigation incorporated**.

c) Expose sensitive receptors to substantial pollutant concentrations?

Less than significant. The closest sensitive receptors to the project area include residences, the closest of which is approximately 0.20-mile northeast of the project area. Operation of the project would not introduce any new stationary or operational sources of TACs; therefore, construction-generated TACs comprise the bulk of this analysis. The primary TACs that could occur from construction activities include diesel PM, and if earth moving activities occur in areas with NOA, entrained dust containing asbestos could be released into the air. This analysis focuses on diesel PM and NOA exposure.

The potential cancer risk from inhaling diesel PM outweighs the potential for all other diesel PM–related health impacts (i.e., non-cancer chronic risk, short-term acute risk) and health impacts from other TACs. About exposure to diesel PM, the dose to which receptors are exposed is the primary factor used to determine health risk. Dose is a function of the concentration of a substance or substances in the environment and the duration of exposure to the substance. Dose is positively correlated with time, meaning that a longer exposure period would result in a higher level of health risk for any exposed receptor. Thus, the risks estimated for an exposed individual are higher if a fixed exposure occurs over a longer period. According to the Office of Environmental Health Hazard Assessment, when a health risk assessment is prepared to project the results of exposure of sensitive receptors to selected compounds, exposure of sensitive receptors to TAC emissions should be based on a 70- or 30-year exposure period; however, such assessments should be limited to the duration of activities associated with the proposed project if emissions occur for shorter periods (OEHHA 2015: 5-23, 5-24).

Construction-related activities that would result in temporary, intermittent emissions of diesel PM would be from the exhaust of off-road equipment used during site preparation and construction, and on-road heavy-duty trucks. On-road diesel-powered haul trucks traveling to and from the construction area to deliver materials and equipment are less of a concern because they do not operate at any one location for extended periods of time such that they would expose a single receptor to excessive diesel PM emissions. Because the project meets the screening criteria provided in BAAQMD's 2022 CEQA Air Quality Guidelines, the construction of the proposed project would result in a less-than-significant impact related to criteria air pollutants and precursors. In addition, all construction activities would occur during daytime hours, which is when many residents who are employed or are students typically would not be at home, thus limiting exposure from construction-related emissions to these receptors. Therefore, construction-related diesel PM emissions would not expose sensitive receptors to an incremental increase in cancer risk greater than 10 in 1 million or a hazard index greater than 1.0. The low exposure level reflects the (i) relatively low mass of diesel PM emissions that would be generated by construction activity in the project area; (ii) the relatively short duration of diesel PM-emitting construction activity at the project area; and (iii) the highly dispersive properties of diesel PM.

NOA has been identified in the vicinity of the project area and has the potential to occur within the project area. Grading and other ground disturbing construction activities have the potential to release NOA if present in the area being disturbed. The Authority would be required to implement CARB's ATCM for Construction, Grading, Quarrying, and Surface Mining Operations, which requires specific actions to minimize emissions of dust. Implementation of BAAQMD's construction BMPs discussed under criterion b) above satisfies CARB's ATCM for Construction, Grading, Quarrying, and Surface Mining Operations. Given the limited ground disturbance that would occur (up to 0.30 acre), the implementation of fugitive dust control measures, and considering that very few sensitive receptors are located in the vicinity of the project area, sensitive receptors would not be exposed to substantial NOA.

For the reasons described above, sensitive receptors would not be exposed to substantial pollutant concentrations and this impact would be **less than significant**.

d) Result in other emissions (such as those leading to odors) adversely affecting a substantial number of people?

No impact. The project would improve the existing public access and recreation features within CVAL and would not result in the introduction of any new permanent sources of odors to the area. Because construction would be intermittent, temporary, limited in scale (e.g., minor trail and amenity improvements), and would occur in a rural area, any construction-related odors would be minor and would not affect a substantial number of people.

With respect to operation, BAAQMD's 2022 CEQA Air Quality Guidelines identifies land uses associated with odor complaints to include, but are not limited to, wastewater treatment plants, landfills, confined animal facilities, composting stations, food manufacturing plants, refineries, and chemical plants (BAAQMD 2022a). Open space recreational uses are not land uses that typically generate odors, and no odor generating features or activities would be introduced to the project area. Therefore, the project would not generate objectionable odors affecting a substantial number of people, and there would be **no impact**.

3.4 BIOLOGICAL RESOURCES

ENVIRONMENTAL ISSUES	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
IV. Biological Resources.				
Would the project:				
a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special-status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or the US Fish and Wildlife Service?	☐	☒	☐	☐
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, or regulations or by the California Department of Fish and Wildlife or the US Fish and Wildlife Service?	☐	☐	☒	☐
c) Have a substantial adverse effect on state or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?	☐	☐	☒	☐
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?	☐	☐	☒	☐
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	☐	☐	☒	☐
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?	☐	☐	☐	☒

3.4.1 Environmental Setting

This section describes biological resources in the project area and evaluates potential impacts to such resources from project implementation. The account of biological resources within the project area is based on the 2021 Biological Resources Report for the project prepared by H. T. Harvey and Associates (Authority 2021), a review of the California Natural Diversity Database (CNDDB 2023), and other relevant resources.

For the purposes of the biological resources analysis, the project area includes the disturbance footprint associated with the project and the standard development buffer used in the Habitat Plan, which is a 50-foot buffer from the proposed picnic and seating areas. The project disturbance footprint totals approximately 0.30 acre, with most improvements taking place in areas of existing disturbance (e.g., existing trails or other features).

VEGETATION AND HABITAT TYPES

The project area is in rural unincorporated Santa Clara County within CVAL (Figure 2-1). Elevations within the project area range from approximately 295 feet to 360 feet above sea level. Valley and foothill grassland is the dominate vegetation type in the project area. While there are several valley oaks (*Q. lobata*) within the project area, no distinct woodland or forest habitat is present. In addition to grassland vegetation, a small seasonal unnamed tributary to Fisher Creek flows through the project area, where it is crossed by the existing pedestrian bridge along Heart's Delight Trail (Figure 2-2).

SPECIAL-STATUS SPECIES

Special-status species are botanical species (including plants, lichen, and fungi) and animals that are legally protected or otherwise considered sensitive by federal, state, or local resource agencies and conservation organizations. In this document, special-status species are defined as botanical species and animals in the following categories.

- Listed or proposed for listing as threatened or endangered under the federal Endangered Species Act (ESA).
- Designated as a candidate for listing as threatened or endangered under ESA.
- Listed, proposed for listing, or a candidate for listing as threatened or endangered under the California Endangered Species Act (CESA).
- Listed as fully protected under the California Fish and Game Code.
- Animals identified by the California Department of Fish and Wildlife (CDFW) as species of special concern.
- Plants considered by CDFW to be "rare, threatened or endangered in California" (California Rare Plant Ranks of 1A, presumed extinct in California; 1B, considered rare or endangered in California and elsewhere; 2A, presumed extinct in California but common elsewhere; and 2B, considered rare or endangered in California but more common elsewhere considered rare or endangered in California but more common elsewhere). The California Rare Plant Ranks correspond with and replace former California Native Plant Society listings. While these rankings do not afford the same type of legal protection as ESA or CESA, the uniqueness of these species requires special consideration under CEQA.
- Covered Species under the Santa Clara Valley Habitat Plan (Habitat Plan) (Santa Clara County et al. 2012).
- Considered a locally significant species, that is, a species that is not rare from a statewide perspective but is rare or uncommon in a local context such as within a county or region (CEQA Section 15125 [c]) or is so designated in local or regional plans, policies, or ordinances (State CEQA Guidelines, Appendix G).
- Otherwise meet the definition of rare or endangered under CEQA Sections 15380(b) and (d).

Appendix A provides a list of special-status species potentially occurring in the project vicinity. The list was developed through a review of the biological resources report completed for the project area (Authority 2021), and queries of the California Native Plant Society (CNPS) Inventory of Rare and Endangered Plants (CNPS 2023) and CDFW's CNDDB (CNDDB 2023). A search of the CNDDB and CNPS was conducted for the following US Geological Survey 7.5' quadrangles containing and surrounding the project area: San José East, Santa Teresa Hills, Loma Prieta, Lick Observatory, Isabel Valley, Morgan Hill, Mount Sizer, Gilroy, and Mount Madonna. The CNDDB is based on recorded occurrences provided voluntarily and does not constitute an inventory of special-status species at a location.

The special-status species tables in Appendix A provide both scientific and common names, regulatory status, summary of habitat associations, and the potential for the species to occur in the project area. Most of the special-status species identified in Appendix A do not occur in the project area or have a low potential for occurrence because the habitat elements they require are not present or are not likely to use the site due to the existing disturbance and human activity. Special-status plant and animal species that could occur on or adjacent to the project area are evaluated and discussed in further detail below.

3.4.2 Discussion

a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special-status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or the US Fish and Wildlife Service?

Less than significant (special-status plant species and some special-status wildlife); Less than significant with mitigation incorporated (some special-status wildlife).

Special-Status Plant Species

There are eight special-status plant species that are known to occur in the project region and that have the potential to occur in the grassland habitat within the project area (Appendix A). Surveys conducted in 2021 did not detect any of the eight special-status plant species that could occur within the project area (Authority 2021). However, smooth lessingia, a Habitat Plan covered species was detected within 50 feet of the disturbance footprint on adjacent serpentine soils (Authority 2021). Although smooth lessingia was incorporated into the Habitat Plan as a covered species due to conservation concerns, a recent assessment of smooth lessingia habitat determined that the species has rebounded and is abundant within the Santa Clara Valley (SCVHA and CDFW 2020). Smooth lessingia is limited to serpentine soils and is therefore not likely to occur in the disturbance footprint of the project due to the absence of these soils (Authority 2021). The ground and vegetation disturbance associated with construction and operations of the project is not likely to have direct effects (e.g., removal, crushing) on special-status plant species, because no species occur within the disturbance footprint.

The Authority is in the process of obtaining coverage under the Habitat Plan as a Participating Special Entity (PSE) and would implement all applicable compliance conditions outlined in the PSE permit as a part of the project (refer to Section 2.7, "Habitat Plan Conditions on Covered Activities"), including Condition 7, which requires that runoff from impermeable surfaces be directed to natural or landscaped areas and requires revegetation of all disturbed soils with native plants. In addition, temporary meadow exclusion fencing and temporary erosion control features would be implemented to protect sensitive resources adjacent to work areas and herbicides would be applied within 1 foot of the trail to control invasive plants, which would benefit smooth lessingia. Although herbicides would be applied within 1 foot of the Heart's Delight Trail, they would be applied in accordance with the Authority's IPM Program, which contains specific restrictions on use to avoid effects to non-target plants (e.g., restricting use above specific wind speeds to avoid herbicide drift). Together, these measures would reduce the potential indirect impacts on smooth lessingia.

Although, smooth lessingia is known to occur within 50 feet of a portion of the disturbance footprint of the project, the project would not result in direct impacts to the species, and indirect impacts would be reduced by project measures and Habitat Plan Conditions, such that the impact of the project on special-status plant species would be less than significant.

Special-Status Butterfly Species

There are two special status butterflies that may occur within the project area: monarch butterfly and bay checkerspot butterfly (a Habitat Plan covered species). A small number of narrow leaf milkweed (*Asclepias fascicularis*), one of the hostplant species for monarch butterflies, have been observed within the project area (Authority 2021); therefore, the project area provides breeding habitat for monarch butterflies. However, the project area does not contain habitat for overwintering monarch butterflies due to the lack of dense stands of trees.

The number of monarch hostplants that could be damaged or destroyed during construction and operations is low, because few milkweed plants have been observed in the project area (Authority 2021) and the project would primarily occur on existing compacted surfaces without vegetation. It is possible that monarch butterfly eggs, larvae, and pupae could be present on the few milkweed hostplants that occur in the project area if the project occurs during the season when monarch eggs, larvae, and pupae are likely to be present on milkweed host plants (i.e., March 15 through October 31) (Xerces Society 2019). However, the potential loss of eggs and larvae would not result in a

substantial adverse effect on the local or regional population of monarch butterfly, due to the small numbers that may be affected. Similarly, due to construction occurring primarily within existing disturbed and compacted areas, and vegetation clearing for maintenance being limited to 3 feet from the trail, the project would not substantially affect the availability of monarch butterfly hostplants or nectar resources within CVAL or other surrounding areas.

The disturbance footprint of the project does not contain serpentine grasslands that would support the hostplants of bay checkerspot butterfly (i.e., dwarf plantain [*Plantago erecta*], dense flower owl's clover [*Castilleja densiflora*], and purple owl's clover [*C. exserta* spp. *Exserta*]). However, the serpentine habitat that is located within 50 feet of a portion of the disturbance footprint contains a population of dwarf plantain and therefore may support bay checkerspot butterflies (Authority 2021). While the disturbance footprint of the project does not contain habitat for bay checkerspot hostplants, butterflies from the adjacent suitable habitat may forage on flowers within the project area. Due to the absence of hostplants for bay checkerspot butterfly in the project area, direct removal of hostplants and the loss of eggs and larvae of bay checkerspot butterfly would not occur.

Furthermore, the Authority is in the process of obtaining coverage under the Habitat Plan as a PSE and would implement all applicable compliance conditions outlined in the PSE permit as a part of the project (refer to Section 2.7, "Habitat Plan Conditions on Covered Activities"), including Condition 7, which requires that runoff from impermeable surfaces be directed to natural or landscaped areas and requires revegetation of all disturbed soils with native plants. In addition, temporary meadow exclusion fencing and temporary erosion control features would be implemented, and herbicides would be applied within 1 foot of the trail to control invasive plants, which could otherwise spread and outcompete nectar plants and hostplants. Although herbicides would be applied within 1 foot of the Heart's Delight Trail, they would be applied in accordance with the Authority's IPM Program, which contains specific restrictions on use to avoid effects to non-target plants, such as restricting use above specific wind speeds to avoid herbicide drift and loss of nectar plants or hostplants. Together these measures would reduce the potential indirect impacts on bay checkerspot butterflies and their hostplants. While bay checkerspot butterflies may forage in the vicinity of the project area, due to the small size of the disturbance footprint (0.30 acre), construction occurring primarily within existing disturbed and compacted areas with few nectar resources, and vegetation clearing for maintenance limited to 3 feet from the trail, the project would not substantially affect the availability of nectar resources within CVAL or other surrounding areas.

For the reasons discussed above, the impact of the project on monarch butterfly and bay checkerspot butterfly would be **less than significant**.

Crotch bumble bee

Crotch bumble bees have been recently recorded within Santa Clara County in the vicinity of the project (CNDDB 2023). The decline of native bees prompted the California Fish and Game Commission in 2019 to designate four bumble bee species, including Crotch bumble bee, as candidate species under CESA, granting them protection until its status is decided. Therefore, it is considered a special-status species for the purposes of this analysis.

Crotch bumble bee is a colonial nesting species that nests underground and may be found in grassland habitat within the project area. The species may use abandoned rodent burrows and similar features within the project area for nest colonies during the summer months. Solitary queens may overwinter under leaf litter or in small cavities a few centimeters into loose soil in oak woodland habitat outside of the project area, but the project area does not contain sufficient overwintering habitat. The flight season for Crotch bumble bee queens is from late February to late October, peaking in early April and July (Xerces 2018). The flight season for workers and males is from late April through August when the colony is active (CDFW 2023). Crotch bumble bees are generalist foragers that feed from open flowers with short corollas (Xerces 2018).

Construction and operations of the project would not substantially reduce the locally available suitable habitat for Crotch bumble bee due to the relatively small project disturbance footprint (0.30 acre), the project disturbance occurring primarily on already disturbed land, and the abundance of available habitat in CVAL. In addition, the Authority is in the process of obtaining coverage under the Habitat Plan as a PSE and would implement all applicable compliance conditions outlined in the PSE permit as a part of the project (refer to Section 2.7, "Habitat Plan Conditions on Covered

Activities"), including Condition 7, which requires that runoff from impermeable surfaces be directed to natural or landscaped areas and requires revegetation of all disturbed soils with native plants. Furthermore, temporary meadow exclusion fencing and temporary erosion control features would be implemented, and herbicides would be applied within 1 foot of the trail to control invasive plants, which could otherwise spread and outcompete plants that provide nectar resources. Although herbicides would be applied within 1 foot of the Heart's Delight Trail, they would be applied in accordance with the Authority's IPM Program, which contains specific restrictions on use to avoid effects to non-target plants, such as restricting use above specific wind speeds to avoid herbicide drift and loss of floral resources. Together these measures would reduce the potential indirect impacts to Crotch bumble bee habitat.

The project would occur primarily in existing disturbed areas and, as such, is not likely to result in the removal of sufficient floral resources to result in loss of any nest, should one be present. However, construction during the period when nests are present (April through August) within the disturbance area could result in the direct damage or destruction of Crotch bumble bee nest colonies, if bees are colony nesting close to the trail. The loss of a nest could have a substantial negative effect on the ability of the species to reproduce and maintain local populations, thereby restricting the range of the species. Therefore, the effect of the project on Crotch bumble bee would be a potentially significant impact that would be reduced to **less than significant with mitigation incorporated**.

Mitigation Measure BIO-1: Avoid Loss of Crotch Bumble Bee Nest Colonies

For any construction during the period when Crotch bumble bee nest colonies may be present (April through August), the Authority will implement the following measures.

- Prior to construction that occurs during the period of April through August, a habitat evaluation and preconstruction nesting survey of the limit of disturbance will occur following the guidance provided in *Survey Considerations for California Endangered Species Act (CESA) Candidate Bumble Bee Species* (CDFW 2023). Habitat evaluation and surveys will be conducted by a qualified biologist with the appropriate Memorandum of Understanding with CDFW or permit to identify the location of active nest colonies. Permits for the survey would be required only if handling of bumble bees is needed.
- During preconstruction surveys, if Crotch bumble bees or nesting colonies are detected, the Authority will contact CDFW. If nest colonies are detected within the project area, they will be flagged and no ground disturbing activities will occur within 15 feet of the colony during April through August, or until the colony is no longer active (i.e., no bees are seen flying in or out of the nest for three consecutive days).

Significance after Mitigation

Implementation of Mitigation Measure BIO-1 would avoid adverse effects on Crotch bumble bee by avoiding the disturbance and destruction of nest colonies by requiring preconstruction surveys and if a nest is detected, avoidance of ground disturbing activities in the vicinity of the nest during the season when colonies are active. Therefore, with implementation of Mitigation Measure BIO-1, the impact to Crotch bumble bee would be clearly reduced to **less than significant with mitigation incorporated**.

Special-Status Amphibian and Reptile Species

The project area does not include aquatic habitat for California red-legged frog and the Central California Distinct Population Segment of California tiger salamander, or aquatic or nesting habitat for western pond turtle; however, there is aquatic habitat for these species within dispersal distance of the project area (Authority 2021). Therefore, California red-legged frog, California tiger salamander, and western pond turtle may disperse through the project area, using the unnamed tributary of Fisher Creek and adjacent grasslands during dispersal events. Furthermore, California tiger salamander, and to a lesser extent, California red-legged frog, may use rodent burrows within the project area as upland refugia during the dry season. California red-legged frog, California tiger salamander, and western pond turtle are all Habitat Plan covered species.

The project would occur primarily on areas with existing disturbance; however, if a western pond turtle, California red-legged frog, or California tiger salamander is dispersing through the project area during construction, individuals could be directly injured or killed by construction equipment and personnel. Injury or mortality could also occur

during trail maintenance activities from use of equipment and exposure to herbicides. In addition, California tiger salamander, and less likely California red-legged frog, may be present in rodent burrows and subject to burrow collapse and mortality from ground disturbing activities and construction activities that use heavy equipment, such as the use of graders, excavators, compactor/rollers, or bulldozers.

The Authority is in the process of obtaining coverage under the Habitat Plan as a PSE and would implement all applicable compliance conditions outlined in the PSE permit as a part of the project (refer to Section 2.7, "Habitat Plan Conditions on Covered Activities"). Condition 3 of the Habitat Plan would require measures to protect water quality, such as preventing the accidental release of fuel and lubricants and minimizing site erosion. Condition 7 requires that runoff from impermeable surfaces be directed to natural or landscaped areas and requires revegetation of all disturbed soils with native plants. These permit conditions would protect water quality in the unnamed tributary of Fisher Creek that passes through the project area, minimize disturbance, stabilize disturbed areas of the project area, and restore vegetation within the disturbance footprint, which would further reduce impacts on habitat for California red-legged frog, California tiger salamander, and western pond turtle.

In addition to specific project conditions outlined in the PSE permit, the Authority's participation in the Habitat Plan supports the Habitat Plan and covered species by maintaining a system of preserves throughout Santa Clara County, thereby reducing adverse impacts to regional populations of covered species, including California red-legged frog, California tiger salamander, and western pond turtle from development activities. The use of temporary erosion control measures during construction, reseeding of disturbed areas, the direction of runoff from impervious into areas to percolate into the ground would minimize potential adverse effects to individuals. While direct impacts to individuals of these species may occur as discussed above, participation in the Habitat Plan and its conservation strategy of reserves as a PSE would minimize adverse effects to regional populations of California red-legged frog, California tiger salamander, and western pond turtle, such that the project would not have a substantial adverse effect on the populations of these species or their habitat, and the impact on these species would be **less than significant**.

Special-Status Bird Species

The project area provides grassland habitat for foraging by golden eagle, loggerhead shrike, Swainson's hawk, and tricolored blackbird (a Habitat Plan covered species). There is no nesting habitat for these species within the project area, or adjacent to the project area, or the species is unlikely to nest within the project area based on current survey records and distribution (Authority 2021). The grasslands within the project area and vicinity provide nesting and foraging habitat for burrowing owls (a Habitat Plan covered species) and grasshopper sparrow. White-tailed kites may nest in oak trees within and near the project area (within 500 feet). The noise and activities associated with construction of the project and maintenance activities may temporarily disrupt foraging by special-status birds; however, these disruptions would be limited in duration, and the affected area is not substantial when compared to the available foraging habitat within CVAL and adjacent lands, which would continue to provide foraging opportunities for these species. Therefore, any adverse effects on foraging special-status birds would not be substantial.

Construction and maintenance activities involving mechanized equipment could result in the disturbance of burrowing owl, grasshopper sparrow, and white-tailed kite nests if any are present and the activity occurs during the active nesting season (January 1 to August 31). The Authority is in the process of obtaining coverage under the Habitat Plan as a PSE and would implement all applicable compliance conditions outlined in the PSE permit as a part of the project (refer to Section 2.7, "Habitat Plan Conditions on Covered Activities"). Condition 15 of the Habitat Plan would require survey and avoidance measures to burrowing owls, such as non-disturbance buffers around nests and seasonal avoidance. In addition to Condition 15 of the PSE permit, the Authority's participation in the Habitat Plan supports the Habitat Plan and covered species by maintaining a system of preserves throughout Santa Clara County, thereby reducing adverse impacts to regional populations of covered species from development activities. Participation in the Habitat Plan as a PSE would avoid and minimize potential adverse effects to individuals and regional populations of burrowing owls. Furthermore, there would be no loss of nesting habitat for white tailed-kite, because the project would not remove any trees that provide nesting habitat, and the loss of grasshopper sparrow nesting habitat (e.g., grasslands) from project activities (up to 0.30 acre) would not be substantial when compared to the available nesting habitat within CVAL and adjacent lands. However, disturbance of grasshopper sparrow and

white-tailed kite nests could result in loss of eggs and young, which would be a potentially significant impact that would be reduced to **less than significant with mitigation incorporated**.

Mitigation Measure BIO-2: Avoid Special-Status Bird Nests, Common Raptor Nests, and Nests of Other Common Birds

To avoid and minimize impacts on special-status birds, common raptors, and other nesting birds, the Authority will implement the following measures.

- To the extent feasible, the Authority will schedule work from August 31 through January 1 to avoid the nesting period for special-status birds, common raptors, and other nesting birds.
- If work is required during the nesting season (January 1–August 31), a qualified biologist will conduct a preconstruction survey to identify raptor nests within 500 feet and other bird nests within 50 feet of the project area. The survey will be conducted no more than 14 calendar days before the beginning of construction.
- If non-raptor bird nests are located within 50 feet of the project area, no construction will occur within 50 feet of the nest during the nesting season or until the young have fledged, as determined by a qualified biologist. If raptor nests are located within 500 feet of the project area, no construction will occur within 500 feet of the nest during the nesting season or until the young have fledged, as determined by a qualified biologist.

Significance after Mitigation

Implementation of Mitigation Measure BIO-2 would avoid and minimize adverse effects on grasshopper sparrow and white-tailed kite by avoiding construction during the nesting season if feasible, conducting surveys for nests prior to project construction that occurs within the nesting season, and applying no-disturbance buffers around active nests that are present within or adjacent to the project area. Therefore, with the implementation Mitigation Measure BIO-2, the impact to grasshopper sparrow and white-tailed kite would be clearly reduced to **less than significant with mitigation incorporated**.

Special-Status Mammal Species

The project area contains habitat for three special-status mammal species: American badger, mountain lion, and pallid bat. Mountain lions may use the area for foraging and movement, but due to the lack of dense cover and the existing human disturbance in the area (e.g., regular use of trails), it is unlikely the mountain lions would use the project area or adjacent lands for denning or nursery activities. The project area lacks tree cavities and other structures that could provide roosts for pallid bats; however, the project area may be used for foraging by pallid bats roosting in nearby oak woodlands elsewhere on CVAL (Authority 2021). While project construction and maintenance activities would result in additional temporary disturbance within the project area, these activities would occur during daylight hours from 7:00 a.m. to 7:00 p.m. and are not likely to substantially reduce the use of the project area by foraging mountain lions or pallid bats, which are primarily active at night and early morning hours.

American badgers are known to den on the hill outside, but directly adjacent to, the southern portion of the project area (CNDDB 2023). This den was documented in 2018 and is assumed to be present at this location; however, it is unknown if it is currently occupied. While any badgers that may occupy this den are likely to be acclimated to human presence and disturbance within the project area, the additional disturbance caused by heavy equipment during construction of the project may result in disturbance of denning badgers. This disturbance is not likely to have substantial adverse effects on American badger during the non-breeding season; however, if construction occurs during the breeding season when pups are potentially in the den (February 15 through July 1), this disruption could result in interruption of feeding and caring for the pups and result in injury or death if the female abandons the den. The injury or death of American badger pups could have a substantial adverse effect on the local population of the species and, therefore, would be a potentially significant impact that would be reduced to **less than significant with mitigation incorporated**.

Mitigation Measure BIO-3: Avoid American Badger Dens

To avoid and minimize impacts to American badger, the Authority will implement the following measures.

- If project activities using heavy construction equipment are avoided during the period when pups are potentially in the den (February 15 through July 1), no mitigation is required.
- If project activities using heavy construction equipment (e.g., grader, compactor/roller, bulldozer) are scheduled to occur during the period when pups are potentially in the den (February 15 through July 1), no more than 14 days prior to use of heavy construction equipment a qualified biologist will conduct preconstruction surveys for occupied American badger den sites within 100 feet of the project area.
- If any occupied American badger dens are located during preconstruction surveys, no work using heavy construction equipment will be performed within a 100-foot buffer around dens during the period when pups are potentially in the den (February 15 through July 1).

Significance after Mitigation

The implementation of Mitigation Measure BIO-3 would avoid and minimize adverse effects on American badger by requiring preconstruction surveys for American badger dens prior to construction using heavy equipment during the sensitive season for the species and the application 100-foot buffers during the breeding season to avoid and minimize direct and indirect disturbance of dens. Therefore, with the implementation Mitigation Measure BIO-3, the impact to American badger would be clearly reduced to **less than significant with mitigation incorporated**.

Common Raptors and Other Nesting Birds

While common raptors and other nesting birds do not fit the criteria for special-status species as defined in this analysis, it is standard for land management agencies such as the Authority to analyze project impacts to common raptors and other common nesting birds protected under Section 3503 and Section 3503.5 of the California Fish and Game Code and under the Migratory Bird Treaty Act. Construction of the project could result in the disturbance or destruction of nests of common raptors and other nesting birds that may nest within or adjacent to the project area. Disturbance of the nests and loss of eggs and young of common raptors and other nesting birds could occur and because this loss could substantially affect the abundance, distribution, and viability of local and regional populations of these species, this would be a potentially significant impact that would be reduced to **less than significant with mitigation incorporated**.

Significance after Mitigation

The implementation of Mitigation Measure BIO-2 would avoid and minimize adverse effects on common raptors and other nesting birds by avoiding construction during the nesting season if feasible, requiring surveys for nests prior to project construction that occurs within the nesting season, and applying no-disturbance buffers around active nests that are present within or adjacent to the project area. Therefore, with the implementation Mitigation Measure BIO-2, the impact on common raptors and other nesting birds would be clearly reduced to **less than significant with mitigation incorporated**.

b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, or regulations or by the California Department of Fish and Wildlife or the US Fish and Wildlife Service?

Less than significant. Most of the disturbance footprint that is not on existing disturbed ground is located within California annual grassland, which is dominated by wild oats and brome and classified as wild oats and annual brome grasslands (*Avena* spp. – *Bromus* spp.) (Authority 2021). This vegetation alliance is not a sensitive natural community as defined by CDFW (CDFW 2022). While serpentine soils do not occur within the disturbance footprint (Authority 2021), serpentine soils are present within 50 feet of a portion of the disturbance footprint, and Needle grass - Melic grass grassland, a sensitive natural community (CDFW 2022), may occur in this area. Furthermore, the unnamed tributary of Fisher Creek that passes through the project area does not support riparian habitat; however, disturbance within the bed and bank of the stream may be subject to CDFW jurisdiction under Section 1602 of the California Fish and Game Code. Furthermore, the Authority is in the process of obtaining coverage under the Habitat Plan as a PSE and would implement all applicable compliance conditions outlined in the PSE permit as a part of the project (refer to Section 2.7, "Habitat Plan Conditions on Covered Activities"). Condition 3 of the Habitat Plan would require measures to protect

water quality, such as preventing the accidental release of fuel and lubricants and minimizing site erosion. Condition 7 requires that runoff from impermeable surfaces be directed to natural or landscaped areas and requires revegetation of all disturbed soils with native plants. In addition, temporary meadow exclusion fencing and temporary erosion control features would be implemented, and herbicides would be applied within 1 foot of the trail (in accordance with the Authority's IPM Program) to control invasive plants that could spread and out compete native species that make up sensitive natural communities. Although herbicides would be applied within 1 foot of the Heart's Delight Trail, they would be applied in accordance with the Authority's IPM Program, which contains specific restrictions on use to avoid effects to non-target plants (e.g., restricting use above specific wind speeds to avoid herbicide drift into sensitive natural communities). These permit conditions and measures would protect water quality in the unnamed tributary of Fisher Creek from runoff and other impacts and protect sensitive natural communities from indirect impacts. Due to project related ground disturbance primarily occurring within areas of existing disturbance, and outside of riparian and other sensitive vegetation communities, and with the application of permit conditions to reduce indirect impacts, the project would have a **less than significant impact** on riparian habitats or other sensitive natural communities.

c) Have a substantial adverse effect on state or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?

Less than significant. The project area does not contain any potentially jurisdictional waters or wetlands other than the unnamed tributary of Fisher Creek that passes through the project area (Authority 2021). The re-decking of the existing pedestrian bridge that crosses this potentially jurisdictional water would not result in any dredge or fill below the ordinary highwater mark. As discussed above in checklist question b), contaminated runoff to potentially jurisdictional waters would be avoided by use of temporary erosion control features during construction and through project design. In addition, reseeding of the existing and decommissioned trails would likely reduce erosion into the unnamed tributary of Fisher Creek in the future. For these reasons the project would not have a substantial adverse effect on state or federally protected wetlands or other waters, and this impact would be **less than significant**.

d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?

Less than significant. The project area does not contain suitable habitat to support wildlife nursery sites, such as shorebird colonies, rookeries, or bat maternity roosts. However, the project is located within the western portion of Coyote Valley, which is an important wildlife corridor that allows movement between the Diablo Range to the east and the Santa Cruz Mountains to the west. This corridor is known to be used by native wildlife such as bobcat (*Lynx rufus*), mule deer (*Odocoileus hemionus*), and coyote (*Canis latrans*), and may be critical to the dispersal and migration of other species such as mountain lion (Authority and CBI 2017). While the project is located within this important corridor, the improvements to the staging area, Heart's Delight Trail, signage, and other project components would not result in any substantial physical barriers to wildlife because they would not be continuous enough to prevent the passage of wildlife though the project area. The disturbance during construction would occur only during daylight hours from 7:00 a.m. to 7:00 p.m. and construction best management practices (e.g., meadow protection fencing) may result in temporary barriers to wildlife movement; however, these would non-continuous structures protection small areas that would be in place for a short time (e.g., up to 6 months) and would not substantially interfere with movement. Therefore, the project would not interfere substantially with wildlife movement though the Coyote Valley corridor, and the impact on movement of native wildlife, migratory corridors, or nursery sites would be **less than significant**.

e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?

Less than significant. The project is located within unincorporated Santa Clara County and is subject to the policies of the Santa Clara County General Plan (Santa Clara County 1994) and County ordinances. The County General Plan contains policies related to riparian areas and natural streams, and Section C16 of the Santa Clara County Code contains regulations related to tree removal. The potential for adverse effects on riparian habitats and waters are addressed in checklist questions b) and c), respectively. Because the project would not result in any significant adverse effects to any of these resources, it would be consistent with the protections required by the General Plan. In addition, Section C16 of the Santa Clara County Ordinance Code defines a "protected tree" as a tree with a trunk diameter of 12 inches or more at 4.5 feet above ground level in certain areas of the County. Furthermore, a "heritage tree" is defined as any tree that has been included in the heritage resource inventory adopted by resolution of the Board of Supervisors. A heritage oak tree is located in the vicinity of the proposed Meadow Overlook. However, the project would not affect any trees and work occurring in areas near trees would not begin until temporary tree protection fencing is installed (see Section 2.4, "Construction Activities and Timing"). In addition, the Meadow Overlook area would be located outside of the drip line of mature oak trees to reduce stress and avoid adverse effects on oak root systems. For these reasons the impact of the project would be **less than significant**.

f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?

No impact. The project area is within the Plan Area of the Habitat Plan, which is a habitat conservation plan and a natural community conservation plan (Santa Clara County et al. 2012). The project area provides habitat for species covered by the Habitat Plan and impacts to those covered species and habitats are addressed under the discussion of impacts to special-status species (refer to criteria a) and b) above). The objectives of the Habitat Plan include providing comprehensive species, natural community, landscape, and ecosystem conservation in the Plan Area; contributing to the recovery of endangered species; protecting and enhancing biological and ecological diversity; establishing a regional system of habitat reserves to preserve, enhance, restore, manage, and monitor native species and the habitats and ecosystems upon which they depend; and enhancing and restoring stream and riparian systems for native fish and other species (Santa Clara County et al. 2012).

Construction of the project would not result in a reduction of open space preserves or interfere with the establishment of habitat reserves. The Authority is in the process of obtaining coverage for the project under the Habitat Plan as a PSE and would implement all applicable Habitat Plan Conditions outlined in the PSE permit as a part of the project. Because the project is obtaining coverage under the Habitat Plan and would adhere to all Habitat Plan and PSE permit conditions, the project would be consistent with the Habitat Plan and there would be **no impact**.

3.5 CULTURAL RESOURCES

ENVIRONMENTAL ISSUES	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
V. Cultural Resources.				
Would the project:				
a) Cause a substantial adverse change in the significance of a historical resource pursuant to Section 15064.5?	☐	☐	☐	☒
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to Section 15064.5?	☐	☐	☒	☐
c) Substantially disturb human remains, including those interred outside of formal cemeteries?	☐	☒	☐	☐

3.5.1 Environmental Setting

DEFINITIONS

Cultural resources include districts, sites, buildings, structures, or objects generally older than 50 years and considered to be important to a culture, subculture, or community for scientific, traditional, religious, or other reasons. They include archaeological resources and historic built or architectural resources. Archaeological resources are locations where human activity has measurably altered the earth or left deposits of precontact or historic-era physical remains (e.g., stone tools, bottles, former roads, house foundations). Historic (or architectural) resources include built environment such as standing buildings (e.g., houses, barns, outbuildings, cabins) and intact structures (e.g., dams, bridges, roads, districts) that are 50 years or older.

CULTURAL AND HISTORIC RESOURCE SETTING

A Cultural Resource Inventory Report was prepared for the project by Albion Environmental, Inc. (Albion) (Blackmore et al. 2021) and informs the analysis herein. The report contains confidential, sensitive information regarding the nature and location of archaeological sites. Public access to the report is restricted per Section 304 of the National Historic Preservation Act; Section 9(a) of the Archaeological Resources Protection Act; Executive Order 13007; and is exempt from the California Public Records Act under Government Code Section 6254.10.

The Ohlone were subdivided into tribelets, and the project area is in the southern portion of the *Tamyen (Tamien)* and northern portion of the *Mutsun* territory of the Ohlone. Neighboring groups included the Coast Miwok north across the Carquinez Strait, the Miwok and Northern Valley Yokuts to the east, and the Salinan and Esselen to the south. Traditional Ohlone lifeways were altered drastically beginning in the late 1700s and early 1800s with the establishment of presidios at Monterey and San Francisco by the Spanish military and of seven Franciscan missions within Ohlone territory (Levy 1978:486-487). Following the movement by many Ohlone to the missions, large-scale epidemics decimated the mission population and those who had remained in their villages. It is estimated that the combined Ohlone population fell from a precontact total of 10,000 down to 2,000 by the end of the mission period in 1834 (Levy 1978:486).

The Ohlone were hunters and gatherers who supported themselves largely or entirely with natural plants and animals. They followed a seasonal round of resource availability. Life varied with the seasons, requiring dispersed family groups

to move over the tribelet territory during seasons of abundance when a heavy labor effort was required; resources were stored for the lean winter and early spring when the tribelet tended to congregate together (Levy 1978: 488-489).

In 1777, the first Mission in Santa Clara was established in what would later be known as the Santa Clara Valley, though at the time was called *Llano de Los Robles* (or "Plain of the Oaks") by the Spanish (Garcia 1997:5, Cited in Blackmore et al. 2021). The valley formed a broad, grassy plain that was dotted with oaks and well-watered by creeks and streams. Numerous Native villages also occupied the region, an important reason the Spanish decided to establish a Mission in the area. The reason for colonization in California was to protect the Spanish-owned, northern Mexico silver mines and other New World investments from Russians encroaching from the north (Webb 1952:3, as cited in Blackmore et al. 2021). Establishing missions, presidios, and pueblos was seen as an inexpensive way of protecting northern Mexico, while simultaneously attempting to spread Spanish culture and Christian faith. Interactions between Franciscan priests, diverse soldiers of the Crown, and local and non-local Indigenous peoples took place under this economic and political regime for nearly sixty years, and under Spanish and Mexican Governments.

In 1821, Mexico achieved independence from Spain, and word of this event reached Alta California the following year. The colonial policies of the republic were to be quite different from those of the Spanish monarchy. Not only were Californians allowed to trade with foreigners, but foreigners could also now hold land in the province once they had been naturalized and converted to Catholicism. Under Spain, land grants to individuals were few in number, and title to these lands remained in the hands of the Crown. Under Mexican rule, however, governors were encouraged to make more grants for individual ranchos, and these grants were to be for outright ownership. Most importantly, the new Mexican Republic was determined to "secularize" the missions, to remove the natives and the mission property from the control of the Franciscan missionaries (Milliken et al., Cited in Blackmore et al. 2021:23).

By the beginning of the Early American Period, Mexican landholders began to lose their holdings to American settlers. Land ownership was consolidated during this period. By 1871, it was estimated that three land-holding organizations controlled more than 800,000 acres of Santa Clara Valley. With this consolidation, land use patterns changed from open cattle ranging to more intensive controlled pasturing. Support facilities such as barns and feed sheds were increasingly built to support this new intensive land use. The extension of the Southern Pacific in the late 1860s was a catalyst for a local population boom, resulting in the founding of local communities including Morgan Hill, San Martin, and Gilroy. After a peak in development during the early 1900s the area remained relatively stagnant until the late-20th century when US Highway 101 was opened. Access to transport dramatically increased the population and development of area cities. Population expansion and economic development shifted a focus in land development from agriculture to suburban residential use (Milliken et al., Cited in Blackmore et al. 2021:24).

RECORDS SEARCH

A cultural resources literature search was completed on October 07, 2020, by the Northwest Information Center of the California Historical Resources Information System at Sonoma State University in Rohnert Park, California. The records search was conducted to determine if precontact or historic era cultural resources were previously recorded within the project area, the extent to which the project area had been previously surveyed, and the number and type of cultural resources within the project area. Reference materials from archaeological and historical records, national and state databases, and historic maps were consulted for the literature search. Based on the results of the records search, no historic era or built environment sites have been recorded within the project area. Two precontact archaeological sites, CA-SCL-106 and CA-SCL-341, were recorded within the project area (Blackmore et al. 2021:7). Both of these resources have been previously recommended eligible for inclusion in the California Register of Historical Resources (CRHR) and National Register of Historic Places (NRHP). At the time of the records search, CA-SCL-356 was determined to be within the 0.25-mile radius of the project area. This precontact archaeological site had been previously recommended eligible for inclusion in the CRHR and NRHP.

PEDESTRIAN SURVEY RESULTS

An intensive-level field survey was conducted by Albion as part of the Phase I Cultural Resource Inventory: North Meadow Public Access Project, Coyote Valley Open Space Preserve, Santa Clara County, California (Blackmore et al. 2021). On October 23, 2020, and December 04, 2020, three Albion archaeologists completed the field survey using 10-meter wide transects. Particular attention was paid to areas that appeared to be subject to recent disturbances, such as slumping, dumping, road construction, pedestrian and equestrian traffic, and rodent burrowing. Overall, ground visibility varied between completely obscured to excellent (0–100 percent). The pedestrian survey resulted in the recording of a new precontact archaeological site (CV-Site 1), five isolates, and re-recorded the two previously recorded precontact archaeological sites (CA-SCL-106 and CA-SCL-341). The boundaries of CA-SCL-106 was extended as a result of this survey effort. In addition, a previously recorded precontact archaeological resource, CA-SCL-356, was captured by the records search to be within 0.25-mile radius of the project area. However, during the pedestrian survey, a rock quarry was identified along the southern edge of the project area boundary. Therefore, CA-SCL-356 boundary was extended to encompass the quarry.

No historic-era resources nor built environment resources were identified during the survey of the project area. Albion concluded by recommending that two of these resources (CA-SCL-106 and CA-SCL-356) undergo a Phase II evaluation study for both surface and subsurface context, within the confines of the proposed project's area of direct impact.

SUBSURFACE TESTING RESULTS

Subsurface testing was conducted by Albion as a part of the Phase II Cultural Resource Evaluation of the North Meadow Public Access Project, Coyote Valley Open Space Preserve, Santa Clara County, California (Blackmore et al. 2023). Of the resources identified in the 2021 survey, only CA-SCL-106, with its newly drawn boundaries, overlapped into the areas of disturbance associated with the proposed project. During the week of December 05, 2022, Albion staff archaeologists conducted a targeted Phase II subsurface investigation to (1) determine if the project area contains subsurface archaeological deposits associated with CA-SCL-106; (2) assess whether these deposits constitute an archaeological site and retains sufficient integrity for the evaluation of eligibility for the CRHR; and (3) assess project impacts. The investigation involved nine shovel test probes, two surface transect units, and one column sample within the areas of impact related to footing and foundation construction, trail removal and paving, and restoration fencing. A total of 1.2 cubic meters of soil were excavated by a team of four archaeologists and one Native American Monitor (Blackmore et al. 2023:i).

While the archaeological deposit encountered within the project area contains low densities of flaked stone debitage and highly fragmented faunal bone and shell, without any accompanying associated datable organic material, or time-sensitive artifacts, no temporal associations for the site could be made. The lack of suitable datable materials, as well as the overall low density of artifacts recovered, limits the site's research potential to contribute to local or regional cultural chronologies or research questions. Additionally, the recovered artifacts do not provide adequate data that could reveal insights into the structure of the site. Therefore, Albion recommended that CA-SCL-106, as it manifests within the project area, would not be significant under CEQA (i.e., not qualifying as a historical or unique archaeological resource under CEQA). No further archaeological study is recommended for the proposed project (Blackmore et al. 2023:ii).

3.5.2 Discussion

a) Cause a substantial adverse change in the significance of a historical resource pursuant to Section 15064.5?

No impact. Historic resources are defined as standing buildings (e.g., houses, barns, outbuildings, cabins) and intact structures (e.g., dams, bridges, roads, districts) that are 50 years or older. No historic resources are present within the project area. Implementation of the project would not cause a substantial adverse change in the significance of a historical resource pursuant to Section 15064.5. Therefore, **no impact** would occur.

b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to Section 15064.5?

Less than significant. Archaeological resources are defined as locations where human activity has measurably altered the earth or left deposits of precontact or historic-era physical remains (e.g., stone tools, bottles, former roads, house foundations). The pedestrian survey resulted in the relocation and re-recording of CA-SCL-106 and CA-SCL-341 and the expansion of CA-SCL-356 into the project area. However, only CA-SCL-106, with its newly drawn boundaries, overlapped into the area of disturbance associated with the proposed project (Blackmore et al. 2023). Therefore, CA-SCL-341 and CA-SCL-356 are not discussed further.

As described above in Section 3.5.1, "Environmental Setting," Albion archaeologists conducted a targeted Phase II subsurface investigation during the week of December 5, 2022. The lack of suitable datable materials, as well as the overall low density of artifacts recovered, limits the site's research potential to contribute to local or regional cultural chronologies or research questions. Additionally, the recovered artifacts do not provide adequate data that could reveal insights into the structure of the site. Therefore, Albion recommended that CA-SCL-106, as it manifests within the project area, is not a historical or unique archaeological resource pursuant to Section 15064.5. For these reasons, any disturbance of the site or discovery of archaeological material would not be a significant impact, because material discovered would be associated with CA-SCL-106, which has been characterized after subsurface testing as not a historical resource or unique archaeological resource under CEQA. Therefore, the project would not cause a substantial adverse change in the significance of an archaeological resource and impacts would be **less than significant.**

c) Substantially disturb human remains, including those interred outside of formal cemeteries?

Less than significant with mitigation incorporated. Based on documentary research, there is no evidence that human interments are present within or in the immediate vicinity of the project area. However, project-related ground-disturbing activities could uncover previously unknown Native American or other human remains. Therefore, the impact is potentially significant. The following mitigation measure would be implemented in the event that human remains were discovered during project construction, which would reduce the impact to **less than significant with mitigation incorporated**.

Mitigation Measure CUL-1: Inadvertent Discovery of Human Remains

Construction will cease if human remains are discovered during ground-disturbing activities. There will be no further excavation or disturbance of the site within a 50-foot radius of the location of such discovery, or any nearby area reasonably suspected to overlie adjacent remains. The Santa Clara County Coroner will be notified and will make a determination as to whether the remains are Native American. If the Coroner determines that the remains are not subject to his authority, he will notify the Native American Heritage Commission (NAHC), which will attempt to identify descendants of the deceased Native American. NAHC-designated most likely descendant shall recommend the ultimate treatment and disposition of the remains and take appropriate steps to ensure that additional human interments are not disturbed. The responsibilities for acting upon notification of a discovery of Native American human remains are identified in PRC Section 5097.94.

Significance after Mitigation

Implementation of Mitigation Measure CUL-1 would reduce potential impacts from the discovery of human remains by requiring all work to stop immediately and the County Coroner to be notified. If the human remains are Native American in origin, the NAHC would be notified within 24 hours and the Authority would adhere to the NAHC's guidelines regarding the treatment and disposition of the remains. The NAHC-designated most likely descendant (MLD) would determine the ultimate treatment and disposition of the remains and take appropriate steps to ensure that additional human interments, if present, are not disturbed. Implementation of Mitigation Measure CUL-1 would limit disturbance to human remains, including those interred outside of formal cemeteries, and the impact would be clearly reduced to **less than significant with mitigation incorporated.**

3.6 ENERGY

ENVIRONMENTAL ISSUES	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
VI. Energy.				
Would the project:				
a) Result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation?	☐	☐	☒	☐
b) Conflict with or obstruct a state or local plan for renewable energy or energy efficiency?	☐	☐	☒	☐

3.6.1 Environmental Setting

California relies on a regional power system composed of a diverse mix of natural gas, petroleum, renewable, hydroelectric, and nuclear generation resources:

- Natural gas: Almost two-thirds of California households use natural gas for home heating, and about half of California's utility-scale net electricity generation is fueled by natural gas (EIA 2021).
- Petroleum: Petroleum products (gasoline, diesel, jet fuel), which are consumed almost exclusively by the transportation sector, account for almost 99 percent of the energy used in California by the transportation sector, with the rest provided by ethanol, natural gas, and electricity. In 2021, 13.8 billion gallons of gasoline (made up of 90 percent petroleum-based gasoline and 10 percent ethanol) were sold in California (CEC 2023). Gasoline and diesel fuel sold in California for motor vehicles is refined in California to meet specific formulations required by the CARB (EIA 2021).
- Electricity and renewables: The California Energy Commission (CEC) estimates that total renewable energy reached 33 percent, 90,2080 GWh in 2020, up 2.5 percent from 2019 levels (CEC 2020).
- Alternative fuels: Conventional gasoline and diesel may be replaced (depending on the capability of the vehicle) with many alternative transportation fuels (e.g., biodiesel, hydrogen, electricity). Use of alternative fuels is encouraged through various statewide regulations and plans (e.g., Low Carbon Fuel Standard, 2022 Scoping Plan).

ENERGY FACILITIES AND SERVICES IN THE COUNTY

Unincorporated Santa Clara County as well as the cities of Campbell, Cupertino, Gilroy, Los Altos, Los Altos Hills, Los Gatos, Milpitas, Monte Sereno, Morgan Hill, Mountain View, Saratoga, and Sunnyvale are members of Silicon Valley Clean Energy (SVCE), which serves as the Community Choice Aggregation for its member jurisdictions. SVCE was established in March 2016 and works in partnership with PG&E to deliver GHG-efficient electricity to customers within its member jurisdictions. Consistent with state law, all electricity customers in the unincorporated Santa Clara County were automatically enrolled in SVCE; however, customers can choose to opt out and be served by PG&E. Currently, all power supplied by SVCE is carbon-free. PG&E supplies natural gas service to the County through state-regulated public utility contacts. The project would not require the use of natural gas or electricity during operations.

REGULATORY SETTING

Federal Regulations

The Energy Policy and Conservation Act of 1975 established nationwide fuel economy standards to conserve oil. Under this act, the National Highway Traffic and Safety Administration (NHTSA) is responsible for revising fuel economy standards and establishing new vehicle economy standards. The Corporate Average Fuel Economy (CAFE) program was established to determine vehicle manufacturers' compliance with the government's fuel economy standards. Three Energy Policy Acts have been passed, in 1992, 2005, and 2007, to reduce dependence on foreign petroleum, provide tax incentives for the development of alternative fuels, and support energy conservation. As of March 31, 2022, NHTSA has finalized the CAFE Standards for model years (MY) 2024-2026. The new standards will increase fuel efficiency 8 percent annually for MYs 2024-2025 and 10 percent annually for MY 2026. The new standards will also increase the estimated fleetwide average by nearly 10 miles per gallon for MY 2026, relative to MY 2021 (NHTSA 2022).

State Regulations

See Section 3.8, "Greenhouse Gas Emissions," for a detailed summary of relevant statewide regulations that pertain to GHG emissions, which are directly correlated with energy consumption.

Warren-Alquist Act

The 1974 Warren-Alquist Act established the California Energy Resources Conservation and Development Commission, now known as CEC. The act was created as a response to the state legislature's review of studies projecting an increase in statewide energy demand, which would potentially encourage the development of power plants in environmentally sensitive areas. The act introduced state policy for siting power plants to reduce potential environmental impacts and sought to reduce demand for these facilities by directing CEC to develop statewide energy conservation measures to reduce wasteful, inefficient, and unnecessary uses of energy. Conservation measures recommended establishing design standards for energy conservation in buildings that ultimately resulted in the creation of the Title 24 Building Energy Efficiency Standards (California Energy Code), which have been updated regularly and remain in effect today. The act additionally directed CEC to cooperate with the Office of Planning and Research (OPR), the California Natural Resources Agency, and other interested parties in ensuring that a discussion of wasteful, inefficient, and unnecessary consumption of energy is included in all environmental impact reports required on local projects.

State of California Energy Action Plan

CEC is responsible for preparing the State Energy Plan, which identifies emerging trends related to energy supply, demand, conservation, public health and safety, and the maintenance of a healthy economy. The current plan is the 2003 California Energy Action Plan (2008 update). The plan calls for the state to assist in the transformation of the transportation system to improve air quality, reduce congestion, and increase the efficient use of fuel supplies with the least environmental and energy costs. To further this policy, the plan identifies a number of strategies, including assistance to public agencies and fleet operators in implementing incentive programs for zero-emission vehicles and addressing their infrastructure needs, and encouragement of urban design that reduces VMT and accommodates pedestrian and bicycle access.

Local Regulations

Santa Clara County

Santa Clara County identifies GHG emission reduction goals in its Sustainability Master Plan adopted in January 2021. The Sustainability Master Plan has four Priority Areas of sustainability which include: Climate Protection and Defense, Natural Resources and the Environment, Community Health and Well-Being, and Prosperous and Just Economy. Within these Priority Areas, the County includes strategies that will result in the reduction of GHG emissions such as carbon neutrality by 2045. In addition, the County strives for clean energy, building decarbonization, smart growth, and clean transportation.

3.6.2 Discussion

a) Result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation?

Less than significant. The project would increase energy consumption for temporary construction activities related to vehicle use and material transport. However, construction activities would be temporary (i.e., up to 6 months) and would not increase long-term energy or fuel demand. Construction activities would consume the necessary amount of fuel/energy to complete work in an efficient and timely manner.

The project would not require the use of electricity or natural gas during operations. Project improvements to the existing public access features could slightly increase visitation into the area, which could result in increased fuel use as a result of increased vehicle-based visitation to the project area. However, fuel consumption associated with project-related vehicle trips would not be wasteful, inefficient, or unnecessary because the project would provide a high-quality public access and recreation resource for the region. In addition, this increase in energy use would not be substantial given that there would be no other permanent ongoing energy use as a result of the project, such as facilities requiring electricity or natural gas, and parking capacity would not increase under the project. This impact would be **less than significant**.

b) Conflict with or obstruct a state or local plan for renewable energy or energy efficiency

Less than significant. The County's Sustainability Master Plan provides energy use and conservation goals to promote a sustainable future through strategies that save energy and promote green buildings. The County's strategies towards energy conservation and renewable energy include the following:

- Strategy 1.1: Transition to a zero-emission energy system.
- Strategy 1.2: Enhance energy efficiency of and electrify new and existing buildings.
- Strategy 1.3: Expand zero-emission transportation/travel choices and create safe and accessible streets for all users.
- Strategy 1.4: Promote smart growth development patterns to reduce land consumption, lower VMT, and support active transportation.

Because the project includes improving and constructing minor infrastructure (e.g., trail improvements; constructing shade structure, seating areas, and wayfinding and interpretive signage), the policies on conservation and energy efficiency in buildings do not apply. The project involves improving existing public access features within CVAL to support public access and low intensity recreation. Replacement of existing amenities on the project site will not substantially increase visitation. Furthermore, bicycle racks would be provided promoting the County's zero-emission transportation strategies. Therefore, the project would not conflict with or obstruct the County's Sustainability Master Plan strategies outlined above, and this would be a **less-than-significant impact**.

3.7 GEOLOGY AND SOILS

ENVIRONMENTAL ISSUES	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
VII. Geology and Soils.				
Would the project:				
a) Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving:				
i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? (Refer to California Geological Survey Special Publication 42.)	☐	☐	☒	☐
ii) Strong seismic ground shaking?	☐	☐	☒	☐
iii) Seismic-related ground failure, including liquefaction?	☐	☐	☒	☐
iv) Landslides?	☐	☐	☒	☐
b) Result in substantial soil erosion or the loss of topsoil?	☐	☐	☒	☐
c) 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?	☐	☐	☒	☐
d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994, as updated), creating substantial direct or indirect risks to life or property?	☐	☐	☒	☐
e) Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?	☐	☐	☐	☒
f) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	☐	☐	☒	☐

3.7.1 Environmental Setting

GEOLOGY

The project area is situated within the Santa Clara Valley, which is a part of the northwesterly trending intermountain San Francisco Bay depression—a large structural trough created by down-warping of the geologic features to the valley's east and west. Those features consist of the San Andreas Fault along the western edge of the valley and the Hayward fault along the eastern edge (CGS 2023a). The valley floor is made up of unconsolidated alluvial sediments deposited during the Pleistocene-Holocene from the Santa Cruz Mountains on the west and the Diablo Range on the east. The accumulated alluvial fill within the valley is host to a groundwater basin (Iwamura 1995). Erosion-resistant ultramafic rocks, part of the Coast Range Ophiolite, underlie much of Coyote Creek Valley and comprise the Diablo Range foothills. These rocks are visible as outcrops near Anderson Dam. Valley alluvium submerges these rocks downstream of the dam, but bedrock resurfaces near Parkway Lakes constricting the Valley's width and depth, at a point known as Coyote Narrows. Large fan deposits originate from the Diablo Range foothills and splay into the Coyote Creek Valley. Coyote Creek continues to excavate the toes of these fan deposits adding to the coarse nature of the unconsolidated channel deposits. This region has historically experienced a high level of seismic activity.

CVAL is not located within an Alquist-Priolo zone (CGS 2023b). However, CVAL is located near a number of faults recognized as active by the state of California and that are zoned pursuant to the Alquist-Priolo Act, including the Calaveras and Hayward fault zones, which lie east of the project area, and the Sergeant and San Andreas faults, which are west of the project area. Any movement along the faults within these zones can generate strong earthquake-induced ground shaking at the project area. A portion of the project area is within an area designated as susceptible to earthquake-induced landslides, pursuant to the Seismic Hazards Mapping Act (SHMA; see below). Land immediately east of the project area is classified by the state of California as being potentially subject to liquefaction, also pursuant to SHMA; however, the soils within the project area are not classified as subject to liquefaction (CGS 2023c) (see "Soils," below), and are generally well-drained (NRCS 2023), a soils characteristic that is not generally conducive to the risk of liquefaction.

Over the early part of the 20th century, much of Santa Clara Valley experienced subsidence as a result of groundwater extraction to support agricultural development. Since the late 1960s, subsidence has been effectively arrested thanks to diversion and use of surface water to support agriculture and other uses, as well as management of surface water to promote groundwater recharge. These efforts have raised the water table and restored pore pressure in subsurface aquifers, thereby reducing the effective overburden load and stopping the subsidence (USGS 1999).

SOILS

The soil map units delineated within the project area consist of Montara rocky clay loam and Zamora clay loam. These soils are both loams, which are fertile soils consisting of a mixture of clay and sand with organic matter. These soils are distributed across the project area according to topography and source geology. Montara rocky clay loam is situated within the existing parking area and the adjacent topographic high to its southwest and abuts the eastern part of Heart's Delight Trail to the south. This soil unit is designated as susceptible to earthquake-related landslide hazard according to the SHMA. It has a medium to high erosion hazard rating and medium to rapid runoff potential. This shallow, well-drained soil occurs on uplands and ridge tops with 15–50 percent slopes (NRCS 2023). The predominant soil in the low-lying, flat western and central part of the project area is Zamora loam. This deep, silty soil formed from alluvium of weathered sedimentary rocks. It has a low erosion hazard rating and very slow to medium runoff potential (NRCS 2023). Both soils are classified as having a moderate potential for liquefaction (Soil Conservation Service 1968); however, within the project area these soils exhibit well-drained characteristics and are not classified as prone to liquefaction pursuant to the SHMA (CGS 2023c).

REGULATORY SETTING

Federal

There are no relevant federal regulations for Geology and Soils other than Section 402 of the Clean Water Act (CWA), which is discussed in Section 3.10, "Hydrology and Water Quality" below.

State

Alquist-Priolo Earthquake Fault Zoning Act

The Alquist-Priolo Earthquake Fault Zoning Act of 1972 (PRC Section 2621-2630) intends to reduce the risk to life and property from surface fault rupture during earthquakes by regulating construction in active fault corridors and prohibiting the location of most types of structures intended for human occupancy across the traces of active faults. The act defines criteria for identifying active faults, giving legal support to terms such as active and inactive and establishes a process for reviewing building proposals in Earthquake Fault Zones. Under the Alquist-Priolo Act, faults are zoned and construction along or across these zones is strictly regulated if they are "sufficiently active" and "well-defined." A fault is considered sufficiently active if one or more of its segments or strands shows evidence of surface displacement during Holocene time (defined for purposes of the Act as within the last 11,000 years). A fault is considered well defined if its trace can be clearly identified by a trained geologist at the ground surface or in the shallow subsurface, using standard professional techniques, criteria, and judgment (Bryant and Hart 2007). Before a project can be permitted in a designated Alquist-Priolo Earthquake Fault Zone, cities and counties must require a geologic investigation to demonstrate that proposed buildings would not be constructed across active faults. The Act addresses only the hazard of surface fault rupture.

Seismic Hazards Mapping Act

The intention of the SHMA of 1990 (PRC Section 2690–2699.6) is to reduce damage resulting from earthquakes. While the Alquist-Priolo Act addresses surface fault rupture, the SHMA addresses other earthquake-related hazards, including ground shaking, liquefaction, and seismically induced landslides. The Act's provisions are similar in concept to those of the Alquist-Priolo Act, the State is charged with identifying and mapping areas at risk of strong ground shaking, liquefaction, landslides, and other corollary hazards, and cities and counties are required to regulate development within mapped Seismic Hazard Zones. Under the SHMA, permit review is the primary mechanism for local regulation of development. Specifically, cities and counties are prohibited from issuing development permits for projects in Seismic Hazard Zones until appropriate site-specific geologic or geotechnical investigations have been carried out and measures to reduce potential damage have been incorporated into development plans.

California Building Code

The California Building Code (CBC) (California Code of Regulations, Title 24) is based on the International Building Code (IBC). Specific minimum seismic safety and structural design requirements are set forth in Chapter 16 of the CBC. The CBC identifies seismic factors that must be considered in structural design. Chapter 18 of the CBC regulates the excavation of foundations and retaining walls, while Chapter 18A regulates construction on unstable soils, such as expansive soils and areas subject to liquefaction. Appendix J of the CBC regulates grading activities, including drainage and erosion control.

The CBC contains a provision that provides for a preliminary soil report to be prepared to identify "…the presence of critically expansive soils or other soil problems which, if not corrected, would lead to structural defects." (CBC Chapter 18 §1803.1.1.1)

Local

Santa Clara County is situated in one of the most geologically active regions in North America. As a matter of public safety, geologic review is required for proposed development on land located within a geologic hazard zone, or any proposed development or ground disturbance that may increase the risk of damage caused by a geologic hazard. These provisions are required under Santa Clara County's Geologic Ordinance, Chapter IV of Division C12 of the County Ordinance Code. Santa Clara County has also adopted and enforces the CBC, described above.

3.7.2 Discussion

a) Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving:

i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? (Refer to California Geological Survey Special Publication 42.)

and

ii) Strong seismic ground shaking?

Less than significant. The project area is within a very seismically active area, located between the seismically active Hayward and Calaveras fault zones to the east and the San Andreas fault to the west (CGS 2023a). The two primary ways that a project could result in the risk of loss, injury, or death from fault rupture or strong seismic ground shaking would be a change in use of an area that would exacerbate the risk of fault rupture or magnitude of grounds shaking, or the placement of structures that could be damaged or collapse, causing loss, injury, or death, in the event of fault rupture or ground shaking.

The proposed project would not alter the existing uses of the project area; therefore, the project would not exacerbate the risk of fault rupture or magnitude of seismic ground shaking by this mechanism. The proposed project does involve the placement of new structures, which include replacing shade structures at CVAL's staging area, and constructing two new overlooks along the existing Heart's Delight Trail. Replacing an existing shade structure in the staging area would not increase risks associated with rupture of an earthquake fault or seismic ground shaking because the overall size and magnitude of the shade structure would not change substantially. In addition, the overlooks would be minor structures consisting primarily of a few picnic areas and benches and would not present fall hazards; therefore, they would not exacerbate existing risks associated with fault rupture or seismic shaking. Additionally, new and improved project features would be built in compliance with the CBC, as applicable. Therefore, this impact would be less than significant.

iii) Seismic-related ground failure, including liquefaction?

Less than significant. Liquefaction and other seismic-related ground failure events primarily affect structures. As described above in Section 3.7.1, "Environmental Setting," soils within the project area are well-drained and not classified as prone to liquefaction (NRCS 2023, CGS 2023c). While the proposed project would result in construction of structures, including a shade structure at the staging area and two new overlooks, they would be minor, consisting of the replacement of an existing shade structure and placement of picnic tables and benches, and would not be situated on soils prone to liquefaction. Moreover, new structures would be built in compliance with the CBC, as applicable. Therefore, impacts related to liquefaction would be less than significant.

iv) Landslides?

Less than significant. Portions of the proposed project area are in areas of mapped historic landslides, as well as an area identified as exposed to seismic-related landslide risk pursuant to the SHMA (CGS 2023d). The project would not result in a change in use of the area and therefore would not create a new or increased risk of landslide. The project could result in slightly increased visitation to the project area through the improvement of existing public access features, which could increase the number of individuals exposed to the risk of landslides. However, this exposure would not constitute a change in the level of risk; that is, additional visitation would not change conditions at the project area such that it would exacerbate the risk of a landslide occurring. Additionally, visitation would be limited by available parking in the existing parking lot; therefore, any increase would not be substantial. Moreover,

implementation of the project would not involve substantial ground-disturbing activities that would modify topography or cause loading that could increase the probability of a landslide occurring. Therefore, project related risks associated with loss, injury, or death from landslides would be low and the impact would be **less than significant**.

b) Result in substantial soil erosion or the loss of topsoil?

Less than significant. The Montara rocky clay loam soil unit in the southeastern portion of the project area has a moderate to high potential for erosion; other soils in the project area do not (NRCS 2023). As such, there is the risk of erosion within the project area. Minor structures and ground-clearing activities are proposed in connection with the project in the areas with moderate to high erosion potential. However, as described in Chapter 2, "Project Description," total ground disturbance would be up to 0.30 acre with most improvements occurring in areas of existing disturbance. Previously disturbed areas have a lower potential for erosion because they have already stabilized through design, placement of stabilized fill, or other surface material, and prior grading. Therefore, because the project would only result in 0.30 acre of total ground disturbance, and most of the project would in occur in areas of previous disturbance, no substantial soil erosion or loss of topsoil would occur, and the impact would be **less than significant**.

c) 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?

Less than significant. Landslide-related hazards associated with proposed public access are addressed under item a)(iv), above. Soil susceptibility to liquefaction within the project area is addressed under item a)(iii), above. Soil units within the project area do not exhibit other properties that would lead to unstable or hazardous soil conditions. Specifically, soils within the project area are not prone to lateral spreading (NRCS 2023), subsidence, or collapse (USGS 1999). In addition, the project would not create unstable conditions because only minor structures, such as replacement of a shade structure and installation of new picnic areas and benches, are proposed. For these reasons, project impacts related to unstable soils would be **less than significant**.

d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994, as updated), creating substantial direct or indirect risks to life or property?

Less than significant. The project area is not host to expansive soils. Soils within the project area exhibit low linear extensibility (NRCS 2023), which is a property of soils measuring the degree of expansion and contraction when wetted and dried, respectively. As described in criterion c) above, the proposed project would involve the development of minor structures, which would be primarily located in previously disturbed areas. Because the project would not be located on expansive soils, and only minor structures are proposed, the impact would be **less than significant**.

e) Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?

No impact. The proposed project would not involve the installation of any septic system or other form of wastewater disposal. Therefore, there would be **no impact**.

f) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?

Less than significant. The project area is composed largely of unconsolidated alluvial sediments, which have not had the opportunity to amass and fossilize biological material at the ground surface where the youngest deposits are situated. With depth, the paleontological sensitivity of these types of deposits tends to increase. Subsurface disturbance activities associated with the project would not extend below 5 feet for shade structure footing

placement, which is within the least sensitive portion of the deposits. Therefore, the likelihood of encountering a unique paleontological or geologic resource is extremely low. Additionally, excavations would be limited in their overall extent because the structures they would support are minor, and their placement would occur in areas of already-disturbed ground. Resurfacing the existing trail and decommissioning redundant trails would involve activities limited to the ground surface. Therefore, impacts on unique paleontological or geologic resources resulting from project activities would be **less than significant**.

3.8 GREENHOUSE GAS EMISSIONS

ENVIRONMENTAL ISSUES	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
VIII. Greenhouse Gas Emissions.				
Would the project:				
a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?	☐	☐	☒	☐
b) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?	☐	☐	☒	☐

3.8.1 Environmental Setting

Certain gases in the earth's atmosphere, classified as GHGs, play a critical role in determining the earth's surface temperature. Solar radiation enters the earth's atmosphere from space. Most solar radiation passes through GHGs; however, infrared radiation is absorbed by these gases. As a result, radiation that otherwise would have escaped back into space is instead "trapped," resulting in a warming of the atmosphere. This phenomenon, known as the greenhouse effect, is responsible for maintaining a habitable climate on earth.

Prominent GHGs contributing to the greenhouse effect are CO_2, methane (CH_4), nitrous oxide (N_2O), hydrofluorocarbons, perfluorocarbons, and sulfur hexafluoride. GHG emissions contributing to global climate change are attributable, in large part, to human activities associated with on-road and off-road transportation, industrial/manufacturing, electricity generation by utilities and consumption by end users, residential and commercial on-site fuel usage, and agriculture and forestry. It is "extremely likely" that more than half of the observed increase in global average surface temperature from 1951 to 2010 was caused by the anthropogenic increase in GHG concentrations and other anthropogenic factors together (IPCC 2014: 5).

Climate change is a global problem. GHGs are global pollutants because even local GHG emissions contribute to global impacts. GHGs have long atmospheric lifetimes (one to several thousand years) and persist in the atmosphere long enough to be dispersed around the globe. Although the lifetime of any particular GHG molecule is dependent on multiple variables and cannot be determined with any certainty, it is understood that more CO_2 is emitted into the atmosphere than is sequestered by ocean uptake, vegetation, and other forms of sequestration (IPCC 2013:467).

GREENHOUSE GAS EMISSION SOURCES AND SINKS

As discussed previously, GHG emissions are attributable in large part to human activities. CO_2 is the main byproduct of fossil fuel combustion. CH_4, a highly potent GHG, primarily results from off-gassing (the release of chemicals from nonmetallic substances under ambient or greater pressure conditions) and is largely associated with agricultural practices, organic material decomposition in landfills, and the burning of forest fires (Black et al. 2017). N_2O emissions are largely attributable to agricultural practices and soil management. CO_2 sinks, or reservoirs, include vegetation and the ocean, which absorb CO_2 through sequestration and dissolution (CO_2 dissolving into the water); respectively, these are the two of the most common processes for removing CO_2 from the atmosphere.

The total GHG inventory for unincorporated Santa Clara County was 405,090.83 million metric tons of CO_2 equivalent ($MMTCO_2e$) in 2017 (Santa Clara County 2021a). The results for all GHG emissions sectors for the 2017 County inventory are shown in Table below.

Table 3.8-1 Santa Clara County 2017 GHG Emissions Inventory Summary

GHG Emissions Sector	County Emissions ($MMTCO_2E$)	Unincorporated County Emissions ($MMTCO_2E$)
Residential electricity	357,750.48	14,276.00
Commercial electricity	2,020,766.29	94,308.00
Residential natural gas	1,205,905.66	48,502.61
Commercial natural gas	1,214,603.56	126,473.65
Passenger VMT	3,868,363.75	33,052.17
Commercial VMT	984,541.62	8,412.14
Off-road VMT	515,611.79	32,281.61
Waste	574,003.34	40,499.96
Water	34,912.25	6,765.85
Wastewater	12,880.46	519.83
Total	10,789,339.21	405,090.83
Per capita emissions		
Population (2017)	1,942,176	88,545

Source: Santa Clara County 2021a.

REGULATORY SETTING

State Regulations

Statewide GHG Emission Targets and Climate Change Scoping Plan

Reducing GHG emissions in California has been the focus of the State government for approximately two decades. GHG emission targets established by the State legislature include reducing statewide GHG emissions to 1990 levels by 2020 (Assembly Bill [AB] 32 of 2006) and reducing them to 40 percent below 1990 levels by 2030 (Senate Bill [SB] 32 of 2016). Executive Order S-3-05 calls for statewide GHG emissions to be reduced to 80 percent below 1990 levels by 2050. This target was superseded by AB 1279, which codifies a goal for carbon neutrality and reduction of GHG emissions by 85 percent below 1990 levels by 2045. These targets are in line with the scientifically established levels needed in the US to limit the rise in global temperature to no more than 2 degrees Celsius (°C), the warming threshold at which major climate disruptions, such as super droughts and rising sea levels, are projected; these targets also reflect efforts to limit the temperature increase even further to 1.5 °C (United Nations 2015).

CARB adopted the *Final 2022 Scoping Plan for Achieving Carbon Neutrality* (2022 Scoping Plan) on December 16, 2022, establishing the state's the pathway to achieve carbon neutrality and an 85 percent reduction in 1990 emissions goal by 2045 using a combined top-down, bottom-up approach under various scenarios (CARB 2022). The 2022 Scoping Plan identifies the reductions needed by each GHG emission sector (e.g., transportation [including off-road mobile source emissions], industry, electricity generation, agriculture, commercial and residential, pollutants with high global warming potential, and recycling and waste) to achieve these goals. CARB and other state agencies released the *January 2019 Draft California 2030 Natural and Working Lands Climate Change Implementation Plan* consistent with the carbon neutrality goal of Executive Order B-55-18 (CalEPA et al. 2019). The state has also passed more detailed legislation addressing GHG emissions associated with transportation, electricity generation, and energy consumption, as summarized below.

Transportation-Related Standards and Regulations

As part of its Advanced Clean Cars program (ACC), CARB established more stringent GHG emission standards and fuel efficiency standards for fossil fuel–powered on-road vehicles than EPA standards. In addition, the program's zero-emission vehicle (ZEV) regulation requires battery, fuel cell, and plug-in hybrid electric vehicles (EVs) to account for up to 15 percent of California's new vehicle sales by 2025. In August 2022, CARB adopted the ACC II program, which sets sales requirements to reach the goal of 100 percent ZEV sales in the state by 2035.

Executive Order B-48-18, signed into law in January 2018, requires all State entities to work with the private sector to have at least 5 million ZEVs on the road by 2030, as well as 200 hydrogen-fueling stations and 250,000 EV-charging stations installed by 2025. It specifies that 10,000 of these charging stations must be direct-current fast chargers.

CARB adopted the LCFS in 2007 to reduce the carbon intensity (CI) of California's transportation fuels. Low-CI fuels emit less CO_2 than other fossil fuel–based fuels such as gasoline and fossil diesel. The LCFS applies to fuels used by on-road motor vehicles and off-road vehicles, including construction equipment (Wade, pers. comm., 2017).

In addition to regulations that address tailpipe emissions and transportation fuels, the state legislature has passed regulations to address the amount of driving by on-road vehicles. Since passage of SB 375 in 2008, CARB requires metropolitan planning organizations (MPOs) to develop and adopt sustainable communities strategies (SCSs) as a component of the federally-required regional transportation plans (RTPs) to show reductions in GHG emissions from passenger cars and light-duty trucks in their respective regions for 2020 and 2035 (CARB 2018). These plans link land use and housing allocation to transportation planning and related mobile-source emissions. ABAG serves as the MPO for Santa Clara County and MTC is the transportation planning, financing and coordinating agency for the Bay Area. ABAG and MTC's joint Bay Area long-range plan, Plan Bay Area 2050. serves as Bay Area's regional transportation plan, helping to identify transportation and land use strategies to guide long-term growth in the MTC and ABAG planning area. CARB initially assigned a numerical target for ABAG for 2020 or 2035; however, later in March 2018, CARB adopted the Target Update for the SB 375 targets, requiring ABAG to achieve a 10 percent and a 19 percent per capita reduction by 2020 and 2035, respectively, for plans developed and adopted beginning October 1, 2018 (CARB 2018). Plan Bay Area 2050 satisfies CARB's most recent SB 375 targets.

Local Regulations

Bay Area Air Quality Management District

BAAQMD is the primary agency responsible for addressing air quality concerns in the SFBAAB, including Santa Clara County. BAAQMD also recommends methods for analyzing project related GHGs in CEQA analyses and recommends multiple GHG reduction measures for land use development projects. BAAQMD has not developed any thresholds regarding construction period GHG emissions (BAAQMD 2022a). BAAQMD recently developed and finalized its *Justification Report: CEQA Thresholds for Evaluating the Significance from Land Use Project and Plans* (Justification Report) (BAAQMD 2022b). The Justification Report is intended to be used to uniformly evaluate the significance of operation-related emissions from land use development projects through the incorporation of certain project design features including the prohibition of natural gas infrastructure, meeting the Tier 2 electric vehicle requirements of Part 11 of the Title 24 CBC (CalGreen Code), and meeting the VMT reduction targets of SB 743; however, the project is primarily a construction project with few operation-related emissions associated with GHG emissions to support maintenance activities. In its 2022 CEQA Air Quality Guidelines, BAAQMD states, "[b]ecause construction emissions are temporary and variable, the Air District has not developed a quantitative threshold of significance for construction-related GHG emissions… even though the significance of construction-related GHG emissions is not determined, in order to minimize GHG emissions and emissions of other air quality pollutants, projects should incorporate the best management practices for reducing GHG emissions" (BAAQMD 2022a: 6-7).

Santa Clara County

Santa Clara County identifies GHG emission reduction goals in its Sustainability Master Plan adopted in January 2021 (Santa Clara County 2021b). The Sustainability Master Plan has four Priority Areas of sustainability which include: Climate Protection and Defense, Natural Resources and the Environment, Community Health and Well-Being, and

Prosperous and Just Economy. Within these Priority Areas, the County includes strategies that will result in the reduction of GHG emissions such as carbon neutrality by 2045.

3.8.2 Discussion

a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?

Less than significant. Operational activities associated with ongoing maintenance would continue in a manner similar to existing conditions as described in Chapter 2, "Project Description." Additional maintenance activities would include weekly blowing debris off of the Heart's Delight Trail; brushing back vegetation along the edges of the Heart's Delight Trail; string trimming up to 3 feet on either side of the Heart's Delight Trail four times per year; and spraying herbicide up to 1 foot on either side of the Heart's Delight Trail twice per year (around February and April). None of these activities would generate significant GHG emissions. As noted above under "Bay Area Air Quality Management District," BAAQMD recommends land use development projects incorporate these project design features: no natural gas infrastructure, meeting the Tier 2 electric vehicle requirements of the CalGreen Code, and meeting the VMT reduction targets of SB 743. However, these design features are not applicable to the proposed trail and day use facilities. Notably, the project would not support any natural gas infrastructure, would not generate substantial new vehicle trips above existing conditions, and does not introduce new parking and is, thus, not subject to the charging requirements of the CalGreen code or policies on conservation and energy efficiency in buildings. In addition, as described below under criterion b), various project design features support the sustainability goals of the County's Sustainability Master Plan. Because the project involves enhancing existing public access amenities and would continue to operate similar to existing conditions, operations of the project would not generate substantial GHG emissions.

BAAQMD has not developed any thresholds regarding construction period GHG emissions. Due to the project's size (less than 1 acre) and lack of a construction threshold, potential project emissions have not been quantified. BAAQMD recommends non-mandatory BMPs to ensure that construction emissions would be minimized (BAAQMD 2022a: Table 6-1). However, these measures are most applicable to large-scale projects with extensive construction phasing and heavy-duty equipment usage. The project involves improving existing public access features within CVAL to support public access and low intensity recreation. Construction activities associated with implementation of the proposed project would result in minor GHG emissions for the use of equipment and construction worker commutes to and from the project area. The project would be constructed by one crew consisting of 6-10 personnel, which would not create significant GHG emissions from worker commutes. GHG emissions associated with construction would be limited as a result of the project's limited duration (e.g., up to 6 months) and the small scale of the proposed improvements (e.g., adding picnic tables and benches, resurfacing 0.25-mile of trail, replacing shade structures) and would not generate substantial GHG emissions.

Given the small size of the project (less than 1 acre), relatively short construction period, minor improvements proposed, and that various project design features would support the sustainability goals of the County's Sustainability Master Plan (see the impact discussion under criterion [b] below), the project's emissions of GHGs would not have a significant impact on the environment and the impact would be **less than significant**.

b) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?

Less than significant. Consistency with the emissions targets provided by AB 1279 (i.e., reducing statewide GHG emissions by 85 percent from a 1990 baseline inventory and achieving carbon neutrality by 2045) would also result in consistency with emissions targets provided by SB 32 and AB 32, which are less stringent. The 2022 Scoping Plan lays out the framework for achieving the 85 percent reduction in 1990 emissions goal by 2045 and progress toward additional reductions. Appendix D of the 2022 Scoping Plan includes detailed GHG reduction measures and local actions

that land use development projects can implement to support the Statewide goal. Appendix D identifies three sectors that local jurisdictions can address: 1) building carbonization (i.e., the prohibition of onsite natural gas infrastructure, 2) VMT reductions, and 3) the electrification of the mobile sector. The project does not introduce any new natural gas infrastructure, does not contribute additional VMT that would conflict with OPR's requirements under SB 743 (see Section 3.17, "Transportation"), and does not introduce new parking spaces subject to the EV charging requirements of the CalGreen Code. Therefore, the project would be consistent with the 2022 Scoping Plan.

In addition to the 2022 Scoping Plan, Plan Bay Area 2050 satisfies CARB's most recent SB 375 targets which require ABAG/MTC to achieve a 10 percent and a 19 percent per capita reduction by 2020 and 2035. The project would not introduce VMT that would prevent ABAG/MTC from achieving its targets in Plan Bay Area 2050 as operation of the project would not generate substantial new vehicle trips above existing conditions. Moreover, the project includes bicycle parking, which is transportation demand management strategy identified in Play Bay Area 2050 as a method of reducing VMT from automobiles.

Finally, the County's Sustainability Master Plan promotes the reduction in GHG emissions through clean energy use, decarbonization of buildings, active transportation, smart growth, and carbon sequestration. The County's strategies towards energy conservation and renewable energy include the following:

- Strategy 1.1: Transition to a zero-emission energy system.
- Strategy 1.2: Enhance energy efficiency of and electrify new and existing buildings.
- Strategy 1.3: Expand zero-emission transportation/travel choices and create safe and accessible streets for all users.
- Strategy 1.4: Promote smart growth development patterns to reduce land consumption, lower VMT, and support active transportation.

Because the project includes improving and constructing minor infrastructure (e.g., trail improvements; constructing shade structure, seating areas, and wayfinding and interpretive signage), the policies on conservation and energy efficiency in buildings do not apply. The project involves improving existing public access features within CVAL to support public access and low intensity recreation. Furthermore, bicycle racks would be provided promoting the County's zero-emission transportation strategies. Because the project would not result in substantial ongoing energy use and would be a local serving use for low intensity recreational activities, and would promote conservation and revegetation of land, it would not conflict with the County's efforts to reduce GHG emissions. This would result in a **less-than-significant impact.**

3.9 HAZARDS AND HAZARDOUS MATERIALS

ENVIRONMENTAL ISSUES	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
IX. Hazards and Hazardous Materials.				
Would the project:				
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	☐	☐	☒	☐
b) 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?	☐	☐	☒	☐
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	☐	☐	☐	☒
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?	☐	☐	☐	☒
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard or excessive noise for people residing or working in the project area?	☐	☐	☐	☒
f) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	☐	☐	☒	☐
g) Expose people or structures, either directly or indirectly, to a significant risk of loss, injury, or death involving wildland fires?	☐	☐	☒	☐

3.9.1 Environmental Setting

HAZARDOUS MATERIALS

The State Water Resources Control Board's (SWRCB) GeoTracker website provides data relating to leaking underground storage tanks and other types of soil and groundwater contamination, along with associated cleanup activities. No hazardous materials sites are within 1,000 feet of the project area (SWRCB 2023). The California Department of Toxic Substances Control's (DTSC) Envirostor website provides data related to hazardous materials spills and clean ups. No hazardous material spills or clean ups are recorded within 1,000 feet of the project area (DTSC 2023).

SCHOOLS

The closest school to the project area is the Charter School of Morgan Hill located approximately 2 miles to the northeast. Other schools in the vicinity of the project area are located in San José approximately 4 miles to the northeast including Martin Murphy Middle School, Los Paseos Elementary School, and Baldwin Elementary School.

AIRPORTS

No airports or private airstrips are within the project vicinity. The closest public airports to the project area are the San Martin Airport located approximately 10 miles to the southeast of the project area, Reid View Airport located approximately 12 miles northwest of the project area, and San José International Airport, located approximately 16 miles northwest of the project area.

EMERGENCY RESPONSE AND EVACUATION PLANS

The Santa Clara County Office of Emergency Management (OEM), the agency responsible for supporting emergency response and disaster readiness within the County, prepared the Operational Area's Emergency Operations Plan. This emergency response plan was prepared to ensure the most effective and efficient allocation of resources for the maximum benefit and protection of the civilian population during times of emergency (Santa Clara County 2017).

NATURALLY OCCURRING ASBESTOS

Asbestos is a term used for a group of naturally occurring silicate minerals found in specific soil and rock types in the form of asbestiform fibers having high tensile strength, flexibility, and heat and chemical resistance. Asbestos is a known carcinogen and inhalation of asbestos may result in the development of lung cancer or mesothelioma. Naturally occurring asbestos (NOA) was identified as a TAC in 1986 by CARB. NOA is located in many parts of California, and is commonly associated with ultramafic rocks and serpentinite, according to a special publication published by the California Geological Survey (DOC 2000). Ultramafic rocks form in high-temperature environments well below the surface of the earth. By the time they are exposed at the surface by geologic uplift and erosion, ultramafic rocks may be partially to completely altered into a type of metamorphic rock called serpentinite. Sometimes the metamorphic conditions are right for the formation of chrysotile asbestos or tremolite-actinolite asbestos in the bodies of these rocks, along their boundaries, or in the soil. Except for a few counties in the southeast portion of the state, most counties in California contain some amount of ultramafic rock.

Asbestos could be released from serpentinite or ultramafic rock if the rock is broken or crushed. Asbestos could also be released into the air due to vehicular traffic on unpaved roads on which asbestos-bearing rock has been used as gravel. At the point of release, asbestos fibers can become airborne, causing air quality and human health hazards. Natural weathering and erosion processes act on asbestos bearing rock and soil, increasing the likelihood for asbestos fibers to become airborne if disturbed. As long as NOA fibers remain bound in rock or soil, they pose very little health threat (UCANR 2009).

The asbestos contents of many manufactured products have been regulated in the US for several years. In 1998, new concerns were raised about possible health hazards from activities that disturb rocks and soil containing asbestos that may generate asbestos-laden dust (i.e., NOA). These concerns led CARB to adopt a new rule which requires best practices and dust control measures for activities that disturb rock and soil containing NOA (DOC 2023). BAAQMD also regulates all construction activities that produce dust potentially containing NOA by implementing CARB's ATCMs to reduce public exposure to NOA. BAAQMD's ATCMs place requirements on activities including road construction and maintenance, construction and grading, and quarrying and surface mining, where NOA is likely to be found (BAAQMD 2023).

According to the city of San José's natural asbestos GIS layer, which is based on information from the SWRCB, NOA may be present near the entrance to CVAL and adjacent to the staging area to the south/southwest (City of San José 2020). According to the DOC, areas likely to contain NOA (based on the presence of ultramafic rocks) are located in the vicinity of the project area (DOC 2000).

REGULATORY SETTING

California Department of Toxic Substances Control

DTSC, a division of the California Environmental Protection Agency (CalEPA), has primary regulatory responsibility over hazardous materials in California, working in conjunction with EPA to enforce and implement hazardous materials laws and regulations. DTSC can delegate enforcement responsibilities to local jurisdictions. The hazardous waste management program enforced by DTSC was created by the Hazardous Waste Control Account (California Health and Safety Code Section 25100 et seq.), which is implemented by regulations described in the CCR Title 26. The state program is similar to, but more stringent than, the federal program under the Resource Conservation and Recovery Act. The regulations list materials that may be hazardous and establish criteria for their identification, packaging, and disposal. Environmental health standards for management of hazardous waste are contained in CCR Title 22, Division 4.5. In addition, as required by California Government Code Section 65962.5, DTSC maintains a Hazardous Waste and Substances Site List on EnviroStor, an online database that contains hazardous material sites that meet the criteria to be on the Cortese List. Hazardous material sites listed on EnviroStor include federal and state response sites, voluntary, school, and military cleanups and corrective actions, and permitted sites.

California's Secretary for Environmental Protection has established a unified hazardous waste and hazardous materials management regulatory program (Unified Program) as required by SB 1082. The Unified Program consolidates, coordinates, and makes consistent the administrative requirements, permits, inspections, and enforcement activities for the following environmental programs:

- hazardous waste generator and hazardous waste on-site treatment programs;
- Underground Storage Tank (UST) program;
- hazardous materials release response plans and inventories;
- California Accidental Release Prevention Program;
- Aboveground Petroleum Storage Act requirements for spill prevention, control, and countermeasure plans; and
- California Uniform Fire Code hazardous material management plans and inventories.

The six environmental programs within the Unified Program are implemented at the local level by local agencies—Certified Unified Program Agencies (CUPAs). CUPAs carry out the responsibilities previously handled by approximately 1,300 State and local agencies, providing a central permitting and regulatory agency for permits, reporting, and compliance enforcement. The local CUPA with jurisdiction over the project area is the Santa Clara County Hazardous Materials Compliance Division (CalOES 2014, Santa Clara County 2023). DTSC regulations would be applicable to the project through the enforcement of spill prevention requirements that the construction contractor would comply with during construction.

State Water Resources Control Board and Regional Water Quality Control Boards

SWRCB and nine regional water quality control boards (RWQCBs) are responsible for ensuring implementation and compliance with the provisions of the federal CWA and the State Porter-Cologne Act. The Porter-Cologne Act of 1969 is California's statutory authority for the protection of water quality. Along with the SWRCB and RWQCBs, water quality protection is the responsibility of numerous water supply and wastewater management agencies, as well as city and county governments, and requires the coordinated efforts of these various entities.

The SWRCB maintains GeoTracker, an online database used to track and archive compliance data from authorized or unauthorized discharges of waste to land, or unauthorized releases of hazardous substances from USTs. GeoTracker was initially developed in 2000 pursuant to a mandate by the California State Legislature (AB 592 and SB 1189) to investigate the feasibility of establishing a statewide geographic information system (GIS) for leaking underground storage tank (LUST) sites (SWRCB 2022). The GeoTracker database tracks regulatory data for designated Cortese List sites including LUST cleanup sites, solid waste disposal sites, and active Cease and Desist Orders and Cleanup and Abatement Orders.

California Air Resources Board and Bay Area Air Quality Management District

At its July 2001 hearing, CARB approved an Asbestos Airborne Toxic Control Measure (ATCM) for Construction, Grading, Quarrying, and Surface Mining Operations. This ATCM requires road construction and maintenance activities, construction and grading operations, and quarrying and surface mining operations in areas where NOA is likely to be found to employ best available dust mitigation measures. Areas are subject to the regulation if they are identified on maps published by the DOC as ultramafic rock units or if the air district or owner/operator has knowledge of the presence of ultramafic rock, serpentine, or NOA on the site. The ATCM also applies if ultramafic rock, serpentine, or asbestos is discovered during any operation or activity (CARB 2002).

For construction and grading projects that would disturb 1 acre or less, the regulation requires specific actions to minimize emissions of dust. These include the following:

- Vehicle speed limit is 15 mph or less;
- water must be applied prior to and during ground disturbance;
- keep storage piles wet or covered; and
- track-out prevention and removal.

Construction projects that would disturb more than 1 acre must prepare and obtain air district approval for an asbestos dust mitigation plan. The plan must specify how the operation would minimize emissions and must address specific emission sources (BAAQMD 2006).

3.9.2 Discussion

a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?

Less than significant. Construction of the project would require the use of limited quantities of common hazardous materials, such as fuels, oils, lubricants, or other fluids associated with the operation and maintenance of vehicles or mechanical equipment. The transport, use, or disposal of hazardous materials could result in accidents or upset of hazardous materials that could create hazards to people or the environment. The extent of the hazard would depend in large part on the type of material, the volume released, and the mechanism of release (e.g., spill on the ground in the project area versus a spill on a road during transport). The use of these hazardous materials would be temporary and intermittent over the project construction period (i.e., up to 6 months), and no routine transport, use, or disposal would occur. In addition, construction activities would comply with the CalEPA's Unified Program, which requires that any significant vehicle oil spills be reported to the local CUPA and be properly cleaned up (CalOES 2014, Santa Clara County 2023), and all hazardous materials would be used, stored, and disposed of in accordance with applicable federal, state, and local laws.

During operations, the only routine use or transport of hazardous materials would be to operate vehicles and equipment within the project area for maintenance, which would include weekly blowing debris off of the Heart's Delight Trail; brushing back vegetation along the edges of the Heart's Delight Trail; string trimming up to 3 feet on either side of the Heart's Delight Trail four times per year; and spraying herbicide up to 1 foot on either side of the Heart's Delight Trail twice per year (around February and April). These types of maintenance activities require little mechanical equipment or use of hazardous materials. The herbicide spraying would be conducted as a part of the Authority's IPM Program, which includes specific measures to reduce impacts from herbicide use including requirements to minimize spills and unintended herbicide drift, properly dispose of and clean containers, lawfully store and handle herbicides, and dispose of unused herbicide and herbicide containers to adequately safeguard human, fish, and wildlife health and prevent soil and water contamination.

Therefore, the project would not create a significant hazard to the public or environment through the transport, use, or disposal of hazardous materials and the impact would be **less than significant**.

b) 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?

Less than significant. Construction would involve ground-disturbing activities including grading, excavation, and clearing, which could potentially release hazardous materials into the environment if present. No hazardous materials sites are known to occur in the project area as discussed below under criterion d), and because the project area is generally undeveloped, with the exception of the existing recreational features, it is unlikely that unknown hazardous materials are present within the project area. However, if an unknown hazardous waste site is uncovered, it could create a significant hazard to the environment or public if accidentally released during ground-disturbing activities. In the unlikely event that evidence of hazardous waste is encountered during construction, the Authority would implement the applicable requirements of the Comprehensive Environmental Release Compensation and Liability Act and the California Code of Regulations Title 22 regarding the safe handling and disposal of waste.

As discussed in Section 3.9.1, "Environmental Setting," above, there is a potential for serpentine soils that could contain NOA to exist in the project area. If NOA is present within the project footprint, asbestos could be released during ground-disturbing project construction, such as grading, which would pose a direct risk of exposure to workers. If ultramafic rock, serpentine, or NOA is discovered during any project operation or activity, then CARB's ATCMs would apply and the Authority would implement all required actions to minimize emissions of dust during construction (e.g., limiting vehicle speeds, watering prior to and during ground disturbance), which would avoid and minimize the release of NOA during construction.

For the reasons described above, the project would not create a significant hazard to the public or environment and this impact would be **less than significant**.

c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?

No impact. The project area is not within 0.25 mile of an existing or proposed school. The closest school to the project area is the Charter School of Morgan Hill located approximately 2 miles northeast. The project would not emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within 0.25 mile of an existing or proposed school. Therefore, **no impact** would occur.

d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code §65962.5 and, as a result, would it create a significant hazard to the public or the environment?

No impact. No hazardous materials sites listed on the SWRCB's GeoTracker database or the DTSC's EnviroStor database are present within the project area or within 1,000 feet of the project area. The project would therefore not create a significant hazard to the public or the environment from being located on or near a hazardous materials site. **No impact** would occur.

e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard or excessive noise for people residing or working in the project area?

No impact. The project area is not within an airport land use plan, or within 2 miles of an existing airport. The project would not result in a safety hazard or excessive noise for people residing or working in the project area. **No impact** would occur.

f) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?

Less than significant. The project area is within the jurisdiction of the Santa Clara County OEM, the agency responsible for supporting emergency response and disaster readiness within the County, which has prepared the Operational Area's Emergency Operations Plan. The emergency response plan allocates emergency response resources and identifies emergency access routes (Santa Clara County 2017).

No new roads or parking lots are proposed that could impair implementation of OEM's EOP; however, the project would improve existing public access features which could result in a slight increase in visitation. Additional people in this rural area could impact the implementation of evacuation procedures if an emergency occurred. However, the existing parking lot, which provides two ADA-accessible spaces, 27 spaces for passenger vehicles, and an equestrian area that can accommodate four to eight horse trailers, would limit the number of visitors to the project area. Given that public access would be limited by the existing parking lot, the potential slight increase in visitation to the project area would not impair implementation of evacuation procedures detailed in the EOP. The project would have a **less-than-significant impact** related to impairing the implementation of an emergency response plan.

g) Expose people or structures, either directly or indirectly, to a significant risk of loss, injury, or death involving wildland fires?

Less than significant. As discussed in Section 3.20, "Wildfire," the project area is within a FHSZ classified as High (CAL FIRE 2022). The High FHSZ is used to designate wildland areas that support medium to high hazard fire behavior and roughly average burn probabilities (CAL FIRE 2007).

The project area already experiences regular visitation. The project would improve public access to the area through the development of additional facilities to support the same types of low-intensity recreation currently occurring there. As a result, the project could slightly increase the number of visitors exposed to existing wildfire hazards, but would not substantially alter the risk of wildfire, i.e., not exacerbate the existing risk, recognizing the types of recreation activity would not change. Project structures would be limited to replacing existing shade structures, and providing improved picnic tables, benches, and informational and wayfinding signage.

The limited addition of improved facilities within the project area would not substantially expose people or structures to a significant risk of loss, injury, or death involving wildland fires. In addition, smoking is prohibited in all Authority preserves, including the project area, which would minimize the risk of ignition during operations. Furthermore, all internal combustion equipment would be required to be equipped with a spark arrester maintained in effective working order when working on any forest-covered, brush-covered, or grass-covered lands, consistent with PRC Section 4442. Therefore, the project would not expose people or structures to significant hazards involving wildfires and the impact would be **less than significant**.

3.10 HYDROLOGY AND WATER QUALITY

ENVIRONMENTAL ISSUES	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
X. Hydrology and Water Quality.				
Would the project:				
a) Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or groundwater quality?	☐	☐	☒	☐
b) Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin?	☐	☐	☐	☒
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would:				
i) Result in substantial on- or offsite erosion or siltation;	☐	☐	☒	☐
ii) Substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or offsite;	☐	☐	☐	☒
iii) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff; or	☐	☐	☐	☒
iv) Impede or redirect flood flows?	☐	☐	☐	☒
d) In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation?	☐	☐	☐	☒
e) Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?	☐	☐	☒	☐

3.10.1 Environmental Setting

SURFACE WATER

The project area is in the 320-square-mile Coyote Creek Watershed in Santa Clara County. The project area is characteristic of the prevailing climate in Santa Clara County, which is Mediterranean, characterized by extended periods of precipitation during the winter months and very little precipitation from spring through autumn. During periods of precipitation in the winter, local waterways—including numerous ephemeral drainages—will flow, whilst these same

waterways will exhibit greatly reduced flows or no flow throughout the summer and into the early autumn. Fisher Creek Branch D runs east to west across the northern portion of CVAL, and an unnamed tributary to Fisher Creek runs north to south, bisecting the Heart's Delight Trail in the project area and connecting with Fisher Creek Branch D. There are also roadside ditches that collect runoff and may be wet for extended periods through the winter and early spring.

Beneficial uses designated by the San Francisco Bay Regional Water Quality Control Board (RWQCB) in their Basin Plan for Coyote Creek include cold freshwater habitat, fish migration habitat, preservation of rare or endangered species, water contact recreation, water contact non-recreation, fish spawning, warm freshwater habitat, and wildlife habitat.

GROUNDWATER

Groundwater withdrawal from the Coyote Creek watershed follows the same regional pattern as Santa Clara Valley. During the period from the mid-1800s through the 1950s, agricultural activity relied almost entirely on groundwater supply, and small canals and ditches were constructed to supplement groundwater use (USGS 1999). Today, most agricultural water is supplied by a system of surface water sources and diversions, and groundwater is no longer the predominant agricultural water source in the valley.

Coyote Creek is located in the Santa Clara Subbasin of the Santa Clara Valley Groundwater Basin (Basin Number 2-9.02). The groundwater subbasin has a surface area of 240 square miles and occupies a structural trough between the Santa Cruz Mountains to the west and the Diablo Range to the east. The subbasin extends north to the Santa Clara County line and south to a groundwater divide near the town of Morgan Hill. Groundwater quality in the major producing aquifers within the basin is of good to excellent quality and is suitable for most uses. Drinking water standards are met at public supply wells without treatment (DWR 2004).

REGULATORY SETTING

Federal

Clean Water Act

The EPA is the lead federal agency responsible for water quality management. The CWA is the primary federal law that governs and authorizes water quality control activities by EPA as well as the states. Various elements of the CWA address water quality. These are discussed below.

CWA Water Quality Criteria/Standards

Pursuant to federal law, EPA has published water quality regulations under Title 40 of the Code of Federal Regulations (CFR). Section 303 of the CWA requires states to adopt water quality standards for all surface waters of the US. As defined by the Act, water quality standards consist of designated beneficial uses of the water body in question and criteria that protect the designated uses. Section 304(a) requires EPA to publish advisory water quality criteria that accurately reflect the latest scientific knowledge on the kind and extent of all effects on health and welfare that may be expected from the presence of pollutants in water. Where multiple uses exist, water quality standards must protect the most sensitive use. As described in the discussion of state regulation below, the State Water Resources Control Board (SWRCB) and its nine regional water quality control boards (RWQCBs) have designated authority in California to identify and adopt applicable water quality objectives.

CWA Section 303(d) Impaired Waters List

Under Section 303(d) of the CWA, states are required to develop lists of water bodies that do not attain water quality objectives after implementation of required levels of treatment by point source dischargers (municipalities and industries). Section 303(d) requires that states develop a total maximum daily load (TMDL) for pollutants that caused a water body to become listed. TMDL is the amount of the pollutant that the water body can receive and still be in compliance with water quality objectives.

In California, implementation of TMDLs is achieved through water quality control plans, known as basin plans. Basin plans contain specific water quality standards, as well as a program of implementation for how those water quality standards may be achieved. A TMDL might be one component of that program. Basin plans, their contents, and the applicability of Section 303(d) are discussed in further detail in the section on state regulations below.

CWA Section 401 and 402 National Pollutant Discharge Elimination System

The National Pollutant Discharge Elimination System (NPDES) permit program was established in the CWA to regulate municipal and industrial discharges to surface waters of the US. NPDES permit regulations have been established for broad categories of discharges including point source waste discharges and nonpoint source stormwater runoff. Each NPDES permit identifies limits on allowable concentrations and mass emissions of pollutants contained in the discharge. Sections 401 and 402 of the CWA contain general requirements regarding NPDES permits. "Nonpoint source" pollution originates over a wide area rather than from a definable point. Nonpoint source pollution often enters receiving water in the form of surface runoff and is not conveyed by way of pipelines or discrete conveyances. Two types of nonpoint source discharges are controlled by the NPDES program: discharges caused by general construction activities and the general quality of stormwater in municipal stormwater systems. The goal of the NPDES nonpoint source regulations is to improve the quality of stormwater discharged to receiving waters to the maximum extent practicable. The RWQCBs in California are responsible for implementing the NPDES permit system (see the discussion of state regulations below).

State

California Porter-Cologne Act

California's primary statute governing water quality and water pollution issues with respect to both surface waters and groundwater is the Porter-Cologne Water Quality Control Act of 1970 (Porter-Cologne Act). The Porter-Cologne Act grants the SWRCB and each of the nine RWQCBs power to protect water quality and is the primary vehicle for implementation of California's responsibilities under the CWA. The SWRCB and individual RWQCBs have the authority and responsibility to adopt plans and policies, regulate discharges to surface and groundwater, regulate waste disposal sites, and require cleanup of discharges of hazardous materials and other pollutants. The Porter-Cologne Act also establishes reporting requirements for unintended discharges of any hazardous substances, sewage, or oil or petroleum products.

The Porter-Cologne Act requires that each RWQCB formulate and adopt a water quality control plan (basin plan) for watersheds within its region. The basin plans act as the primary regulatory tool for RWQCBs and provide the foundation for most actions taken by the RWQCBs. Basin plans must conform to the policies set forth in the Porter-Cologne Act and established by the SWRCB in its state water policy. The Porter-Cologne Act also provides that a RWQCB may include within its Basin Plan water discharge prohibitions applicable to particular conditions, areas, or types of waste.

Water Quality Control Board

The project area is within the jurisdiction of the San Francisco Bay RWQCB. Through the powers granted by the Porter-Cologne Act, they have adopted a basin plan for the region (Basin Plan) that includes a comprehensive lists of water bodies within the region, as well as detailed language about the components of applicable Water Quality Objectives (WQOs). The San Francisco Bay RWQCB also administers the adoption of waste discharge requirements (WDRs), manages groundwater quality, adopts projects within its boundaries under the NPDES General Permit for the State, and applies policies adopted by the SWRCB.

The San Francisco Bay RWQCB implements the Basin Plan for the San Francisco Bay Region, which recognizes natural water quality, existing and potential beneficial uses, and water quality problems associated with human activities in Santa Clara County. Through the Basin Plan, the San Francisco Bay RWQCB executes its regulatory authority to enforce the implementation of TMDLs, and to ensure compliance with surface WQOs.

NPDES Construction General Permit for Stormwater Discharges Associated with Construction Activity

The SWRCB adopted the statewide NPDES Construction General Permit for Stormwater Discharges Associated with Construction Activity (General Permit) in August 1999. The state requires that projects disturbing more than 1 acre of land during construction file a Notice of Intent with their RWQCB to be covered under this permit. Construction

activities subject to the General Permit include clearing, grading, stockpiling, and excavation. Operators are required to eliminate or reduce non-stormwater discharges to storm sewer systems and other waters through implementation of best management practices (BMPs). BMPs are the controls that an operator can implement to prevent stormwater pollution and erosion. The General Permit identifies specific BMPs, as well as numeric action levels to achieve minimum standards of technology and water quality. Numeric action levels are numeric benchmark values for certain parameters that, if exceeded in effluent sampling, trigger the operator to take appropriate actions.

3.10.2 Discussion

a) Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or groundwater quality?

Less than significant. Construction of the project would involve ground disturbing activities including grading and clearing which could degrade surface or groundwater quality if pollutants or contaminants entered the unnamed tributary to Fisher Creek. However, construction would be temporary, lasting up to 6 months total, and the project would result in only up to 0.30 acre of total ground disturbance. In addition, prior to construction near the unnamed tributary to Fisher Creek, erosion control measures would be installed to filter construction runoff that could impact water quality, and no encroachment into riparian areas or the streambed or bank would occur. The Authority is also in the process of obtaining coverage under the Habitat Plan as a PSE and would implement all applicable compliance conditions outlined in the PSE permit as a part of the project (refer to Section 2.7, "Habitat Plan Conditions on Covered Activities"). Habitat Plan Condition 3 and 11 would apply to the project and includes several measures to protect water quality (Table 6-2 in the Habitat Plan) from design through post-construction. Applicable BMPs include preventing the accidental release of chemicals, fuels, and lubricants and removing any pollutants from surface runoff prior to reaching watercourses. For the reasons described, the impact would be less than significant.

b) Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin?

No impact. The project would not create or expand the amount of impervious surface, and therefore, would not interfere with groundwater recharge. In addition, the project would not deplete groundwater supplies because no groundwater would be used during project construction, and no new amenities requiring ongoing water supply would be constructed (e.g., drinking fountain). Therefore, the project would not impede sustainable groundwater management of the basin and there would be no impact.

c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would:

i) Result in substantial on- or offsite erosion or siltation;

Less than significant. As described in Section 2.3.2, "Stormwater Drainage and Landscaping," The Authority would maintain the existing drainage patterns within the project area. All runoff from the trail and proposed overlooks would disperse into surrounding natural areas to percolate into the ground. In addition, the project includes repairing and improving an existing drainage swale located west of the staging area, and the project would not create or expand the amount of impervious surface. The project would also involve removal of redundant trails in the project area, which would be revegetated with a native seed mix. Revegetation of barren areas improves surface water infiltration into soils by increasing contact time between overland surface flow and the ground. This also helps reduce the concentration of surface water flow and prevents the generation of rills and gullies that can cause erosion. Therefore, impacts related to drainage pattern changes and the associated potential for erosion and siltation would be less than significant.

ii) Substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or offsite;

No impact. As described above in criterion c)(i), the Authority would maintain the existing drainage patterns within the project area. All runoff from the trail and proposed overlooks would disperse into surrounding natural areas to percolate into the ground. In addition, the project includes repairing and improving an existing drainage swale located west of the staging area, and the project would not create or expand the amount of impervious surface. Revegetation of redundant trails within the project area would also lead to improved surface water infiltration and therefore reduce the concentration of water flow Therefore, the proposed project would not alter drainage patterns in a manner that could generate increased runoff that would result in on- or off-site flooding. The proposed project would not alter surface runoff and there would be no impact.

iii) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff; or

No impact. As described above in criterion c)(i), the proposed project would maintain the existing draining patterns within the project area and would not create impervious surfaces. Therefore, the project would not create or contribute additional runoff. In addition, the project involves minor upgrades to passive recreational amenities and would not create additional sources of polluted runoff. For these reasons, the project would have no impact on the runoff volumes or pollutant load in runoff and there would be no impact.

iv) Impede or redirect flood flows?

No impact. The proposed project involves minor upgrades to passive recreational facilities. New project features would be minor and include benches and picnic tables at the two new overlooks, and additional programming signage. No large new structures or other features are proposed that could impede or redirect flows. As described above in criterion c)(i), the proposed project would maintain the existing draining patterns within the project area and would not create impervious surfaces. Therefore, the proposed project would not alter drainage patterns in a manner that could impede infiltration rates or redirect flood flows and there would be no impact.

d) In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation?

No impact. The project would be implemented in a location that is inland from the coast, and not in proximity to waterbodies; therefore, it is outside of the range of a seiche or tsunami. The nearest large body of water is the Calero Reservoir, which, at 2.25 miles from the project area at its nearest point is well outside of the range of impact if a seiche were to be observed at the reservoir. The project is also not located in a floodplain (FEMA 2023). Therefore, the proposed project would have no impact relative to inundation by seiche, tsunami, or flood hazard.

e) Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?

Less than significant. The project is within the jurisdiction of the San Francisco Bay Area RWQCB, and the Authority is required to comply with the Basin Plan. If the project were to significantly impact water quality and diminish the beneficial uses listed in the Basin Plan, the project could conflict with or obstruct the implementation of the Basin Plan. However, as discussed above in criterion a), prior to construction near the unnamed tributary to Fisher Creek, erosion control measures would be installed to filter construction runoff that could impact water quality, and no encroachment into riparian areas or the streambed or bank would occur. Once operational, vehicles and equipment would be operated within the project area for maintenance, which would include weekly blowing debris off of the Heart's Delight Trail; brushing back vegetation along the edges of the Heart's Delight Trail; string trimming up to 3 feet on either side of the Heart's Delight Trail four times per year; and spraying herbicide up to 1 foot on either side

of the Heart's Delight Trail twice per year (around February and April). These types of maintenance activities occur under existing conditions and require little mechanical equipment or sources of pollution that could enter waterways. The herbicide spraying would be conducted as a part of the Authority's IPM Program, which includes specific measures to reduce impacts from herbicide use including requirements to minimize spills and unintended herbicide drift, properly dispose of and clean containers, lawfully store and handle herbicides, and dispose of unused herbicide and herbicide containers to adequately safeguard human, fish, and wildlife health and prevent soil and water contamination. The Authority is also in the process of obtaining coverage under the Habitat Plan as a PSE and would implement all applicable compliance conditions outlined in the PSE permit as a part of the project (refer to Section 2.7, "Habitat Plan Conditions on Covered Activities"). Habitat Plan Condition 3 and 11 would apply to the project and includes several measures to protect water quality (Table 6-2 in the Habitat Plan) from design through post-construction. Applicable BMPs include, but are not limited to, preventing the accidental release of chemicals, fuels, and lubricants and removing any pollutants from surface runoff prior to reaching watercourses. The project would, therefore, not obstruct implementation of the Basin Plan or otherwise substantially degrade surface or groundwater quality, and the impact would be **less than significant.**

3.11 LAND USE AND PLANNING

ENVIRONMENTAL ISSUES	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
XI. Land Use and Planning.				
Would the project:				
a) Physically divide an established community?	☐	☐	☐	☒
b) Cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect?	☐	☐	☐	☒

3.11.1 Environmental Setting

The project is located within CVAL, in unincorporated Santa Clara County. The existing public access features include the 0.25-mile-long Heart's Delight Trail, which connects to the Arrowhead Loop Trail, an ADA-accessible restroom, picnic tables, wayfinding and interpretive signage, and a parking lot that provides parking for cars and horse trailers. The project would improve upon these existing public access features and would implement a few new features such as two small overlooks along Heart's Delight Trail to support safe public access and low intensity recreation.

In addition to being within CVAL, the project area is located east of the Rancho Cañada del Oro Open Space Preserve and Calero County Park, a 4,471-acre park that offers recreational opportunities for hikers, bikers, and equestrians. Few land uses other than open space recreation exist in the immediate vicinity of the project area. The closest facilities to the project area are the Coyote Canyon Ranch, approximately 0.18 miles to the east, the Cinnabar Hills Golf Club, approximately 1.25 miles to the west, and Coyote Valley Sporting Clays, a shooting range, approximately 1.6 miles to the southeast.

The project area is zoned AR-d1, "Agricultural Ranchlands with Combining District" (Santa Clara County 2003). The purpose of the Agricultural Ranchlands district is to preserve ranching, the natural resources, and the rural character of the areas to which it applies. Permitted uses include ranching or agriculture, low-intensity recreation, mineral extraction, and land in its natural state. However, the Authority is not subject to Zoning Ordinance permit compliance for the types of facilities typical in an open space preserve such as parking facilities, gates, kiosks, vault restrooms, small shade or similar structures, and trails that would facilitate access to CVAL (Authority 2013). The purpose of the -d Design Review combining districts is to designate certain visually and environmentally sensitive areas as requiring design review, with the intention of mitigating adverse visual impacts of development and encouraging quality design. The -d1 combining district has a specific design review procedure for the "Santa Clara Valley Viewshed," which is intended to conserve the scenic attributes of hillside lands most immediately visible from the valley floor by minimizing the visual impacts of structures and grading on the natural topography and landscape, using a combination of supplemental development standards, design guidelines, design review, and use of process incentives for smaller and less visible projects. The Santa Clara Valley Viewshed encompasses the hillsides and mountainous lands generally visible from the main Santa Clara Valley floors, for both the north and south valley areas, which includes the project area (Santa Clara County 2005). The lands use designations directly adjacent to the project area are "Ranchlands," "Hillsides," "Agricultural Large Scale," and "Agricultural Small Scale" (Santa Clara County 2016).

3.11.2 Discussion

a) Physically divide an established community?

No impact. No established communities are located within or adjacent to the project area. Therefore, the project would not physically divide an established community. **No impact** would occur.

b) Cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect?

No impact. The project area is zoned AR-d1, "Agricultural Ranchlands with Combining District" (Santa Clara County 2003). The purpose of the Agricultural Ranchlands district is to preserve ranching, the natural resources, and the rural character of the areas to which it applies. Permitted uses include ranching or agriculture, low-intensity recreation, mineral extraction, and land in its natural state. However, the Authority is not subject to Zoning Ordinance permit compliance for the types of facilities typical in an open space preserve such as parking facilities, gates, kiosks, vault restrooms, small shade or similar structures, and trails that would facilitate access to CVAL (Authority 2013).

The project would improve upon existing public access features to allow the public to enjoy and recreate safely in the project area. The project features are proposed to be sited and designed with consideration of user experience, accessibility, and topography, and to highlight the ecological values of the project area. Only low intensity recreational activities would be permitted, such as hiking, picnicking, nature appreciation, and photography. Furthermore, the project would install interpretive signage to educate the public on the ecological features of the project area.

The -d1 combining district is intended to conserve the scenic attributes of hillside lands most immediately visible from the valley floor. As described in Section 3.1, "Aesthetics," project features would be sited and designed with consideration of views and exposure. The materials and colors used would be context-sensitive and visually compatible with the natural landscape. Surface materials, including asphalt and concrete would be limited to the parking and staging area and retaining walls. Other materials would include weathered steel, wood, and native stone; which would be situated to mimic the surrounding rolling hills and agrarian landscape. These architectural materials would fade into the existing landscape from a distance. Therefore, the project would conserve the scenic attributes of hillside lands in the Santa Clara Valley.

The project would be consistent with the AR-d1 land use designation. Therefore, the project would not cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation, and **no impact** would occur.

3.12 MINERAL RESOURCES

ENVIRONMENTAL ISSUES	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
XII. Mineral Resources.				
Would the project:				
a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?	☐	☐	☐	☒
b) Result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan, or other land use plan?	☐	☐	☐	☒

3.12.1 Environmental Setting

No locally important mineral resource recovery sites are known to be located within the project area. The project area is classified as Mineral Resource Zone (MRZ)-1 (Kohler-Antablin 1999). The MRZ-1 classification is used to designate areas where adequate geologic information indicates that no significant mineral deposits are present, or where it is judged that little likelihood exists for their presence (DOC 1987).

3.12.2 Discussion

a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?

No impact. As discussed above in Section 3.12.1, "Environmental Setting," the project area does not contain known mineral resources. The project would improve upon the existing 0.25-mile Heart's Delight Trail, as well as provide visitor trail amenities for day-use within the vicinity of the trail. No mineral resources would be extracted or removed. The project would therefore have a no impact related to the loss of availability of a known mineral resource that would be of value to the region and the residents of the state.

b) Result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan, or other land use plan?

No impact. As discussed above in Section 3.12.1, "Environmental Setting," the project area does not contain known mineral resources. The project would improve upon the existing 0.25-mile Heart's Delight Trail, as well as provide visitor trail amenities for day-use within the vicinity of the trail. The project would not result in zoning or land use changes that would prevent the recovery of minerals or the loss of availability of a known mineral resource site. Therefore, no impact would occur.

3.13 NOISE

ENVIRONMENTAL ISSUES	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
XIII.Noise.				
Would the project result in:				
a) Generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies, or a substantial temporary or permanent increase in noise levels above existing ambient levels that could result in an adverse effect on humans?	☐	☐	☒	☐
b) Generation of excessive groundborne vibration or groundborne noise levels?	☐	☐	☒	☐
c) For a project located within the vicinity of a private airstrip or an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?	☐	☐	☐	☒

3.13.1 Environmental Setting

ACOUSTIC FUNDAMENTALS

Acoustics is the scientific study that evaluates perception, propagation, absorption, and reflection of sound waves. Sound is a mechanical form of radiant energy, transmitted by a pressure wave through a solid, liquid, or gaseous medium. Sound that is loud, disagreeable, unexpected, or unwanted is generally defined as noise. Noise is typically expressed in decibels (dB), which is a common measurement of sound energy. Definitions of acoustical terms used in this section are provided in Table 3.13-1.

Table 3.13-1 Acoustic Term Definitions

Term	Definition
Noise	Noise is generally defined as sound that is loud, disagreeable, unexpected, or unwanted.
Decibel (dB)	Sound levels are measured using the decibel scale, developed to relate to the range of human hearing. A decibel is logarithmic; it does not follow normal algebraic methods and cannot be directly summed. For example, a 65-dB source of sound, such as a truck, when joined by another 65-dB source results in a sound amplitude of 68 dB, not 130 dB (i.e., doubling the source strength increases the sound pressure by 3 dB). A sound level increase of 10 dB corresponds to 10 times the acoustical energy, and an increase of 20 dB equates to a 100-fold increase in acoustical energy.
A-weighted decibel (dBA)	The human ear is not equally sensitive to loudness at all frequencies in the audible spectrum. To better relate overall sound levels and loudness to human perception, frequency-dependent weighting networks were developed, identified as A through E. There is a strong correlation between the way humans perceive sound and A-weighted sound levels. For this reason, the A-weighted sound levels are used to predict community response to noise from the environment,

Term	Definition
	including noise from transportation and stationary sources, and are expressed as A-weighted decibels. All sound levels discussed in this section are A-weighted decibels unless otherwise noted.
Equivalent Noise Level (L_{eq})	The average noise level during a specified time period; that is, the equivalent steady-state noise level in a stated period of time that would contain the same acoustic energy as the time-varying noise level during the same period (i.e., average noise level).
Maximum Noise Level (L_{max})	The highest instantaneous noise level during a specified time period.

Source: Caltrans 2013a.

Noise Generation and Attenuation

Noise can be generated by many sources, including mobile sources such as automobiles, trucks, and airplanes and stationary sources such as activity at construction sites, machinery, and commercial and industrial operations. As sound travels through the atmosphere from the source to the receiver, noise levels attenuate (i.e., decrease) depending on ground absorption characteristics, atmospheric conditions, and the presence of physical barriers. Sound from a localized source (i.e., a point source) propagates uniformly outward in a spherical pattern. The sound level attenuates at a rate of 6 dB for each doubling of distance from a point source. Noise from a line source, such as a road or highway, propagates outward in a cylindrical pattern, often referred to as cylindrical spreading. Sound levels attenuate at a rate of 3 dB for each doubling of distance from a line source. Noise attenuation from ground absorption and reflective-wave canceling provides additional attenuation associated with geometric spreading. For acoustically absorptive sites such as soft dirt, grass, or scattered bushes and trees, an additional ground-attenuation value of 1.5 dB per doubling of distance is normally assumed. When added to the attenuation rate associated with cylindrical spreading, the additional ground attenuation results in an overall drop-off rate of 4.5 dB per doubling of distance. This would hold true for point sources, resulting in an overall drop-off rate of up to 7.5 dB per doubling of distance.

Atmospheric conditions such as wind speed, wind direction, turbulence, temperature gradients, and humidity also alter the propagation of noise and affect levels at a receiver. Furthermore, the presence of a barrier (e.g., topographic feature, intervening building, and dense vegetation) between the source and the receptor can provide substantial attenuation of noise levels at the receiver. Natural (e.g., berms, hills, and dense vegetation) and human-made features (e.g., buildings and walls) may function as noise barriers.

To provide some context to noise levels described throughout this section, common sources of noise and associated noise levels are presented in Table 3.13-2.

Table 3.13-2 Typical Noise Levels

Common Outdoor Activities	Noise Level (dB)	Common Indoor Activities
	110	Rock band
Jet flyover at 1,000 feet	100	
Gas lawnmower at 3 feet	90	
Diesel truck moving at 50 mph at 50 feet	80	Food blender at 3 feet, garbage disposal at 3 feet
Noisy urban area, gas lawnmower at 100 feet	70	Vacuum cleaner at 10 feet, normal speech at 3 feet
Commercial area, heavy traffic at 300 feet	60	
Quiet urban daytime	50	Large business office, dishwasher in next room
Quiet urban nighttime	40	Theater, large conference room (background)
Quiet suburban nighttime	30	Library, bedroom at night, concert hall (background)
Quiet rural nighttime	20	Broadcast/recording studio
	10	
Threshold of human hearing	0	Threshold of human hearing

Notes: dB = A-weighted decibels; mph = miles per hour
Source: Caltrans 2013a.

Effects of Noise on Humans

Exposure to excessive noise may result in physical damage to the auditory system, which may lead to gradual or traumatic hearing loss. Gradual hearing loss is caused by sustained exposure to moderately high noise levels over a period of time; traumatic hearing loss is caused by sudden exposure to extremely high noise levels over a short period. Non-auditory behavioral effects of noise on humans are primarily subjective effects such as annoyance, nuisance, and dissatisfaction, which leads to interference with activities such as communications, sleep, and learning.

EXISTING NOISE SOURCES AND LEVELS

The project is located within CVAL, and the project area is considered rural. The nearest public roadway is Palm Avenue.

NOISE- AND VIBRATION-SENSITIVE LAND USES AND RECEPTORS

Noise- and vibration-sensitive land uses generally include those uses where noise exposure could result in health-related risks to individuals, places where a quiet setting is an essential element of the intended purpose (e.g., schools and libraries), and historic buildings that could sustain structural damage due to vibration. The project is in a sparsely populated area where land is generally undeveloped. Noise- and vibration-sensitive receptors in the vicinity of the project area include nearby residents and the Charter School of Morgan Hill. The closest sensitive receptor to the project area is an existing residence, which is 0.20-mile northeast of the project area, between the project area and US 101. The Charter School of Morgan Hill is located 2 miles northeast of the project area; thus, it is not discussed further.

AIRPORTS AND PRIVATE AIRSTRIPS

There are no public airports or private airstrips within the project vicinity. The nearest airport is the San Martin Airport, which is located approximately 10 miles southeast of the project area.

REGULATORY SETTING

Federal Regulations

Federal Transit Administration

The Federal Transit Administration (FTA) provides guidance on evaluating human response to ground vibration. The FTA has set forth guidelines for maximum-acceptable vibration criteria for different types of land uses where people live or work. These guidelines are presented in Table 3.13-3.

Table 3.13-3 Groundborne Vibration Impact Criteria for Human Response

Land Use Category	Ground-Borne Vibration Impact Levels for Human Response (VdB re 1 microinch/second)		
	Frequent Events[1]	Occasional Events[2]	Infrequent Events[3]
Category 1: Buildings where vibration would interfere with interior operations.	65[4]	65[4]	65[4]
Category 2: Residences and buildings where people normally sleep.	72	75	80
Category 3: Institutional land uses with primarily daytime uses.	75	78	83

Notes: VdB re 1 microinch/second = vibration decibels referenced to 1 microinch/second and based on the root mean square (RMS) velocity amplitude.

[1] "Frequent Events" is defined as more than 70 vibration events of the same source per day.

[2] "Occasional Events" is defined as between 30 and 70 vibration events of the same source per day.

[3] "Infrequent Events" is defined as fewer than 30 vibration events of the same source per day.

[4] This criterion is based on levels that are acceptable for most moderately sensitive equipment such as optical microscopes. Vibration-sensitive manufacturing or research would require detailed evaluation to define acceptable vibration levels.

Source: FTA 2018.

State Regulations

California Department of Transportation

In 2013, Caltrans published the Transportation and Construction Vibration Manual, which provides general guidance on vibration issues associated with construction and operation of projects in relation to human perception and structural damage (Caltrans 2013b). Table 3.13-4 presents recommendations for levels of vibration that could result in damage to structures exposed to continuous vibration.

Table 3.13-4 Structural Damage Potential to Buildings at Various Groundborne Vibration Levels

Structure and Condition	PPV (in/sec)	
	Transient Sources	Transient Sources
Extremely Fragile Historic Buildings, Ruins, Ancient Monuments	0.12	0.08
Fragile Buildings	0.2	0.1
Historic and Some Old Buildings	0.5	0.25
Older Residential Structures	0.5	0.3
New Residential Structures	1.0	0.5
Modern Industrial/Commercial Buildings	2.0	0.5

Note: Transient sources create a single isolated vibration event, such as blasting or drop balls. Continuous/frequent intermittent sources include impact pile drivers, pogo-stick compactors, crack-and-seat equipment, vibratory pile drivers, and vibratory compaction equipment.

Source: Caltrans 2013b.

Local Regulations

According to the County's Noise Ordinance, a project would have a significant impact based on the following standards.

1. The noise standards for the various receiving land use categories as presented in Table 3.13-5 will apply to all property within any zoning district.
2. No person may operate or cause to be operated any source of sound at any location within the unincorporated territory of the County or allow the creation of any noise on property owned, leased, occupied or otherwise controlled by the person, which causes the noise level when measured on any other property either incorporated or unincorporated, to exceed:

a. The noise standard for that land use as specified in Table 3.13-5 for a cumulative period of more than 30 minutes in any hour; or the noise standard plus five dB for a cumulative period of more than 15 minutes in any hour; or

b. The noise standard plus ten dB for a cumulative period of more than five minutes in any hour; or the noise standard plus 15 dB for a cumulative period of more than one minute in any hour; or

c. The noise standard plus 20 dB or the maximum measured ambient, for any period of time.

3. If the measured ambient level exceeds that permissible within any of the first four noise limit categories above, the allowable noise exposure standard will be increased in 5 dB increments in each category as appropriate to encompass or reflect the ambient noise level. In the event the ambient noise level exceeds the fifth noise limit category, the maximum allowable noise level under the category will be increased to reflect the maximum ambient noise level.

4. If the noise measurement occurs on a property adjoining a different land use category, the noise level limit applicable to the lower land use category, plus 5 dB, will apply.

5. If for any reason the alleged offending noise source cannot be shutdown, the ambient noise must be estimated by performing a measurement in the same general area of the source but at a sufficient distance that the noise from the source is at least ten dB below the ambient in order that only the ambient level be measured. If the difference between the ambient and the noise source is 5 to 10 dB, then the level of the ambient itself can be reasonably determined by subtracting a one-decibel correction to account for the contribution of the source.

6. Correction for character of sound. In the event the alleged offensive noise contains a steady, audible tone such as a whine, screech or hum, or contains music or speech conveying informational content, the standard limits set forth in Table 3.13-5 will be reduced by 5dB.

Table 3.13-5 Exterior Noise Limits

Receiving Land Use Category	Time Period	Noise Level (dBA)
One- and Two-Family Residential	10:00 p.m.—7:00 a.m. 7:00 a.m.—10:00 p.m.	45 55
Multiple-Family Dwelling	10:00 p.m.—7:00 a.m.	50
Residential Public Space	7:00 a.m.—10:00 p.m.	55
Commercial	10:00 p.m.—7:00 a.m. 7:00 a.m.—10:00 p.m.	60 65
Light Industrial	Any Time	70
Heavy Industrial	Any Time	75

Notes: dBA = A-weighted decibels

Source: Santa Clara County 2023.

Santa Clara County Code (Section B11-154(b)(6)) prohibits the operation of any tools or equipment used in construction, drilling, repair, alteration or demolition work between the hours of 7:00 p.m. and 7:00 a.m. on weekdays and Saturdays, or at any time on Sundays or holidays, that would generate a noise disturbance across a residential or commercial real property line. Where technically and economically feasible, construction activities must be conducted in a manner such that the maximum noise levels at affected properties will not exceed those listed Table 3.13-6 and Table 3.13-7.

Table 3.13-6 Mobile Equipment – Maximum Noise Levels for Nonscheduled, Intermittent, Short-Term Operation (Less Than Ten Days)

Item	Single- and Two-Family Dwelling Residential Area (dBA)	Multifamily Dwelling Residential Area (dBA)	Commercial Area (dBA)
Daily, except Sundays and legal holidays 7:00 a.m.—7:00 p.m.	75	80	85
Daily, 7:00 p.m. to 7:00 a.m. and all day Sunday and legal holidays	50	55	60

Notes: dBA = A-weighted decibels

Source: Santa Clara County 2023.

Table 3.13-7 Stationary Equipment – Maximum Noise Levels for Repetitively Scheduled and Relatively Long-Term Operation (Periods of Ten Days or More)

Item	Single- and Two-Family Dwelling Residential Area (dBA)	Multifamily Dwelling Residential Area (dBA)	Commercial Area (dBA)
Daily, except Sundays and legal holidays 7:00 a.m.—7:00 p.m.	60	65	70
Daily, 7:00 p.m. to 7:00 a.m. and all day Sunday and legal holidays	50	55	60

Notes: dBA = A-weighted decibels

Source: Santa Clara County 2023.

As shown above in Table 3.13-6 and 3.13-7, Santa Clara County identifies one set of standards for short-term (i.e., less than 10 days) construction activities using mobile equipment and one set for period longer than 10 days using stationary equipment. Furthermore, the standards do not specify noise units. All construction work would occur for much longer than 10 days and both mobile and stationary equipment would be utilized, so the lower thresholds (Table 3.13-5) are more applicable because as a temporary noise source occurs for longer periods of time, people may be more sensitive to it. Secondly, because construction occurs over multiple hours/day with activities and noise levels fluctuating during the day, the noise limits were applied as hourly averages (i.e., L_{eq}).

Ground Vibration

Santa Clara County Code (Section B11-154(b)(7)) prohibits operating or permitting the operation of any device that creates a vibrating or quivering effect that endangers or injures the safety or health of human beings or animals, annoys or disturbs a person of normal sensitivities, or endangers or injures personal or real properties.

3.13.2 Discussion

a) Generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies, or a substantial temporary or permanent increase in noise levels above existing ambient levels that could result in an adverse effect on humans?

Less than significant. Project-related noise would be generated by heavy equipment used onsite during project construction. Once operational, the project would continue to operate as it does under existing conditions with a slight increase in maintenance activities, such as blowing debris off the Heart's Delight Trail, and string trimming trail-side vegetation. There would be no new significant sources of operational noise because the project does not include

any new stationary sources of noise (e.g., generators) or new noise-generating recreational uses (e.g., all-terrain vehicles); therefore, operational noise is not discussed further.

The use of heavy equipment during project construction would generate noise, resulting in a temporary increase in noise levels on and around the project area. Construction of the project would occur over approximately 6 months, Monday through Saturday, between 7:00 a.m. and 7:00 p.m., consistent with Santa Clara County Code (Section B11-154(b)(6)). All construction staging areas for equipment storage, personnel vehicles, and materials would be located within the project area.

The greatest level of project construction activities that would generate noise would occur during Phase 3 and would involve the use of heavy equipment including a compactor/roller, an excavator, a grader, a dozer, a backhoe/power auger, and one haul truck. However, the specific construction equipment used would vary depending on the project specific activities occurring. The loudest pieces of equipment that would be used during construction would be dozers and graders all which generate noise levels ranging from 84 to 85 dBA L_{max} at 50 feet (FHWA 2006:3). Noise modeling conservatively assumed the simultaneous operation of the two loudest pieces of heavy construction equipment (i.e., a grader and a dozer) operating at the boundary of the project area (see Appendix B). Based on the reference noise levels for these pieces of equipment and accounting for typical attenuation rates, noise levels would attenuate to 53.1 dBA L_{eq} at the nearest sensitive receptors, located 0.20-mile from the boundary of the project area. Based on the modeling conducted, construction noise levels would not exceed applicable Santa Clara County noise standard of 60 dBA L_{eq}.

Noise generated by construction activities would be temporary and periodic in nature and would only occur during daytime hours when people are less sensitive to noise. Construction activities would only occur between 7:00 a.m. to 7:00 p.m., Monday through Saturday, and no work would occur on Sundays. The noise level generated by construction equipment would not exceed the applicable construction noise standard of 60 dBA at nearby sensitive receptors. Therefore, this impact would be **less than significant**.

b) Generation of excessive groundborne vibration or groundborne noise levels?

Less than significant. Project construction would not involve the use of ground vibration–intensive activities, such as pile driving or blasting. Pieces of equipment that generate lower levels of ground vibration, such as dozers, would be used during construction. These types of common construction equipment do not generate substantial levels of ground vibration that could result in structural damage, except at extremely close distances (i.e., within at least 10 feet). Construction activities would not occur close to any vibration-sensitive land uses and thus would not generate ground vibration that exceeds the Caltrans-recommended criterion of 0.5 in/sec PPV with respect to structural damage. A bulldozer operating at the boundary of the project area would expose the closest sensitive receptor, a single-family residence located approximately 0.20-mile northeast of the project area, to a vibration level of 40 vibration decibels (VdB). This level is well below the FTA's maximum-acceptable-vibration standard 80 VdB with respect to human response. Additionally, construction activities would occur during the less sensitive daytime hours between 7:00 a.m. and 7:00 p.m., Monday through Saturday. For these reasons, project construction would not result in vibration levels at sensitive receptors that would exceed the Caltrans-recommended criterion of 0.5 in/sec PPV with respect to the prevention of structural damage or FTA's recommended criterion of 80 VdB for assessing human annoyance. Because vibration generated by construction would not exceed Caltrans's or FTA's recommended criterion, this impact would be **less than significant**.

c) For a project located within the vicinity of a private airstrip or an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?

No impact. The project is not located within an airport land use plan or within 2 miles of a public airport or public use airport. Additionally, the project is not located within 2 miles of a private airstrip. The nearest airport is the San Martin Airport, which is located approximately 10 miles southeast of the project area. Also, the project would not include any new land uses where people would live. Thus, the project would have **no impact** regarding the exposure of people residing or working in the project area to excessive aircraft-related noise levels.

3.14 POPULATION AND HOUSING

ENVIRONMENTAL ISSUES	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
XIV. Population and Housing.				
Would the project:				
a) Induce substantial unplanned population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?	☐	☐	☐	☒
b) Displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?	☐	☐	☐	☒

3.14.1 Environmental Setting

The project area is within CVAL which is located in unincorporated Santa Clara County, northwest of the City of Morgan Hill, and just outside of the City of San José. No housing or communities are located on or adjacent to the project area. CVAL is located near the unincorporated community of Coyote. The community of Coyote is small with an estimated population of 80 and is abutted on either side by larger population centers that comprise San José and Morgan Hill (US Zip Codes 2023). As of July 2021, San José has a population of approximately 983,489 and Morgan Hill has a population of approximately 45,342 (US. Census 2023).

3.14.2 Discussion

a) Induce substantial unplanned population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?

No impact. The project does not involve the development of new housing or commercial businesses that could lead to direct population growth. All of the project features would be constructed to improve public access within the project area and would not contribute to infrastructure that could lead to unplanned population growth.

The Authority would hire contractors to implement the project, but crews would be small, consisting of 6-10 personnel, and the work would be temporary, lasting only the length of construction (i.e., 6 months). Construction workers would be pulled from the local labor force, and the need for temporary workers would not induce population growth. The Authority may also need to hire a few new staff members to implement the additional management activities required for operations and maintenance. Because only a few new positions would be generated, the project would not be a major source of employment for the region that could induce unplanned population growth. The project would not result in direct or indirect unplanned population growth, and no impact would occur.

b) Displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?

No impact. The project area is within CVAL which is currently undeveloped open space lands. No housing is present; therefore, the project would not displace existing people or housing and there would be no impact.

3.15 PUBLIC SERVICES

ENVIRONMENTAL ISSUES	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
XV. Public Services.				
Would the project:				
a) Result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, or the need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times, or other performance objectives for any of the public services:				
Fire protection?	☐	☐	☒	☐
Police protection?	☐	☐	☒	☐
Schools?	☐	☐	☐	☒
Parks?	☐	☐	☐	☒
Other public facilities?	☐	☐	☐	☒

3.15.1 Environmental Setting

FIRE PROTECTION

CVAL is within the jurisdiction of the South Santa Clara County Fire District (SSCCFD) and is in the State Responsibility Area where the California Department of Forestry and Fire Protection (CAL FIRE) has jurisdiction for wildland fire protection. The SSCCFD is an emergency response agency that contracts personnel and administration with CAL FIRE.

SSCCFD operates the following three stations: Station 1 in the Morgan Hill area, located at 15670 Monterey Rd., Morgan Hill, CA 95037; Station 2 in the San Martin area, located at 10810 No Name Uno, Gilroy, CA 95020; and Station 3 in the Gilroy area, located at 3050 Hecker Pass Highway, Gilroy, CA 95020. Station 1 is the closest station at approximately 8 miles from CVAL, and houses one engine, one water tender, one reserve engine, and two full-time personnel, including one engineer and one captain, one of which is a paramedic.

POLICE PROTECTION

The Santa Clara County Sheriff's Office (SCCSO) provides police protection services for the county and is composed of four major bureaus: Administrative Services, Enforcement, Custody, and Support Services (SCCSO n.d. a). The Headquarters Patrol, a division of the Enforcement Bureau, provides 24-hour uniformed law enforcement patrol services to unincorporated portions of the county, which includes the project area (SCCSO n.d. b). The Headquarters Patrol is located at 55 West Younger Ave, San José, CA 95110, approximately 15.7 miles northwest of the project area.

SCHOOLS

The closest school to the project area is the Charter School of Morgan Hill located approximately 2 miles northeast. Other schools in the vicinity of the project area are located in San José approximately 4 miles to the northeast including Martin Murphy Middle School, Los Paseos Elementary School, and Baldwin Elementary School.

PARKS

The project area is within CVAL, a 348-acre publicly accessible open space preserve with recreation amenities including a multi-use trail for hikers, bikers, and equestrians. The project area is near Calero County Park, a 4,471-acre park that includes Calero County Reservoir, which offers a host of water-oriented recreational activities, along with expansive back country which offers hiking, biking, and equestrian opportunities for recreationists (Santa Clara County Parks n.d.). Other parks nearby include Anderson Lake County Park, located approximately 5.3 miles to the southeast, and Coyote Creek Parkway, located approximately 2.9 miles north of the project area.

3.15.2 Discussion

a) Result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, or the need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times, or other performance objectives for any of the public services:

Fire protection?

Less than significant. The project is not growth inducing and does not include the development of new residences requiring increased fire protection. The project could be attractive to visitation to the project area through the improvement of existing public access features, which if substantial, could increase the need for fire protection services over existing conditions. However, visitation would be limited by available parking in the existing parking lot, which provides two ADA-accessible spaces, 27 spaces for passenger vehicles, and an equestrian area that can accommodate four to eight horse trailers. In addition, no smoking is allowed onsite per Authority regulations for all preserves and only low intensity recreation would be permitted in the project area. Accordingly, visitors would not introduce new ignition sources to the project area and would not substantially increase the demand for fire protection services. Given the limited increase of new visitors to the project area and limited sources of ignition, the project would not substantially change demand for fire services nor result in the need for new or altered fire protection facilities; the impact would be **less than significant**.

Police protection?

Less than significant. The project is not growth inducing and does not include the development of new residences requiring increased police protection. However, any increase in visitation to an area could lead to the need for additional police protection services. While the project would improve existing recreational features which could slightly increase the number of visitors to the area over existing conditions, the existing parking lot would limit visitation. Additionally, the project area would only be open to the public from sunrise to sunset. Therefore, any increase in demand for police protection services would not be substantial and would not result in the need for new or altered police protection services to accommodate the project. The impact would therefore be **less than significant**.

Schools?

No impact. The project is not growth inducing and does not include the development of new residences requiring increased school services. Because the project would not induce population growth, the project would not result in an increase in demand for educational services such that new or physically altered schools would be necessary to maintain current service levels. Therefore, **no impact** would occur.

Parks?

No impact. The project is not growth inducing and does not include the development of new residences that could require the development of new parks. Furthermore, the project would improve existing public access features in CVAL, increasing recreational opportunities in the region. Therefore, **no impact** would occur.

Other public facilities?

No impact. The project is not growth inducing and does not include the development of new residences. Because the project would not induce population growth, the project would not result in an increase in demand for other public facilities, such as libraries and community centers. **No impact** would occur.

3.16 RECREATION

ENVIRONMENTAL ISSUES	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
XVI. Recreation.				
Would the project:				
a) Increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?	☐	☐	☐	☒
b) Include recreational facilities or require the construction or expansion of recreational facilities that might have an adverse physical effect on the environment?	☐	☐	☒	☐

3.16.1 Environmental Setting

The project area is surrounded by recreational opportunities. The project area is situated within CVAL, a 348-acre open space preserve, which contains multi-use trails open to a variety of recreationists. Located southwest of the project area is the Authority's Rancho Cañada del Oro Open Space Preserve, which is a 5,428-acre open space preserve, containing close to 12 miles of multi-use trails open to a variety of recreationists. The project is also near Calero County Park, a 4,471-acre park that includes Calero County Reservoir, which offers water-oriented recreational activities at the Calero County Reservoir, along with hiking, biking, and equestrian opportunities for recreationists in the expansive back county (Santa Clara County Parks n.d.). As described above in Section 3.15, "Public Services," other parks nearby include Anderson Lake County Park, located approximately 5.3 miles to the southeast, and Coyote Creek Parkway, located approximately 2.9 miles north of the project area.

3.16.2 Discussion

a) Increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?

No impact. The project would not induce population growth in the region or develop new residences which could lead to the increased use of existing neighborhood and regional parks or other recreational facilities. The project would enhance recreational opportunities for the region by improving the existing public access and recreation features within CVAL. The project would not cause a substantial physical deterioration to existing recreational facilities. Therefore, no impact would occur.

b) Include recreational facilities or require the construction or expansion of recreational facilities that might have an adverse physical effect on the environment?

Less than significant. The project includes improving existing public access and recreation features and maintaining the project area for public use. The potential environmental effects of implementing these public access and recreation features are evaluated within this environmental document which determined that, with application of the mitigation measures identified herein, no significant environmental impacts would occur. Because impacts are addressed in other sections of this document, the impact here is less than significant.

3.17 TRANSPORTATION

ENVIRONMENTAL ISSUES	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
XVII. Transportation.				
Would the project:				
a) Conflict with a program, plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle, and pedestrian facilities?	☐	☐	☐	☒
b) Conflict or be inconsistent with CEQA Guidelines section 15064.3, subdivision (b)?	☐	☐	☒	☐
c) Substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	☐	☐	☒	☐
d) Result in inadequate emergency access?	☐	☐	☒	☐

3.17.1 Environmental Setting

ROADWAY NETWORK

Regionally, the unincorporated areas of Santa Clara County are served by a roadway network consisting of federal and state highways, expressways, major and minor arterials, and local roadways. General descriptions of the roadways located in the vicinity of the project area and their intended function are provided below.

Highway System

The US Interstate (US) 101, which is operated and maintained by Caltrans, is a bi-directional four-lane freeway located approximately 2.25 miles northeast of the project area at its nearest point. US 101 runs from far northern California to Los Angeles and provides regional access to the project area.

County Roadways

Currently, the County's Roads Administration operates and maintains approximately 635 miles of rural and urban roadways in unincorporated areas. Major County roads are also part of the regional roadway system and typically provide connections to the highway and freeway systems. The following County roadways provide access to the project area:

- Monterey Road is a north-south bi-directional four-lane arterial roadway located east of the project area. Monterey Road intersects with Palm Avenue which provides direct access to the project area. There are no sidewalks present along Monterey Road.
- Dougherty Avenue is a north-south bi-directional two-lane minor arterial roadway located east of the project area. Dougherty Avenue intersects with Palm Avenue which provides access to the project area. There are no sidewalks present along Dougherty Avenue.
- Lantz Drive is a north-south bi-directional two-lane local rural roadway located east of the project area. Lantz Drive connects with the northern end of Palm Avenue which provides access to the project area. There are no sidewalks present on Lantz Drive.

- **Hale Avenue** is a north-south bi-directional two-lane principal arterial urban roadway located east of the project area. Hale Avenue intersects with Palm Avenue which provides access to the project area. Two approximately 0.20-mile sidewalks are present at the intersection of Palm Avenue and Hale Avenue.
- **Palm Avenue** is a southwest-northeast bi-directional two-lane roadway east of the project area. Palm Avenue provides direct access to the project area and there are no sidewalks present along Palm Avenue.

BICYCLE AND PEDESTRIAN FACILITIES

The bicycle and pedestrian transportation system in Santa Clara County is composed of local and regional bikeways and trails. The Santa Clara Countywide Bicycle Plan classifies bicycle facilities into the following four classes:

- **Bicycle Paths (Caltrans Class I):** Completely separated from streets. Provide two-way bicycle travel. Often shared with pedestrians.
- **Bicycle Lanes (Caltrans Class II):** Provide dedicated roadway space for bicyclists, separate from motor vehicle traffic and parking lanes. Designated using striping, pavement markings, and signs. Includes standard and buffered bike lanes.
- **Bicycle Routes (Caltrans Class III):** Streets specifically designated for bicyclists to share with motor vehicle traffic. Designated using signs. Bicyclists ride in the travel lane with motorists or on the shoulder. May include shared lane pavement markings or warning signage. Bicycle boulevards are an enhanced type of bicycle route: low-speed, low-volume streets optimized for bicyclists using traffic calming infrastructure, such as traffic circles.
- **Cycle Tracks (Caltrans Class IV):** Bicycle lanes that are physically separated from motor vehicle traffic by a vertical barrier, such as an adjacent parking lane, median, or raised curb. May be one-way or two-way. Can be raised or level with auto travel lanes.

Santa Clara County has over 800 miles of existing bikeways with more than 80 percent providing bicyclists with dedicated space separated from motorists. As of 2016, Santa Clara County had 195 miles of bicycle paths, 2 miles of cycle tracks, 520 miles of bicycle lanes, and 150 miles of bicycle routes (VTA 2018). There are Class II bicycle lanes present along the south side of Hale Avenue and Monterey Road. There are no other on-street bicycle facilities present within the immediate vicinity of the project area; however, the 348-acre preserve includes Heart's Delight Trail and Arrowhead Trail, a 4-mile multi-use loop trail open to hikers, bikers, and equestrians. The project site includes a picnic/gathering area with three picnic tables, a shade structure, Americans with Disabilities Act (ADA) accessible restroom facilities, a trail overlook, and a pedestrian bridge.

TRANSIT SYSTEM

The Santa Clara Valley Transportation Authority (VTA) operates light rail, bus, and paratransit services throughout Santa Clara County. The nearest bus stop, which serves the 68-bus route, is located approximately 0.75 mile from the project area at the Hale Avenue and Palm Avenue intersection. VTA bus route 68 operates between San José Diridon Station and Gilroy Transit Center on weekdays and weekends. Northbound and southbound buses operate Monday through Friday between 4:15 a.m. and 12:02 a.m. on approximately 15-minute headways for the majority of the span of service. Weekend service frequency is approximately every 20 minutes northbound between 5:15 a.m. and 10:15 p.m. and southbound between 5:45 a.m. and midnight (VTA n.d.).

Caltrain and Amtrak provide passenger rail services in the region. Amtrak operates the Coast Starlight between Seattle and Los Angeles and Caltrain between San Francisco and Gilroy. The train tracks serving each operator run east of the project area; however, there are no train stations in the vicinity of the project area.

3.17.2 Regulatory Setting

SENATE BILL 743

SB 743, Statutes of 2013, required OPR to develop new State CEQA guidelines that address traffic metrics under CEQA. As stated in the legislation, upon adoption of the new guidelines, "automobile delay, as described solely by level of service (LOS) or similar measures of vehicular capacity or traffic congestion shall not be considered a significant impact on the environment pursuant to this division, except in locations specifically identified in the guidelines, if any."

These updates indicated that VMT would be the primary metric used to identify transportation impacts. State CEQA Guidelines Section 15064.3 was added on December 28, 2018, to address the determination of significance for transportation impacts, which requires VMT as the basis of transportation analysis instead of congestion (such as LOS). The updated State CEQA Guidelines were approved, and lead agencies had an opt-in period until July 1, 2020, to implement the updated guidelines regarding VMT.

State CEQA Guidelines Section 15064.3(b) identifies criteria for analyzing the transportation impacts of a project. Section 15064.3(b)(3), "Qualitative Analysis," explains that there may be conditions under which a qualitative rather than quantitative analysis of VMT is appropriate. This section states that if existing models or methods are not available to estimate the VMT for the particular project being considered, a lead agency may qualitatively analyze VMT generated by a project. This section notes that for many projects, a qualitative analysis of construction traffic may be appropriate. Additionally, Section 15064.3(b)(4), "Methodology," explains that the lead agency has discretion to choose the most appropriate methodology to evaluate VMT subject to other applicable standards such as CEQA Guidelines Section 15151 (standards of adequacy for EIR analyses).

In December of 2018, OPR published the most recent version of the *Technical Advisory on Evaluating Transportation Impacts in CEQA* (Technical Advisory), which provides guidance for VMT analysis. The OPR Technical Advisory provides guidance related to screening thresholds for small projects to indicate when detailed analysis is needed or if a project can be presumed to result in a less-than-significant VMT impact. The OPR Technical Advisory notes that projects that generate or attract fewer than 110 trips per day generally may be assumed to cause a less-than-significant transportation impact, absent substantial evidence indicating otherwise (OPR 2018).

SANTA CLARA COUNTY

County Roads and Airports Department

Santa Clara County provides the Standard Details Manual and the Standards Specifications Manual which detail the requirements pertaining to design and standard specifications for roadway improvements. The County requires a Traffic Control Plan (TCP) to demonstrate traffic handling during construction activities for all work that will or may impact the traveling public (vehicular, pedestrian, and bicyclist). The TCP may be site specific or a "Typical Application" from Part 6 Temporary Traffic Control, of the 2014 Edition of the California Manual on Uniform Traffic Control Devices, as appropriate.

County Fire Department Standard Details and Specifications

The Santa Clara County Fire Department provides Standards and Specifications documents addressing several emergency response regulations including fire department apparatus access as well as specifications for driveways, turnarounds, and turnouts. The project is required to meet any applicable regulations presented in the County Fire Department Standards and Specifications related to project design and/or construction activity to maintain adequate emergency access during construction and operations.

3.17.3 Discussion

a) Conflict with a program, plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle, and pedestrian facilities?

No impact. The project involves the resurfacing of an existing 0.25-mile trail, modification of existing ADA parking stalls, and enhancement of day use features to support public access and low-intensity recreation. The proposed public access amenities and improvements include an area for bicycle parking, improved seating and signage at the preserve's staging area, and pedestrian bridge improvements; thus, improving bicycle and pedestrian access and amenities within the project area. Additionally, there are no existing or planned transit facilities in the vicinity of the project area. Therefore, the project would not adversely affect any existing or planned transit, bicycle, or pedestrian facility, or conflict with a program, plan, ordinance, or policy addressing pedestrian, bicycle, transit, or roadway facilities. There would be **no impact**.

b) Conflict or be inconsistent with CEQA Guidelines section 15064.3(b), which pertains to vehicle miles travelled?

Less than significant. The Authority has not adopted its own VMT guidelines and thresholds to meet the State requirements set by SB 743 and that address CEQA Guidelines Section 15064.3. Therefore, in the absence of lead agency adopted VMT guidelines and thresholds of significance, the VMT analysis herein relies on the guidance provided in CEQA Guidelines Section 15064.3 and the OPR Technical Advisory.

Construction

As detailed in Chapter 2, "Project Description," project construction would be completed by one crew consisting of 6-10 personnel. Project construction activities would be temporary and intermittent in nature occurring in five phases between the Fall of 2024 and the Spring of 2025; and thus, would not result in long-term increases in vehicular trips.

The VMT of construction workers is not newly generated; instead, it is redistributed throughout the regional roadway network based on the different work sites in which workers travel to each day. Therefore, construction workers are not generating new VMT each day, only redistributing it. Additionally, even if the trips generated during project construction were new trips, construction workers for this project would generate a total of 12-20 average daily trips, assuming that they would not carpool and would generate two trips per worker per day. Therefore, the number of daily construction trips generated would be far fewer than 110 trips per day; thus, satisfying the screening threshold for small projects as detailed in the OPR Technical Advisory. Therefore, construction activities would not significantly increase VMT in the region.

Operations

The Institute of Transportation Engineers (ITE) Trip Generation Manual 11th edition (ITE 2021) provides weekday, Saturday, and Sunday average daily trip generation rates for the land use category "Public Parks" (ITE Land Use Code 411). As detailed in the ITE Trip Generation Manual (11th Edition), public parks are defined as being owned and operated by a municipal, county, state, or federal agency, and could include boating or swimming facilities, beaches, hiking trails, ball fields, soccer fields, campsites, and picnic facilities. Therefore, the public park land use type, as defined within ITE Trip Generation Manual (11th Edition), would include the active land uses included within the project area (i.e., hiking trails and picnic facilities). The most appropriate amount of the proposed land use type (i.e., the independent variable) would be the total acreage of the project area. Therefore, because the project would not result in any changes to overall land use type (i.e., public park), or the total acreage of the preserve, and no changes to parking capacity would occur, the overall project trip generation would not be affected. Therefore, the project would not result in a substantial increase in VMT.

Summary

The construction and operational activities of the project would each generate fewer than 110 daily trips; thus, the project meets the screening criteria established in the OPR Technical Advisory to recognize that small projects do not cause a significant impact. For these reasons, the project would not conflict or be inconsistent with CEQA Guidelines Section 15064.3(b). This impact would be **less than significant.**

c) Substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?

Less than significant. The project's impacts related to transportation hazards during construction and operations are detailed below.

Construction

The project would not require the alteration of any existing travel lanes on Palm Avenue or other public roadways within the vicinity of the project area during construction. As detailed in Chapter 2, "Project Description," project construction would occur between the hours of 7:00 a.m. and 7:00 p.m. Monday through Saturday. Construction transportation impacts would be localized and temporary. The project would involve five phases of construction beginning in the Fall of 2024 and occur over approximately 6 months. Construction activities would involve site preparation, demolition, and grading. Construction vehicles and equipment would access the project area via Palm Avenue and all construction equipment and vehicle staging would occur within the existing parking lot or limit of disturbance of the project.

All phases of construction would be required to comply with County and industrywide standards and regulations to take appropriate precautions during the hauling of construction materials and use of construction vehicles, and only up to 20 total haul truck trips are estimated to be required during construction. Additionally, portions of the project area undergoing active construction would be closed to the public. Due to the relatively small footprint and intensity of construction; hazards would not be increased due to incompatible uses (i.e., recreational users of the site/passenger vehicles, construction equipment and heavy vehicles) accessing the same areas of the project area concurrently. Therefore, the impact related to transportation hazards during construction would be less than significant.

Operations

The project would not introduce hazardous design features or incompatible uses. As discussed in Chapter 2, "Project Description," the project would involve the resurfacing of the existing Heart's Delight Trail, provide enhanced amenities for day use, and modify existing ADA parking stalls to meet CBC requirements. The proposed features would be consistent with CBC, ADA, and ABA Guidelines for Outdoor Developed Areas. The project would be constructed in accordance with County building permit requirements and ADA/ABA code compliance. The project would not substantially increase hazards due to a design feature or incompatible uses; therefore, the impact would be less than significant.

Summary

The project would not require the alteration of any roadways in the vicinity of the project area during construction. Construction would be short-term, temporary, and would only require up to 20 haul truck trips. Once operational, no new hazardous design features or incompatible uses would be introduced to the project area. Additionally, the project would be required to meet all County and industrywide design and safety standards during construction and operations. For these reasons, the project would not substantially increase hazards due to a design feature or incompatible uses and the impact would be **less than significant**.

d) Result in inadequate emergency access?

Less than significant. Construction staging would occur within the existing parking lot and limit of disturbance of the project. Due to the relatively small footprint and intensity of construction (e.g., minor trail improvements, replacement of shade structures, installation of new picnic/seating areas), emergency access during construction activities would be maintained. Additionally, vehicular ingress/egress to the project area would not be modified, and the project would not require the construction, redesign, or alteration of any public roadways; thus, existing emergency access would remain unchanged during operations. Therefore, the project would not result in inadequate emergency access and the impact would be **less than significant**.

3.18 TRIBAL CULTURAL RESOURCES

ENVIRONMENTAL ISSUES	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
XVIII. Tribal Cultural Resources.				
Has a California Native American Tribe requested consultation in accordance with Public Resources Code section 21080.3.1(b)?	☒ Yes		☐ No	
Would the project cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:				
a) Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1(k)?	☐	☒	☐	☐
b) A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1. In applying the criteria set forth in subdivision (c) of Public Resource Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe?	☐	☒	☐	☐

3.18.1 Environmental Setting

TRIBAL CULTURAL RESOURCE SETTING

As described in Section 3.5, Cultural Resources, the Ohlone were subdivided into tribelets, and the project area was in the southern portion of the *Tamyen (Tamien)* and northern portion of the *Mutsun* territory of the Ohlone. Neighboring groups included the Coast Miwok north across the Carquinez Strait, the Miwok and Northern Valley Yokuts to the east, and the Salinan and Esselen to the south.

Each of the numerous Ohlone tribelets occupied one or more villages plus a number of seasonal camps (Levy 1978:487). Tribelets were also political units that were structured by similarities in language and ethnicity, each holding claim to a designated portion of territory. Topographic features, such as rivers, watersheds, and ridgelines, defined tribelet territories and the boundaries were strictly respected. Inland villages were typically situated along a river or stream while coastal villages were situated on high ground away from the shoreline (Levy 1978:492). Dwellings were domed structures thatched with tule or grass over a pole framework; coastal groups constructed conical houses from redwood. Villages also contained assembly halls, dance plazas, and sweathouses. The deceased were either buried or cremated (Levy 1978:490-491).

The rich resources of the ocean, bays, valleys, and mountains provided Costanoan-speaking peoples with food and all their material needs (Levy 1978:491-492). The primary food staple was the acorn, supplemented by a great variety

of animal and plant resources. They consumed a variety of nuts, seeds, berries, wild onions, tule roots, and greens. Large and small game included deer, elk, antelope, bear, mountain lion, raccoon, ground squirrels, rabbit, and jackrabbit, plus seals and stranded whales. Migrating waterfowl, pigeons, quails, and hawks were also part of their diet, along with a variety of anadromous fish (steelhead, salmon, and sturgeon), sharks, sardines, lampreys, mussels, and abalone. Throughout the Bay Area, the large number of shell middens attests to their reliance on marine resources. The Ohlone also practiced annual burning to ensure an abundance of seed-bearing annuals, to increase foraging areas for large game, and to facilitate the gathering of fall-ripened acorns.

A wide array of tools, implements, and enclosures were used by the Ohlone for hunting, gathering and processing natural resources (Levy 1978:491–493). Bows and arrows, traps and snares, deer-head disguises, bolas, nets and net sinkers, and enclosures/blinds were employed for hunting land mammals and birds. Tule watercraft was used for transportation and for hunting fish and waterfowl on enclosed bays and marshes. Fire-hardened digging sticks, beaters, and long poles were used for collecting plant resources. Once collected, seeds, roots, and nuts were placed in burden baskets and transported for processing or storage. The tools used to process food resources included portable stone mortars and pestles, bedrock mortars, hopper mortars, anvils, woven strainers and winnowers, leaching and boiling baskets, woven drying trays, and knives. Various foods were baked in earthen ovens. There were also shell spoons, basket dippers and mush bowls for serving food, woven water jugs, and woven containers for storing food. Most basketry was twined rather than coiled, woven from willow, rush and tule, and ornamented with Olivella shell beads, abalone pendants, quail plumes and woodpecker scalps.

The Ohlone traded mussels, abalone shells, dried abalone, and salt to the Yokuts and Olivella shells to the Miwok. From the groups to the east, they obtained pine nuts, feather blankets, basketry materials, paints, and obsidian. Historic records also indicate Ohlone triblets engaged in warfare with the Esselen, Salinan, and Northern Valley Yokuts over territorial disputes (Levy 1978:488).

Today, descendants of Costanoan tribelets are concerned with revitalizing aspects of their culture, learning the language through notes collected by anthropologist John Harrington, and preserving the natural resources that played a vital role in traditional culture.

ASSEMBLY BILL 52 CONSULTATION

AB 52 (Statutes of 2014) established a formal consultation process for California Indian tribes as part of CEQA and equates significant impacts on TCRs with significant environmental impacts. TCRs include site features, places, cultural landscapes, sacred places or objects, which are of cultural value to a tribe. Several new PRC sections have been written to codify the law's requirements. PRC Section 21080.3.2 provides that if the California tribe requests consultation to include project alternatives and mitigation measures, such consultation would be required; PRC Section 21082.3 provides that any mitigation measures agreed upon during consultation shall be recommended for inclusion in the environmental document and affirms the lead agency's obligation to keep confidential any information obtained from a Native American tribe during the consultation process; and, PRC Section 21083.4 provides examples of mitigation measures for impacts to TCRs.

In accordance with AB 52, Native American tribal contacts in Santa Clara County were sent notification letters via certified mail on August 11, 2022. The Authority sent letters to the following tribal contacts: Valentin Lopez, chairperson, Amah Mutsun Tribal Band; Irenne Zwierlein, chairperson, Amah Mutsun Tribal Band of Mission San Juan Bautista; Ann Marie Sayers, chairperson, and Kanyon Sayers-Roods, MLD, Indian Canyon Mutsun Band of Costanoan; Charlene Nijmeh, chairperson, and Monica Arellano, vice chairperson, Muwekma Ohlone Indian Tribe of the San Francisco Bay Area; Katherine Erolinda Perez, chairperson, and Timothy Perez, North Valley Yokuts Tribe; Andrew Galvan, Ohlone Indian Tribe; Kenneth Woodrow, chairperson, Wuksache Indian Tribe/Eshom Valley Band; and Quirina Luna Geary, chairperson, Tamien Nation.

A request to consult was received from the Tamien Nation. The Authority emailed Quirina Luna Geary from the Tamien Nation on September 22, 2022, summarizing the major points of a recent phone call. The Tamien Nation expressed interest in monitoring during the Phase II test pit excavation work for which the Authority agreed to help coordinate.

The Tamien Nation recommended mitigation measures to be incorporated into the project that include having a qualified archaeologist and tribal monitor onsite during ground disturbing activities (included as Mitigation Measure TCR-1), and to provide a cultural resource sensitivity training for construction crews (included as Mitigation Measure TCR-2). The tribe also recommended the Authority install interpretive signage about the culture of Indigenous people who previously used or inhabited the project area. Following this meeting, the Authority integrated recommendations from the Tamien Nation that were received during AB 52 consultation into mitigation measures to avoid impacts to inadvertent discoveries of TCRs. The Authority followed up through email on October 20, 2022, providing the Tamien Nation specific details about the Phase II work at the Preserve. The Authority sent an email on July 5, 2023 to provide the final Phase II Report and the revised mitigation measures that incorporate input from the Tamien Nation. No further response was received and consultation is complete.

3.18.2 Discussion

Would the project cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:

a) Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1(k)?

or

b) A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1. In applying the criteria set forth in subdivision (c) of Public Resource Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe?

Less than significant with mitigation incorporated. No TCRs, as defined by PRC Section 5024.1, were identified in the project area as a result of AB 52 consultation. However, the history of the region including the project area is known to have included Native American use and there is a potential for unknown TCRs to be present within the project area, which could be encountered by the project. Although, the Tamien Nation has not directly stated that CA-SCL-106 is a tribal cultural resource, they have stated that the project area and vicinity is an important place that has been used by indigenous people for generations. Ground disturbing activities associated with construction of the project could result in the discovery of an unknown tribal cultural resource related to CA-SCL-106, the destruction of which would be potentially significant if the appropriate measures were not taken to preserve the significance of the discovery. The effect of the project on TCRs would be reduced to less than significant with mitigation incorporated.

Mitigation Measure TCR-1: Retain Native American and Archaeological Monitors for Ground Disturbing Activities

Tribal and archaeological monitors will be invited to monitor ground disturbing activities. The Authority shall notify the monitors a minimum of 7 days before beginning ground-disturbing activities and the tribal representative and archaeological consultant shall confirm the monitors at least 48 hours before ground-disturbing activities are scheduled to begin. If confirmation is not provided, ground-disturbing activities may proceed without the presence of a tribal monitor. The tribal monitor and archaeological monitor shall complete daily monitoring logs that describe each day's activities, including construction activities, locations, soil, and any cultural materials identified. The monitoring logs will be emailed to the tribe and the Authority on a weekly basis. The onsite monitoring shall end when the site grading and excavation activities are completed or when the tribal representatives and monitor have indicated that their presence is no longer necessary.

Mitigation Measure TCR-2: Conduct Cultural Sensitivity Training

A cultural sensitivity training program will be provided to all construction personnel prior to the start of project construction. A representative or representatives from culturally affiliated Native American Tribe(s) will be invited to participate in the development and delivery of the cultural resource awareness and respect training program in coordination with a qualified archaeologist meeting the Secretary of Interior guidelines for professional archaeologists. The program will include relevant information regarding sensitive cultural and TCRs, including protocols for resource avoidance, applicable laws regulations, and the consequences of violating them. The program will also underscore the requirement for confidentiality and culturally appropriate treatment of any find of significance to Native Americans and protocols, consistent, to the extent feasible, with Native American Tribal values.

Mitigation Measure TCR-3: Protective Measures for Tribal Cultural Materials

If precontact cultural materials (including midden soil, chipped stone, bone, or shell) are encountered, all ground-disturbing activity within 50 feet of the discovery shall be halted until the qualified archaeologist and tribal monitor can assess the finding(s). Then the archaeological monitor in coordination with the tribal monitor shall determine the appropriate treatment of the find. Culturally appropriate treatment may be, but is not limited to, processing materials for reburial, minimizing handling of cultural objects, leaving objects in place within the landscape, or returning objects to a location within the project vicinity where they will not be subject to future impacts. Materials shall not be permanently curated unless approved by the tribe. Treatment that preserves or restores the cultural character and integrity of a tribal cultural resource may include culturally appropriate recovery of cultural objects and reburial of cultural objects or cultural soil. The Authority shall work with the contractor and tribal representative to facilitate the appropriate tribal treatment of any finds, as necessary.

Significance after Mitigation

Mitigation Measures TCR-1, TCR-2, and TCR-3 were developed through the AB 52 consultation process. The Authority would adhere to all professionally accepted and legally compliant procedures regarding the treatment of any important archaeological resources and any TCRs identified by involved tribes, and the impact would be clearly reduced to **less than significant with mitigation incorporated**.

3.19 UTILITIES AND SERVICE SYSTEMS

ENVIRONMENTAL ISSUES	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
XIX. Utilities and Service Systems.				
Would the project:				
a) Require or result in the relocation or construction of construction of new or expanded water, wastewater treatment or stormwater drainage, electric power, natural gas, or telecommunication facilities, the construction or relocation of which could cause significant environmental effects?	☐	☐	☐	☒
b) Have insufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years?	☐	☐	☐	☒
c) Result in a determination by the wastewater treatment provider that serves or may serve the project that it has inadequate capacity to serve the project's projected demand, in addition to the provider's existing commitments?	☐	☐	☐	☒
d) Generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals?	☐	☐	☐	☒
e) Fail to comply with federal, state, and local management and reduction statutes and regulations related to solid waste?	☐	☐	☐	☒

3.19.1 Environmental Setting

The project is within CVAL with no major utility services, such as water, wastewater treatment, electricity, natural gas, or municipal stormwater drainage facilities. The Santa Clara County Department of Environmental Health Solid Waste Program is certified by the California Department of Resources, Recycling and Recovery as the Local Enforcement Agency (LEA) for the unincorporated areas of Santa Clara County, which encompasses the project area. The LEA regulates solid waste facilities and landfills to ensure compliance with state minimum standards. The LEA is also responsible for permitting and inspecting landfills, transfer stations, composting facilities, and refuse collection vehicles and yards (DEH n.d.).

The closest solid waste facility to the project area is the Kirby Canyon Landfill, an 852-acre waste disposal site operated by Waste Management located approximately 2.75 miles to the east. The landfill accepts non-hazardous solid waste including construction and demolition debris, industrial and special waste, and municipal solid wase (Waste Management n.d.). The maximum daily throughput for Kirby Canyon Landfill is 2,600 tons and it has a remaining capacity of 16,191,600 tons as of 2015. The landfill is expected to reach capacity in 2059 (CalRecycle n.d.).

3.19.2 Discussion

a) Require or result in the relocation or construction of construction of new or expanded water, wastewater treatment or stormwater drainage, electric power, natural gas, or telecommunication facilities, the construction or relocation of which could cause significant environmental effects?

No impact. The project does not propose the construction or relocation of new or expanded water, wastewater treatment or stormwater drainage, electric power, natural gas, or telecommunication facilities. As described in Section 3.10, "Hydrology and Water Quality," runoff from the trail and gathering areas would continue to disperse into surrounding natural areas and percolate into the ground, and no additional stormwater drainage systems would be required. While the project could result in a slight increase in visitation to the area, the existing parking lot would limit the number of visitors. Therefore, the project would not require the relocation or construction of new or expanded utilities and **no impact** would occur.

b) Have insufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years?

No impact. The project would not require permanent or ongoing use of existing water supplies. Some water would temporarily be required for dust abatement during construction, which would be sourced from a water truck. No other water would be required for construction or operation. Therefore, **no impact** to existing water supplies would occur.

c) Result in a determination by the wastewater treatment provider that serves or may serve the project that it has inadequate capacity to serve the project's projected demand, in addition to the provider's existing commitments?

No impact. The project does not propose the construction of new restrooms, or other forms of wastewater utilities. An existing restroom associated with the existing public access features within CVAL would service the project. The public access features improved by the project could have the potential to slightly increase visitation, which could increase the use of the existing restroom and could impact the wastewater treatment provider's ability to service the area. A third-party contractor services the existing restroom and transports wastewater to the South County Regional Wastewater Treatment Plant (WWTP) which has a wastewater treatment capacity is 8.5 million gallons per day (MGD). The South County Regional Wastewater Authority (SCRWA) is in the process of expanding the WWTP's treatment capacity to 11 MGD through the SCRWA WWTP Facility Expansion Project (SCRWA 2020). The project's contribution to wastewater would be a fraction of the WWTP's wastewater treatment capacity of 8.5 MGD and future treatment capacity of 11 MGD. The WWTP would have adequate capacity to serve the project's wastewater generation. Furthermore, the size of the existing parking lot would limit visitation. For these reasons, the project would not result in a determination by the WWTP that it is unable to serve the project's projected demand and **no impact** would occur.

d) e) Generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals and comply with federal, state, and local management and reduction statutes and regulations related to solid waste?

No impact. The closest landfill is the Kirby Canyon Landfill, which has a daily throughput of 2,600 tons and a remaining capacity of 16,191,600 tons (CalRecycle n.d.). Solid waste produced during construction of the project would be limited to features that are proposed for removal and trash generated by construction personnel. Existing project features to be removed would be limited to a few existing shade structures, one kiosk, small site furnishings, fences and metal gates, as well as a small portion of asphalt removed in the ADA parking area. As described in Chapter 2, "Project Description," site furnishings and fences/metal gates would be salvaged by the Authority for

reuse. In addition, construction crews would be small, consisting of 6-10 personnel, and the trash generated from construction personnel would be minimal.

During operation, the number of visitors to the project area could slightly increase over existing conditions with the improved public access facilities; however, the existing parking lot would limit the number of visitors to the project area. Trash generated by recreational users would be minimal, typically consisting of food and beverage waste. Given the ample existing capacity of the Kirby Canyon Landfill (16,191,600 tons) and the limited amount of solid waste that would be generated during construction and operation, solid waste would not be generated in excess of local standards or capacity of local infrastructure and there would be **no impact.**

3.20 WILDFIRE

ENVIRONMENTAL ISSUES	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
XX. Wildfire.				
Is the project located in or near state responsibility areas or lands classified as high fire hazard severity zones?				
If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the project:	☒ Yes		☐ No	
a) Substantially impair an adopted emergency response plan or emergency evacuation plan?	☐	☐	☒	☐
b) Due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire?	☐	☐	☒	☐
c) Require the installation of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment?	☐	☐	☐	☒
d) Expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes?	☐	☐	☒	☐

3.20.1 Environmental Setting

The project is within Santa Clara County, which contains "high or extreme fire hazard areas" due to a combination of factors including climatic variables, such as rainfall, humidity, and wind patterns; the amount of naturally occurring fuel for fires, such as brush, dead trees, and grasses that ignite easily and burn hotly; steepness of slopes; and inaccessibility and lack of available water supplies for fire suppression (Santa Clara County 1994).

CAL FIRE wildfire statistics for 2021 show that there was a total of two wildfires in the County, both less than 40 acres (CAL FIRE 2023). CAL FIRE has mapped FHSZs for the entire state, including the project area. FHSZ delineations are based on an evaluation of fuels, fire history, terrain, housing density, and occurrence of severe fire weather. They are intended to identify areas where urban fires could result in catastrophic losses. FHSZs are categorized as: Moderate, High, and Very High. The project area is within a FHSZ classified as High (CAL FIRE 2022). The High FHSZ is used to designate wildland areas that support medium to high hazard fire behavior and roughly average burn probabilities (CAL FIRE 2007).

Santa Clara County's Emergency Operations Plan is described in Section 3.9, "Hazards and Hazardous Materials," above. To further assist with wildfire issues, Santa Clara County prepared the County Community Wildfire Protection Plan (CWPP) (Santa Clara County 2016). The project area is within the Almaden Valley Planning Area of the CWPP. An issue noted in the CWPP is that ingress and egress is a concern due to the remoteness of some areas (distance from fire stations), steep terrain, and narrow roads may impact fire response capabilities, and some private roads have narrow

road widths and inadequate turnarounds for emergency vehicles. To combat access issues, Mitigation Measure EF-FC8.1 of the CWPP requires improvement of ingress/egress capabilities within the County (Santa Clara County 2016).

3.20.2 Discussion

a) Substantially impair an adopted emergency response plan or emergency evacuation plan?

Less than significant. The project area is within the jurisdiction of both the Santa Clara County OEM and the CWPP (Santa Clara County 2017, Santa Clara County 2016). The project would not impair the OEM's emergency response plan as described under criterion f) in Section 3.9, "Hazards and Hazardous Materials."

Implementation of the project would improve existing public access features and could result in a slight increase in visitation to the area, which could potentially impair implementation of the CWPP by a small increase in the risk of a human-caused fire. However, the existing parking lot, which provides two ADA-accessible spaces, 27 spaces for passenger vehicles, and an equestrian area that can accommodate four to eight horse trailers, would limit the number of visitors to the project area. Given that public access would be limited by the existing parking lot, the potential increase in visitation to the project area would not impair implementation of evacuation procedures detailed in the EOP. Furthermore, project structures would be limited to replacing the existing shade structure, and providing improved picnic tables, benches, and informational and wayfinding signage.

None of the project features would affect characteristics of the area that increase wildfire risk or change the requirements for emergency access. Smoking is prohibited within the project area at all times per Authority regulations, and all internal combustion equipment used in the project area be equipped with federal- or state-approved spark arrestors per PRC 4442, which would minimize accidental wildfire ignitions. For these reasons, the project would not substantially impair an emergency response or emergency evacuation plan and the impact would be **less than significant**.

b) Due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire?

Less than significant. The project area is within a FHSZ classified as High (CAL FIRE 2022) and consists of valley and foothill grassland habitats, which are susceptible to wildfire (Heady 1972). As described above in criterion a), the project would improve existing public access features which could slightly increase visitation into the area, which could increase the potential for ignitions. However, the existing parking lot would limit visitation to the project area, and the project features would be limited and composed mainly of non-flammable material. In addition, only low intensity recreation would be permitted, such as hiking and horseback riding, thus no recreation equipment with a potential to create sparks would be present in the project area. Furthermore, smoking is prohibited within the project area at all times per Authority regulations, and all internal combustion equipment used in the project area be equipped with federal- or state-approved spark arrestors per PRC 4442, which would minimize accidental wildfire ignitions. For the reasons described, the impact would be **less than significant**.

c) Require the installation of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment?

No impact. The project would not require the installation of associated infrastructure such as roads, fuel breaks, power lines, or other utilities that may exacerbate fire risk; therefore, **no impact** would occur.

d) Expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes?

Less than significant. The project would result in new public access features which could potentially expose people and structures to risks from flooding or landslides due to runoff, post-fire slope instability, or drainage changes. However, as described under criterion b) and c) above, the project would not substantially exacerbate fire risk. Therefore, no substantial post-fire slope instability would occur. In addition, as described under criterion c) and d) in Section 3.10, "Hydrology and Water Quality," the project would not substantially alter drainage or expose people to risks related to runoff or floods. Furthermore, as described under criterion a) in Section 3.7, "Geology and Soils," the project would not expose people to significant risks related to landslides. Therefore, no substantial risks related to runoff, post-fire slope instability, or drainage changes would occur and the impact would be **less than significant**.

3.21 MANDATORY FINDINGS OF SIGNIFICANCE

ENVIRONMENTAL ISSUES	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
XX. Mandatory Findings of Significance.				
a) Does the project have the potential to substantially degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, substantially reduce the number or restrict the range of an endangered, rare, or threatened species, or eliminate important examples of the major periods of California history or prehistory?	☐	☒	☐	☐
b) Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects.)	☐	☐	☒	☐
c) Does the project have environmental effects that will cause substantial adverse effects on human beings, either directly or indirectly?	☐	☐	☒	☐

3.21.1 Discussion

a) Does the project have the potential to substantially degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, substantially reduce the number or restrict the range of an endangered, rare, or threatened species, or eliminate important examples of the major periods of California history or prehistory?

Less than significant with mitigation incorporated (important examples of California prehistory and certain biological resource effects); Less-than-significant impact (for all other topics).

There are eight special-status plant species that are known to occur in the project region and that have the potential to occur in the grassland habitat within the project area (Appendix A); however, surveys conducted in 2021 did not detect any of the eight special-status botanical species that could occur within the disturbance footprint of the project (Authority 2021).

There are two special status butterflies that may occur within the project area, bay checkerspot butterfly, and monarch butterfly. However, due to the small size of the disturbance footprint (0.30-acre) with construction occurring primarily

within existing disturbed and compacted areas, and vegetation clearing for maintenance being limited to 3 feet from the trail, the project would not substantially affect the availability of nectar resources within CVAL or other surrounding areas.

The Crotch bumble bee [*Bombus crotchii*], a special-status invertebrate, could be affected by project construction if hostplants are trampled or removed. Implementation of Mitigation Measure BIO-1 would avoid adverse effects on the Crotch bumble bee by avoiding the disturbance and destruction of nest colonies through preconstruction surveys and avoidance as well as prohibiting ground disturbing activities in the vicinity of the nest during the season when colonies are active.

The project area does not include aquatic habitat for California red-legged frog and the Central California Distinct Population Segment of California tiger salamander, or aquatic habitat and nesting habitat for western pond turtle; however, there is aquatic habitat for these species within dispersal distance of the project area (Authority 2021). The Authority is in the process of obtaining coverage under the Habitat Plan as a PSE and would implement all applicable compliance conditions outlined in the PSE permit as a part of the project (refer to Section 2.7, "Habitat Plan Conditions on Covered Activities"). In addition to specific project conditions outlined in the PSE permit, participation in the Habitat Plan by the Authority supports the Habitat Plan through maintaining a system of preserves throughout Santa Clara County, thereby reducing adverse impacts to regional populations of covered species, including California red-legged frog, California tiger salamander, and western pond turtle from development activities. The use of temporary erosion control measures during construction, reseeding of disturbed areas, the direction of runoff from impervious into areas to percolate into the ground, and participation in the Habitat Plan as a PSE would avoid and minimize potential adverse effects to California red-legged frog, California tiger salamander, and western pond turtle.

The project area provides grassland habitat that is suitable for foraging by burrowing owl, golden eagle, Loggerhead shrike, Swainson's hawk, and tricolored blackbird. However, there is no nesting habitat for these species within or in the vicinity of the project area and the species is unlikely to nest within the project area based on current survey records and distribution (Authority 2021). The project area and vicinity do provide nesting and foraging habitat for White-tailed kite, which may nest in oak trees within and near the project area (within 500 feet). The construction of the project and maintenance activities may temporarily disrupt foraging activities by special-status birds; however, these disruptions would be limited in duration, and limited in area (up to 0.30 acre) when compared to the available foraging habitat within the vicinity of the project on CVAL and adjacent lands. Therefore, any adverse effects on foraging special-status birds would not be substantial. Construction and maintenance activities involving mechanized equipment could result in the disturbance of white-tailed kite nests if any are present, and if the activity occurs during the active nesting season (January 1 to August 31). Disturbance of white-tailed kite nests could result in loss of eggs and young. Implementation of Mitigation Measure BIO-2 would avoid and minimize adverse effects on white-tailed kite by avoiding construction during the nesting season if feasible, conducting surveys for nests prior to project construction that occurs within the nesting season, and applying no-disturbance buffers around active nests that are present within or adjacent to the project area.

The project area contains habitat suitable for three special-status mammal species, American badger, mountain lion, and pallid bat. Mountain lions may use the area for foraging and movement, but due to the lack of dense cover and the existing use of the trail, it is unlikely the mountain lions would use the project area or adjacent lands for denning or nursery habitat. While project construction and maintenance activities would result in additional temporary disturbance within project area, these activities would occur during daylight hours 7:00am to 7:00pm and are not likely to substantially reduce the use of the project area by foraging mountain lions.

American badgers are known to den on the hill outside, but directly adjacent to the southern portion of the project area (CNDDB 2023). This den was documented in 2018 and is assumed to be present at this location; however, it is unknown if it is currently occupied. While any badgers that may occupy this den are likely to be acclimated to human presence and disturbance within the project area, the additional disturbance caused by heavy equipment during construction of the project may result in disturbance of denning badgers. This disturbance is not likely to have substantial adverse effects on American badger during the non-breeding season; however, if construction occurs during the breeding season when pups are potentially in the den (February 15 through July 1), this disruption could result in interruption of feeding and caring for the pups and injury or death if the female abandons the den. The injury or death of American badger pups would be a substantial adverse effect on the local population of the species.

The implementation of Mitigation Measure BIO-3 would avoid and minimize adverse effects on American badger by requiring preconstruction surveys for American badger dens prior to construction using heavy equipment during the sensitive season for the species, and the application 100-foot buffers during the breeding season to avoid and minimize direct and indirect disturbance of dens.

With implementation of Mitigation Measure BIO-1 through Mitigation Measure BIO-3, as well as applicable Habitat Plan Conditions, the project would not substantially degrade wildlife habitat, adversely affect wildlife populations, or restrict the range of special-status species. Therefore, the project would avoid mandatory significance findings and the impact would be clearly reduced to **less than significant with mitigation incorporated**.

As described in Section 3.5 "Cultural Resources," the project would not negatively affect historical or archaeological resources. As described in Section 3.18 "Tribal Cultural Resources" criteria a) and b), ground disturbing activities have the potential to damage TCRs if present in the project area. The Authority would implement Mitigation Measures TCR-1 through TCR-3 to avoid impacts to TCRs from ground disturbance. Mitigation Measure TCR-1 requires the Authority to invite Native American and archaeological monitors for ground disturbing activities. Mitigation Measure TCR-2 requires that a cultural sensitivity training program be provided to all construction personnel prior to the start of project construction. The Authority would also implement Mitigation Measure TCR-3 which includes protective measures for tribal cultural materials in the event that precontact cultural materials (including midden soil, chipped stone, bone, or shell) are encountered. All ground-disturbing activity within 50 feet of the discovery would be halted until the qualified archaeologist and tribal monitor can assess the finding(s). Therefore, the project would not risk the elimination of important examples of the major periods of California history or prehistory. The impact would be reduced to **less than significant with mitigation incorporated**.

For the reasons described above, the project would not substantially degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, substantially reduce the number or restrict the range of an endangered, rare, or threatened species, or eliminate important examples of the major periods of California history or prehistory.

b) Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects.)

Less than significant impact. In accordance with CEQA Guidelines Section 15130, this Initial Study analyzes the cumulative impacts of the project. A cumulative impact is when "two or more individual effects which, when considered together, are considerable or which compound or increase environmental impacts" (CEQA Guidelines Section 15355).

Methods

<u>Cumulative Scenario</u>

To comply with CEQA, a cumulative scenario has been developed that identifies and evaluates past, present, and reasonably foreseeable future projects within the defined cumulative study area that would be constructed or commence operation during the timeframe of activity associated with the project. In discussing cumulative impacts, the CEQA Guidelines outline two approaches for characterizing the projects that may occur in the vicinity of a project:

- **Project list:** A list of past, present, and probable future projects producing related or cumulative impacts, including, if necessary, projects outside the control of the agency (CEQA Guidelines Section 15130(b)(1)(A)).
- **Summary of Projections:** A summary of projections contained in an adopted local, regional, or statewide plan, or related planning document, that describes or evaluates conditions contributing to the cumulative effect (CEQA Guidelines Section 15130(b)(1)(B)). This summary can be supplemented with additional information, including a regional modeling program.

This document uses both approaches, depending on which one is more appropriate for the resource area being analyzed. The rationale for selecting an approach is provided in the cumulative impacts discussion for each resource area. Because the area within which a cumulative effect can occur varies by resource area, for the purposes of this analysis, the geographic boundary also varies by the resource being evaluated. For example, traffic and noise impacts tend to be localized, while air quality and GHG impacts can be more widespread.

Projects Considered

Projects considered include past projects, projects under construction and approved, pending projects that are anticipated to be either under construction or operational by the time of the completion of the project, and reasonably foreseeable future projects. Information pertaining to closely related past, present, and reasonably foreseeable future projects was obtained by reviewing projects undertaken or under review by the Authority and by reviewing the projects undertaken by the following local agencies:

- Santa Clara Valley Water District (SCVWD)
- San José Water Company
- City of San José
- City of Santa Clara
- Santa Clara County
- City of Morgan Hill

As shown in Table 3.21-1, 14 projects are considered for cumulative purposes and are included in the cumulative scenario for impacts evaluated using the project list approach.

Table 3.21-1 Cumulative Projects List

No.	Project Name	Agency	Description	Status/Timing	Location
1	Calero County Dam Seismic Retrofit Project	Santa Clara Valley Water District	The SCVWD proposes to seismically retrofit the Calero County Dam due to the presence of alluvium (gravel and sand from the underlying creek bed) under the downstream dam embankment that could liquefy during a major earthquake on a nearby fault and cause the dam to deform significantly.	The Calero Dam Seismic Retrofit Project is on hold. Design work is expected to restart in 2024, followed by environmental documentation.	Calero County Reservoir, approximately 1.3 miles northwest of the project area.
2	Llagas Creek Bridge & Day-use Area Project	Authority	The project would connect the existing Llagas Creek Loop Trail to a new day use area via a newly installed bridge over Llagas Creek. The new day use area would include a loop trail and trail-side amenities, such as benches and picnic tables.	Construction is anticipated to begin in summer 2023.	Rancho Cañada del Oro Open Space Preserve, approximately 2 miles southwest of the project area.
3	Upper Llagas Creek Flood Control Project	Santa Clara Valley Water District	The Upper Llagas Creek Flood Control Project consists of 13.9 miles of flood protection improvements along East Little Llagas Creek, West Little Llagas Creek, and Llagas Creeks.	Construction of Phase 1 of the project began in September 2019 and is expected to be complete in December 2023.	Located within the cities of Gilroy, Morgan Hill, and the unincorporated area of San Martin. The closest flood protection improvements to the project are in the City of Morgan Hill, approximately 5 miles southeast of the project area.
4	IPM Program	Authority	The IPM Program will comprehensively manage pests on Authority open space preserves in order to protect natural	The CEQA document was approved by the Board in September	All Authority lands, including the project area.

No.	Project Name	Agency	Description	Status/Timing	Location
			resources and public health. The IPM Program includes manual, mechanical, and chemical IPM treatments, and upon approval, will increase the extent and frequency of IPM on Authority lands.	2021. IPM implementation will be ongoing.	
5	Operations and Maintenance Activities	Authority	Continue to implement operations and maintenance activities. Activities include road and trail maintenance; vegetation management around structures, parking lots, and other paved surfaces; and vegetation management in orchards. These activities require the use of vehicles and manual and mechanical equipment.	Ongoing activity.	All Authority lands, including the project area.
6	Bikeways, Trails, Parks, and Recreation Master Plan	City of Morgan Hill	The Bikeways, Trails, Parks, and Recreation Master Plan guides the development of the City's bikeways, trail, parks, and recreation system in Morgan Hill.	The Master Plan was adopted in 2017 and is being implemented by the City of Morgan Hill.	City of Morgan Hill, approximately 5 miles southeast of the project area.
7	Gateway Crossings New Neighborhood Park	City of Santa Clara Parks and Recreation	The Holland Partner Group is developing a schematic design for a new public neighborhood park called Gateway Crossings.	The project is in the planning phase; Santa Clara Parks and Recreation is seeking the community's input on the park design elements.	1205 Coleman Avenue approximately 16.5 miles northwest of the project area.
8	San José Water Company Forest Health Program – P1	San José Water	The proposed project consists of vegetation treatments to selectively thin dense tree stands, diseased tree populations, and shrubs to improve forest health, increase climate resiliency, and reduce the risk of wildfire.	The project specific analysis (PSA) has been completed and the project is expected to be completed by March 31, 2025.	Southwest Santa Clara County on the east and west sides of State Route (SR) 17. The project is located entirely on lands owned by SJW, approximately 12 miles west of the project area.
9	Cottle and Lester Historic Ranch Site Plan Project	Santa Clara County Parks and Recreation Department	The Site Plan is a guiding document that identifies a program of reuse for the Life Estate, including the main residence and other outbuildings.	CEQA was completed in May 2022. Implementation of proposed improvements is envisioned over an approximately 15-year period between 2023 and 2038. Construction would take place in three phases, assuming 1–5 years of construction for each phase.	5283 Snell Avenue, in South San José, approximately 8 miles northwest of the project area.
10	Hacienda and Deep Gulch Remediation Project	Santa Clara County Parks and Recreation Department	This project is the next in a series of remediation efforts undertaken since the early 1990s by County Parks to mitigate environmental impacts of calcine material through removal and/or stabilization of visible calcines in the park.	The current remediation project began with initial tree removal activities in October 2022 to remove selected trees within the remediation area and is	Almaden Quicksilver County Park, approximately 6.6 miles west of the project area.

No.	Project Name	Agency	Description	Status/Timing	Location
				planned to continue in Spring 2023.	
11	Sanborn and Upper Stevens Creek Forest Health Plan	Santa Clara County Parks and Recreation Department	The Forest Health Plan identifies general practice and project-specific management recommendations to address forest threats in both parks.	County Parks completed the Final Draft Forest Health Plan in February 2023. The Plan will be implemented over a 20-year timeframe	Sanborn County Park, 16055 Sanborn Road, Unincorporated Santa Clara County, approximately 18.4 miles northwest of the project area.
12	Sanborn County Park Master Plan	Santa Clara County Parks and Recreation Department	The Master Plan is a guiding document that presents a series of development, management and design recommendations for the park, including specific features like the Welch Hurst House, the Christensen Nursery area, the Dyer House, and the former Christmas tree area.	The Sanborn County Park Master Plan was approved by the County of Santa Clara Board of Supervisors on June 4, 2019. Future phases include design, development, and construction. Work is ongoing.	Sanborn County Park, 16055 Sanborn Road, Unincorporated Santa Clara County, approximately 18.4 miles northwest of the project area.
13	Sanborn County Nursery Dump Demolition and Remediation Project	Santa County Parks and Recreation Department	County Parks intends to remove debris and trash, demolish the majority of the buildings and structures from the site and excavate contaminated soils associated with these features so that the area could be developed and operated as a public campground as planned in the Sanborn County Park Master Plan.	Currently under environmental review.	Sanborn County Park, 16055 Sanborn Road, Unincorporated Santa Clara County, approximately 18.4 miles northwest of the project area.
14	Metcalf Motorcycle County Park Operations and Maintenance Project	Santa County Parks and Recreation Department	The project will provide for the rental of motor grader equipment and supplies necessary to better maintain the track and trails system and will complete a one-time regulatory sign replacement for weathered signs.	The project consists of ongoing operation and maintenance. Currently under environmental review as a CEQA exemption.	Metcalf Motorcycle County Park (MMCP), located at 300 Metcalf Road, San José, approximately 4.3 miles north of the project area.

Notes: SCVWD = Santa Clara Valley Water District, CEQA = California Environmental Quality Act, IPM = Integrated Pest Management, SJW = San José Water; MMCP = Metcalf Motorcycle County Park; SR = State Route

Source: Authority 2018; Authority 2019a; Authority 2021; Authority n.d. a; Authority n.d. b; City of Morgan Hill 2017; SCVWD n.d. SCVWD 2021; San José Water n.d., City of Santa Clara Parks and Recreation n.d. Santa Clara County Parks n.d.

Cumulative Impact Analysis

The project would have no impact on Agriculture and Forest Resources, Land Use and Planning, Mineral Resources, Population and Housing, and Utilities and Service Systems, as discussed above in Section 3.2, "Agriculture and Forest Resources," Section 3.11, "Land Use and Planning," Section 3.12, "Mineral Resources," Section 3.14, "Population and Housing," and Section 3.19, "Utilities and Service Systems." Therefore, the project would not cause or contribute to any cumulative impact to these resource areas, and no corresponding cumulative analysis is provided.

Aesthetics

The project would not damage scenic resources (e.g., trees, rock outcroppings, and historic buildings) within a state scenic highway (significance criterion b), therefore, the project would not contribute to corresponding cumulative impacts; this impact is not discussed further.

The list approach is used to evaluate potential impacts to aesthetics because aesthetic and visual resource impacts are highly localized. The geographic extent for considering cumulative aesthetic impacts includes all projects located within the Santa Cruz Mountain foothills in the same viewshed as the project (i.e., area visible from a viewer's location).

Therefore, the viewshed includes projects located within 0.25-mile of the project area. The Authority's IPM Program and operation and maintenance activities are within geographic extent for considering cumulative aesthetic impacts.

The ongoing maintenance and IPM activities include intermittent activities requiring a few staff and minor equipment, such as pick-up trucks, mowers, weed whips, and all-terrain vehicles. The intermittent presence of vehicles and equipment for maintenance and IPM activities would not substantially degrade the visual character and quality of the area and the undeveloped and open space visual landscape would remain intact. Thus, the cumulative scenario for aesthetics and visual resources when considering the project and the cumulative projects in the same viewshed is not significant. Similarly, the project would not substantially degrade the visual character and quality of the project area. Therefore, the project would not contribute to nor create a cumulatively significant effect on the environment; there is **no significant cumulative impact.**

Air Quality

The project would not result in other emissions (such as those leading to odors) adversely affecting a substantial number of people (significance criterion d), therefore, the project would not contribute to corresponding cumulative impacts; this impact is not discussed further.

Past, present, and future development projects contribute to a region's adverse air quality on a cumulative basis. A project's individual emissions contribute to existing cumulatively significant adverse air quality impacts. Therefore, the projections approach is used to determine cumulative impacts related to obstructing the implementation of the BAAQMD 2017 Clean Air Plan (significance criterion a) and resulting in a net increase in criteria pollutants for which the regions is in nonattainment (significance criterion b). To assess basin-wide impacts related to air quality standards, this analysis evaluates emissions compared to significance thresholds adopted by BAAQMD for the SFBAAB, per the projections approach.

Santa Clara County is designated as nonattainment for ozone, PM_{10}, and $PM_{2.5}$ with respect to the CAAQS and ozone and $PM_{2.5}$ with respect to the NAAQS, as shown in Table 3.3-2 of Section 3.3 "Air Quality." Therefore, for these criteria pollutants, there is a significant cumulative impact in the SFBAAB. BAAQMD's significance thresholds recommended in the *2022 CEQA Air Quality Guidelines* for project operations within the SFBAAB are the most appropriate thresholds for use in determining cumulative air quality impacts of the project. The *2022 CEQA Air Quality Guidelines* include preliminary screening criteria that provides a conservative indication of whether implementing a proposed project could potentially result in the generation of construction-related criteria air pollutants or precursors that exceed the thresholds of significance. The project would meet the screening criteria by implementing BAAQMD's Basic Construction Mitigation Measures, as required by Mitigation Measure AQ-1, which would minimize fugitive dust emissions during construction. In addition, the project would not generate substantial emissions of criteria air pollutants given that the construction would be short-term (i.e., up to 6 months) and the improvements would be minor (e.g., resurfacing an existing 0.25-mile trail; replacing shade structures; installing new interpretive/wayfinding signage and picnic areas, decommissioning redundant trails).Therefore, the project would not conflict with the Clean Air Plan and the project's contribution to a net increase in criteria pollutants for which the regions is in nonattainment (significance criteria a and b) **would not be a considerable contribution to this cumulative impact**.

The list approach was used to determine localized air quality impacts including exposure of sensitive receptors to substantial pollutant concentrations (significance criterion c). The geographic extent for exposure of receptors to substantial pollutant concentrations is conservatively set at 0.50-mile to adequately cover impacts associated with the temporary, intermittent emissions that would be generated during construction of the project. The projects within the geographic extent are the Authority's operations and maintenance activities and IPM Program activities occurring within the project area and greater CVAL. The ongoing operations and maintenance and IPM Program activities include intermittent actions requiring a few staff and minor equipment, such as pick-up trucks, mowers, weed whips, and all-terrain vehicles. Use of these types of vehicles and equipment would generate temporary and periodic exhaust that could expose sensitive receptors to pollutant concentrations. However, these activities would generally be short in duration, involve minimal pieces of emissions-generating equipment, and require only one to three Authority staff members to implement. Sensitive receptors, which include land uses where exposure to pollutants could result in health-related risks to sensitive individuals, such as children or the elderly, are limited given that the

project area is in a rural location within CVAL, which is used for recreation. Thus, the cumulative scenario for exposing sensitive receptors to substantial pollutant concentrations is not significant. Similarly, the project would not result in substantial pollutant emissions in the vicinity of the project area. Therefore, the project would not contribute to nor create a cumulatively significant effect on the environment; there is **no significant cumulative impact**.

Biological Resources

The project would not conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance (significance criterion e); or conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan (significance criterion f); therefore, the project would not contribute to corresponding cumulative impacts. These impacts are not discussed further.

The projection approach is used for the cumulative analysis of the remaining biological resources criteria: species identified as a candidate, sensitive, or special-status species in local or regional plans (significance criterion a); riparian habitat or other sensitive natural communities (significance criterion b); state and federally protected wetlands (significance criterion c)), and the movement wildlife species (significance criterion d). The projection approach was used because impacts on special-status species, habitat, wetlands, and the movement of wildlife within the project area could have region-wide effects that extend beyond the project area. The cumulative impact section of the 2012 Santa Clara Valley Habitat Plan Final Environmental Impact Report/Environmental Impact Statement (Habitat Plan EIR/EIS) is relied upon to evaluate the cumulative scenario because it addresses the conservation needs of 18 covered species while allowing for specific covered activities to occur within the Plan Area, which encompasses the majority of Santa Clara County, including the project area (Santa Clara County et. al. 2012). All of the cumulative projects listed in Table 3.21-1 are within the Plan Area of the Habitat Plan and therefore are included in this cumulative analysis.

Special-Status Plant Species

Eight special-status plants, one of which is covered in the Habitat Plan, could occur in the project area. However, protocol surveys of the project area did not detect special-status plants, so it is unlikely that any special-status plants would be directly adversely affected by the project. Furthermore, the project would not substantially reduce habitat for special-status plants. Therefore, project construction would not result in a substantial adverse effect on local and regional populations of these species. A recent assessment of smooth lessingia habitat determined that the species is abundant within the Santa Clara Valley (SCVHA and CDFW 2020). Although smooth lessingia is a Habitat Plan covered species that is known to occur within 50 feet of a portion of the disturbance footprint of the project, it is limited to serpentine soils and is therefore not likely to occur in the disturbance footprint of the project due to the absence of these soils (Authority 2021). The project would not result in direct impacts to the species, and indirect impacts would be reduced by project measures and Habitat Plan Conditions. Cumulative projects containing areas where these identified plant species are known to occur or could occur could result in a cumulatively considerable impact; therefore, the cumulative scenario for special-status plants is significant. However, because the project would not have a substantial adverse effect on special-status plants, the project's impact would **not be a considerable contribution to this cumulative impact.**

Special-Status Animal Species

According to the Habitat Plan EIR/EIS, cumulative impacts were determined to be significant for the American badger due to regional loss of habitat, barriers to movement, pesticide toxicity and other factors (Santa Clara County et. al 2012b). Impacts to other special-status species not covered in the Habitat Plan were determined to not be cumulatively significant and because the project would not result in any significant and unavoidable impacts to these special-status species, it would not cause a cumulatively significant impact. The Crotch bumble bee has been listed as a candidate species under CESA since preparation of the Habitat Plan, and the monarch butterfly has been listed as a candidate species under ESA since preparation of the Habitat Plan. Although candidate species under CESA are granted protection, species listed as candidate under ESA aren't granted protection; however, this IS considers them both to be special-status species, and they were not considered during preparation of the Habitat Plan. For these reasons, the cumulative scenario for American badger is considered significant, as well as the cumulative scenario for monarch butterfly and the Crotch bumble bee.

Impacts to American badger as a result of the project were determined to be less than significant with implementation of mitigation. The Authority would implement Mitigation Measure BIO-3, which would avoid and minimize adverse effects on American badger by requiring preconstruction surveys for American badger dens prior to construction using heavy equipment during the sensitive season for the species, and the application 100-foot buffers during the breeding season to avoid and minimize direct and indirect disturbance of dens. Therefore, with implementation of Mitigation Measure BIO-3, significant impacts to American Badger would be avoided or substantially minimized and the project's impact **would not be a considerable contribution to this cumulative impact**.

The monarch butterfly is a special status butterfly that may occur within the project area. Although the project area provides breeding habitat for monarch butterflies, the project area does not contain habitat for overwintering monarch butterflies due to the lack of dense stands of trees. The number of monarch hostplants that could be damaged or destroyed during construction and operations is low, because few milkweed plants have been observed in the project area and the project would primarily occur on existing compacted surfaces without vegetation. It is possible that monarch butterfly eggs, larvae, and pupae could be present on the few milkweed hostplants that occur in the project area if the project occurs during the season when monarch eggs, larvae, and pupae are likely to be present on milkweed host plants (i.e., March 15 through October 31). However, the potential loss of eggs and larvae would not result in a substantial adverse effect on the local or regional population of monarch butterfly, due to the small numbers that may be affected. Similarly, due to construction occurring primarily within existing disturbed and compacted areas, and vegetation clearing for maintenance being limited to 3 feet from the trail, the project would not substantially affect the availability of monarch butterfly hostplants or nectar resources within CVAL or other surrounding areas. For these reasons, the project **would not result in a cumulatively considerable contribution to this cumulative impact**.

The Crotch bumble bee is a special-status invertebrate which could be affected by project construction if host plants are trampled or removed. However, construction and operations of the project would not substantially reduce the locally available suitable habitat for Crotch bumble bee due to the relatively small project disturbance footprint (0.30 acre) and the abundance of available habitat in CVAL. Construction during the period when nests are present (April through August) in grassland habitat within the disturbance area could result in the direct damage or destruction of Crotch bumble bee nest colonies. The Authority would implement Mitigation Measure BIO-1, which would avoid adverse effects on the Crotch bumble bee by avoiding the disturbance and destruction of nest colonies through preconstruction surveys and avoidance as well as prohibiting ground disturbing activities in the vicinity of the nest during the season when colonies are active. Therefore, with implementation of Mitigation Measure BIO-1, significant impacts to the Crotch bumble bee would be avoided or substantially minimized and the project's impact **would not be a considerable contribution to this cumulative impact**.

Riparian Habitat and Other Sensitive Natural Communities

According to the Habitat Plan EIR/EIS, urbanization and associated infrastructure development in the region has resulted in and is projected to continue to result in impacts to and loss of riparian habitat (Santa Clara County et. al 2012b). The cumulative projects listed in Table 3.21-1 include activities that require vegetation removal, use of equipment and vehicles in natural areas, and pesticide use, which could damage riparian habitat or other sensitive natural communities if conducted in those area. However, the projects and programs have been developed to improve habitat function through invasive species removal, which would likely result in habitat improvement within sensitive communities through the removal of invasive plants that compete with native vegetation for resources. Furthermore, none of the plans or programs would result in new development or urbanization that would permanently convert riparian habitat and other sensitive communities to urban uses. Thus, the cumulative scenario for impacts to riparian habitat and other sensitive natural communities is not significant.

Most of the disturbance footprint that is not on existing disturbed ground is located within California annual grassland, which is dominated by wild oats and brome and defined as wild oats and annual brome grasslands (*Avena* spp. – *Bromus* spp.) (Authority 2021). This vegetation alliance is not a sensitive natural community as defined by CDFW (CDFW 2022). While serpentine soils do not occur within the disturbance footprint (Authority 2021), serpentine soils are present within 50 feet of a portion of the disturbance footprint, and Needle grass - Melic grass grassland a sensitive natural community (CDFW 2022) may occur in this area. Furthermore, the unnamed tributary of Fisher Creek

that passes through the project area does not support riparian habitat; however, disturbance within the bed and bank of the stream may be subject to CDFW jurisdiction under Section 1602 of the California Fish and Game Code. The only work proposed by the project within this tributary to Fisher Creek is the decommissioning and reseeding of the existing road that passes through the tributary above the existing trail bridge, and reseeding of the existing and decommissioned roadbed is likely to reduce erosion into the unnamed tributary of Fisher Creek. Furthermore, the Authority is in the process of obtaining coverage under the Habitat Plan as a PSE and would implement all applicable compliance conditions outlined in the PSE permit as a part of the project (refer to Section 2.7, "Habitat Plan Conditions on Covered Activities"). Condition 3 of the Habitat Plan would require measures to protect water quality, such as preventing the accidental release of fuel and lubricants and minimizing site erosion. Condition 7 requires that runoff from impermeable surfaces be directed to natural or landscaped areas and requires revegetation of all disturbed soils with native plants. In addition, temporary meadow exclusion fencing and temporary erosion control features would be implemented, and herbicides would be applied within 1 foot of the trail (in accordance with the Authority's IPM Program) to control invasive plants, which could outcompete sensitive natural communities. These permit conditions and measures would protect water quality in the unnamed tributary of Fisher Creek from runoff and other impacts, sensitive natural communities from indirect impacts, and the project related ground disturbance would only occur within areas with existing disturbance or non-sensitive vegetation communities. Implementation of these measures and the limited vegetation removal would ensure that the project would not contribute to nor create a cumulatively significant effect on the environment; there is **no significant cumulative impact**.

State and Federally Protected Wetlands and Waters

According to the Habitat Plan EIR/EIS, urbanization and associated infrastructure development in the region has resulted in and is projected to continue to result in impacts to federally protected wetlands and other waters (Santa Clara County et. al 2012). The cumulative projects and programs include manual, mechanical, and chemical activities that may be conducted near aquatic resources, which could result in runoff of sediment and pesticides to potentially protected wetlands and other waters. Thus, the cumulative scenario for federally protected wetland and other waters in the region is significant.

As described in Section 3.4, "Biological Resources," criterion c), the project area does not contain any potentially jurisdictional waters or wetlands other than the unnamed tributary of Fisher Creek that passes through the project area (Authority 2021). The improvements to the existing pedestrian bridge that crosses this potentially jurisdictional water would not result in any dredge or fill below the ordinary highwater mark. Contaminated runoff to potentially jurisdictional waters would be avoided by use of temporary erosion control features during construction and through project design. For these reasons, the project's impact **would not be a considerable contribution to this cumulative impact**.

Movement of Wildlife Species

The Habitat Plan EIR/EIS indicates that barriers such as fences and roads, small culverts that prevent wildlife from passing through, and median barriers can result in impacts on the movement of wildlife species (Santa Clara County et. al. 2012). The public access cumulative projects and programs listed in Table 3.21-1 would include the construction of linear features (i.e., trails), however these features would be dispersed and would not substantially affect wildlife movement. In addition, other dispersed public access features typical of public access projects (i.e., low walls, fencing and curbs) would not be tall or continuous enough to prevent the passage of wildlife. Thus, the cumulative scenario for movement of wildlife species in the region is not cumulatively significant. Similarly, the project's dispersed public access features (i.e., trails, gathering and seating areas, fencing) would not be tall or continuous enough to prevent the passage of wildlife though the project area. Therefore, the project would not create a cumulatively significant impact and there is **no cumulative impact**.

Cultural Resources

The project would not cause a substantial adverse change in the significance of a historical resource (significance criterion a)); therefore, the project would not contribute to corresponding cumulative impacts. This impact is not discussed further.

Because all significant cultural and TCRs are unique and nonrenewable members of finite classes, all adverse effects or negative impacts erode a dwindling resource base. The loss of any one archaeological or historic site affects all

others in a region because these resources are best understood in the context of the entirety of the cultural system of which they are a part. Because the projects listed in Table 3.21-1 cover the Santa Clara Valley and foothills region, the geographic extent for the cumulative cultural resources analysis uses the project list approach. All of the cumulative projects listed in Table 3.21-1 are included in this analysis.

Archeological Resources

Cumulative projects involving ground disturbing activities could result in an impact to unknown archeological resources. Given increasing development in the region and the potential for the projects and programs listed in Table 3.21-1 to affect archaeological resources, the cumulative scenario for archaeological resource impacts in the region is significant.

As discussed in Section 3.5.2 criterion b, the Ohlone previously inhabited the region, along with other neighboring groups including the Coast Miwok, Miwok, Northern Valley Yokuts, and the Salinan and Esselen, therefore, it is possible that prehistoric archaeological materials could be unearthed during ground disturbing construction activities. A pedestrian survey conducted by Albion resulted in the relocation and re-recording of archaeological resources, CA-SCL-106 and CA-SCL-341, and the expansion of CA-SCL-356 into the project area. However, only CA-SCL-106, with its newly drawn boundaries, overlapped into the area of impact associated with the proposed project. A Phase II subsurface investigation was conducted by Albion in the project area and the lack of suitable datable materials, as well as the overall low density of artifacts recovered, limits the site's research potential to contribute to local or regional cultural chronologies or research questions. Additionally, the recovered artifacts do not provide adequate data that could reveal insights into the structure of the site. Therefore, Albion recommended that CA-SCL-106, as it manifests within the project area, is not a historical or unique archaeological resource pursuant to Section 15064.5. Therefore, any disturbance of the site or discovery of archaeological material would not be a significant impact because any material discovered would be associated with CA-SCL-106, which is not a resource under CEQA. Therefore, the project would not cause a substantial adverse change in the significance of an archaeological resource pursuant to Section 15064.5, and the project's impact **would not be a considerable contribution to this cumulative impact**.

Human Remains

California Health and Safety Code and California PRC Section 5097 protect Native American human burials, skeletal remains, and items associated with Native American burials from vandalism and inadvertent destruction. Additionally, the Santa Clara County Ordinance Code includes Sections B6-18 through B6-20, which describe the protocol should any human remains be uncovered during project activities. All of the cumulative projects would be required to comply with state and County regulations. These regulations avoid or minimize the disturbance of human remains, and appropriately treat any remains that are discovered. Thus, the cumulative scenario is not significant for this impact.

Similarly, the Authority would comply with Mitigation Measure CUL-1, which would reduce potential impacts from the discovery of human remains by requiring all work to stop immediately and the County Coroner to be notified. If the human remains are Native American in origin, the NAHC would be notified within 24 hours and the Authority would adhere to the NAHC's guidelines regarding the treatment and disposition of the remains. Therefore, the project would not contribute to nor create a cumulatively significant effect on the environment; there is **no significant cumulative impact**.

Energy

The projection approach is used to analyze energy impacts because energy resources are used on a regional basis. California relies on a regional power system composed of a diverse mix of natural gas, petroleum, renewable, hydroelectric, and nuclear generation resources. The 2003 California Energy Action Plan (2008 update) is relied upon to evaluate the cumulative scenario because it addresses several energy efficiency strategies, including assistance to public agencies and fleet operators in implementing incentive programs for zero-emission vehicles and addressing their infrastructure needs, and encouragement of urban design that reduces VMT and accommodates pedestrian and bicycle access. All of the cumulative projects listed in Table 3.21-1 are also included in the cumulative analysis.

According to the 2003 California Energy Action Plan (2008 Update), inefficient energy appliances and buildings and inefficient vehicles and equipment requiring fuel could lead to the wasteful, inefficient, or unnecessary consumption of energy resources (CEC 2008). Several of the cumulative public access projects implemented by the Authority (Llagas Creek Bridge and Day Use Area Project, Malech Road Public Access Improvement Project) include structures such as

overlooks and shade structures. These structures would be small, relatively dispersed, and would not require operational energy use. Construction associated with these public access cumulative projects along with the other cumulative projects listed in Table 3.21-1, such as the Calero County Dam Seismic Retrofit Project and Upper Llagas Creek Flood Control Project would require construction vehicles and equipment that use fuel. Additionally, energy consumption associated with the IPM Program and general operations and maintenance activities conducted by the Authority would result from operation of off-road equipment and on-road vehicle trips associated with commutes by Authority staff. Fuel consumption from these cumulative projects would not be wasteful, inefficient, or unnecessary because these projects would provide a high-quality public access and recreation resource for the region or manage vegetation and Authority-owned preserves in an environmentally beneficial way. Thus, the cumulative scenario is not significant for this impact.

While construction of the project would result in increased energy use, the energy consumption would not be wasteful, inefficient, or unnecessary because the project would provide a high-quality public access and recreation resource, similar to the cumulative projects described above. Additionally, the project would not conflict with or obstruct the County's Sustainability Master Plan strategies because the policies on conservation and energy efficiency in buildings do not apply given that the project only involves the construction of minor infrastructure. Therefore, the project would not contribute to nor create a cumulatively significant effect on the environment; there is **no significant cumulative impact**.

Geology and Soils

The project would not have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater (significance criterion e); therefore, the project would not contribute to corresponding cumulative impacts; this impact is not discussed further.

For all other geologic impacts associated with directly or indirectly causing potential substantial adverse effects resulting from the rupture of a known earthquake fault (significance criterion a i); strong ground shaking (significance criterion a) ii); seismic-related ground failure (significance criterion a iii); landslides (significance criterion a iv); soil erosion and loss of topsoil (significance criterion b); unstable geologic unit or soil (significance criterion c); and expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994, as updated), creating substantial direct or indirect risks to life or property (significance criterion d), and destroying a unique paleontological resource or site or unique geologic feature (significance criterion e), the list approach was used. This approach was used to evaluate potential cumulative impacts because soil impacts are highly localized. Thus, the geographic extent for considering cumulative geological impacts is a 0.10-mile radius from the project area. Within 0.10 mile of the project area are the general operation and maintenance activities implemented by the Authority and pest management activities implemented under the IPM Program in CVAL.

The IPM Program and the operation and maintenance activities conducted by the Authority do not require the construction of buildings, cut, fill, excavations, or other grading activities that could be subject to geologic and seismic hazards or have the potential to destroy paleontological resources. Thus, no cumulative impact would occur related to seismic ground shaking, seismic-related ground failure, unstable geologic units or soil, expansive soil, and paleontological resources. Although some pest management and maintenance activities such as grubbing and removal of targeted invasive plant species could potentially expose soil to increased erosion, the IPM Manual, which would be implemented with the IPM Program, specifies selection of appropriate treatment types for site-specific conditions and includes restoration measures where invasive plant control has rendered the soil vulnerable to erosion. In addition, ground disturbing pest management activities would occur throughout the Authority's preserves; the frequency and extent that they would occur within 0.10-mile of the project would be minimal. Thus, for the reasons described, the cumulative scenario for geologic and seismic hazards is not cumulatively significant.

Similarly, the project's cumulative contribution to seismic hazards would be minimal because no habitable structures would be developed. New facilities would be limited to the shade structure at the staging area and two new overlooks. Construction of the shade structure and two new overlooks would be minor, consisting of the replacement of an existing shade structure and placement of picnic tables and benches. In addition, these structures would be constructed in areas of previously disturbed ground where the potential for encountering unstable soil conditions is low regardless of the native soil conditions. Furthermore, only 0.30-acre of total temporary ground disturbance would occur, which would not result in substantial soil erosion or loss of topsoil. Lastly, with the deepest excavation being up to 5 feet to install footings for the

new shade structure, the potential to encounter paleontological resources is extremely low. Therefore, the project would not contribute to nor create a cumulatively significant effect on the environment; there is **no significant cumulative impact**.

Greenhouse Gas Emissions

The cumulative scenario encompasses all GHG emission sources in California, which includes sources such as transportation, manufacturing, energy production, and agriculture. Regional and global development patterns continue to rely on methods and practices that contribute large volumes of GHGs to the atmosphere, and impacts related to GHGs have widespread and potentially harmful consequences. The increase in GHGs in the atmosphere, caused in large part by human activity, is now one of the key causes of global climate change. Current scientific research indicates that potential effects of climate change include variations in temperature and precipitation, sea-level rise, impacts on biodiversity and habitat, impacts on agriculture and forestry, and human health and social impacts. As described in the state's Climate Change Scoping Plan of 2022, GHG sources in the state collectively result in emissions that are higher than the targets established by AB 32, which indicates that GHG emissions in the state continue to contribute to a total significant state-wide cumulative impact. The cumulative scenario for GHG emissions in the region is therefore significant.

As described in Section 3.8.2, criterion a, the project would not support any natural gas infrastructure, would not generate new vehicle trips, and does not introduce new parking and is, thus, not subject to the charging requirements of the CalGreen code. In addition, operations and maintenance activities would be similar to existing conditions. For these reasons, operation of the project would not generate significant operational GHG emissions. Construction activities associated with implementation of the proposed project would result in minor GHG emissions for the use of equipment and construction worker commutes to and from the project area. GHG emissions associated with construction would be limited as a result of the project's limited duration (e.g., 6 months) and the small scale of the proposed improvements and would not generate substantial GHG emissions.

In addition, the project would promote the conservation of open space. As described in Section 3.8.2, criterion b), the project would not conflict with the City's efforts to reduce GHG emissions because it would not result in substantial ongoing energy use, would be a local serving use for low intensity recreational activities, and would promote conservation of natural land. Therefore, the project's impact **would not be a considerable contribution to this cumulative impact**.

Hazards and Hazardous Materials

The project would not emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within 0.25-mile of an existing or proposed school (significance criterion c); be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would create a significant hazard to the public or the environment (significance criterion d); be located within an airport land use plan or within two miles of a public or private airport/airstrip (significance criterion e); therefore, the project would not contribute to corresponding cumulative impacts. These impacts are not discussed further.

Hazards and hazardous materials impacts are project-specific and highly localized. Therefore, the cumulative hazards and hazardous materials analysis uses the list approach. The geographic scope of hazardous material cumulative impacts would be the area within 0.25-mile of the project area because there is low risk for a geographically large and dispersed hazardous material spill or release, uncontrolled and widespread wildland fire, or regional effects to implementation of an emergency response or evacuation plan as a result of the project. The cumulative projects within 0.25-mile of the project area are the IPM Program activities and general operation and maintenance work conducted on CVAL.

Operations and maintenance and IPM Program activities may involve the routine use and storage of small quantities of common household hazardous materials such as fuels, oils, and lubricants, which would be used to operate, mechanical equipment and vehicles. However, no large quantities of hazardous materials would be transported, used, or stored under these projects and no large hazardous materials spills or dispersal could occur. Furthermore, these activities would occur within the project area and CVAL, which is far from urban or residential areas where large quantities of people are present. In addition, the use of these common household hazardous materials is subject to numerous laws, regulations, and policies that control the use of hazardous materials and protect public health and safety. The Authority complies with laws, regulations, and policies relevant to the use, transport, storage, and disposal of hazardous materials

to minimize potential health risks when implementing activities associated with the IPM Program, and general operations and maintenance of the project area and CVAL. For these reasons, the cumulative scenario is not significant.

Similarly, construction of the project would require the use of limited quantities of common hazardous materials, such as fuels, oils, lubricants, and other fluids associated with the operation and maintenance of vehicles or mechanical equipment. Use of these hazardous materials would be temporary, and all hazardous materials would be used, stored, and disposed of in accordance with applicable federal, state, and local laws. In addition, in the event NOA is identified in the project area, the Authority would implement CARB's ATCM for Construction, Grading, Quarrying, and Surface Mining Operations and all required actions to minimize emissions of dust during construction. Therefore, the project would not contribute to nor create a cumulatively significant effect on the environment; there is **no significant cumulative impact**.

Hydrology and Water Quality

The project would not substantially decrease groundwater supplies or interfere substantially with groundwater recharge (significance criterion b); substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or offsite; (significance criterion c ii); create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff (significance criterion c iii); impede or redirect flood flows (significance criterion c iv); or risk release of pollutants due to project inundation from being within a flood hazard, tsunami, or seiche zones (significance criterion d)); therefore, the project would not contribute to corresponding cumulative impacts. These impacts are not discussed further.

The project-related hydrology and water quality impacts are project-specific and highly localized. Therefore, impacts on water quality (significance criterion a), erosion (significance criterion c i), and conflicting with or obstructing a water quality control plan or sustainable groundwater management plan (significance criterion e) are analyzed using the project list approach. The geographic extent for considering project-related cumulative impacts on hydrology and water quality includes projects within 0.50-mile of the project because this distance encompasses the nearest drainages where local impacts to hydrology and water quality could combine. The cumulative projects within 0.50-mile of the project area are the IPM Program activities and general operations and maintenance activities conducted in the project area and CVAL.

Operations and maintenance activities and manual and mechanical IPM treatments conducted within the project area and CVAL include vehicle and equipment use for road and trail maintenance and vegetation management. These activities would be minor and intermittent, limited to the areas requiring upkeep, and would not result in substantial ground disturbance or use of pollutants that could enter waterways or erosion/sedimentation. Herbicide application under the IPM Program would comply with all regulations related to the use of pesticides and herbicides, such as measures regarding proper storage, handling, and cleanup of any accidental spills. In addition, adherence to herbicide label requirements would prevent herbicide drift and offsite runoff which could lead to water quality impacts to nearby waterbodies. For these reasons, the cumulative scenario would not be significant.

Similarly, the project would not result in substantial ground disturbance or require the use of pollutants that could lead to water quality impacts. Prior to construction near the unnamed tributary to Fisher Creek, erosion control measures would be installed to filter construction runoff that could impact water quality, and no encroachment into riparian areas or the streambed or bank would occur. The project would maintain the existing draining patterns within the project area and would not create impervious surfaces. In addition, total ground disturbance by the project would be up to 0.30-acre and in primarily previously disturbed areas, thus no substantial erosion would occur. Therefore, the project would not contribute to nor create a cumulatively significant effect on the environment; there is **no significant cumulative impact**.

Noise

The project would not be located within the vicinity of a private airstrip or an airport land use plan or, where such a plan has not been adopted, within 2 miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels (significance criterion c); therefore, the project would not contribute to corresponding cumulative impacts. This impact is not discussed further.

For noise and vibration impacts, the cumulative noise and vibration analysis uses the project list approach because noise and vibration impacts are highly localized. The geographic extent for considering cumulative noise impacts is any project within 0.25-mile of the project area given the highly localized nature of noise and vibration impacts. Within 0.25-mile of the project are the IPM Program activities and general operation and maintenance work conducted at CVAL and within the project area.

IPM treatments and operations and maintenance activities could generate noise as a result of mechanical equipment use, such as mowers, weed whips, and occasional all-terrain vehicles. However, the use of noise generating equipment would be limited, dispersed, and intermittent in nature. It would also occur in a rural area with few sensitive receptors. Additionally, all operation, maintenance, and pest management activities would occur during daytime hours when people are less sensitive to noise impacts and would be spread out across CVAL. Therefore, the cumulative scenario for noise would not be significant.

While the project would generate construction noise and vibration, construction activities would occur during the less sensitive daytime hours, as required in the Santa Clara County Code and would not exceed applicable standards (i.e., 60 dBA L_{eq} at the nearest noise-sensitive land use). Therefore, the project would not contribute to nor create a cumulatively significant effect on the environment; there is **no significant cumulative impact**.

Public Services

The project would not result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, or the need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain performance objectives for schools, parks, or other public facilities; therefore, the project would not contribute to corresponding cumulative impacts. This impact is not discussed further.

The list approach is used to evaluate potential impacts on police and fire protection because impacts on these two public services are limited to the jurisdictions of the SSCCFD and SCCSO. All of the cumulative projects listed in Table 3.21-1 are within the jurisdiction of either the SSCCFD, SCCSO, or both and are included in this cumulative analysis.

The cumulative projects involve water infrastructure and flood protection improvements, public access improvements, operations and maintenance, and pest management activities. The operations, maintenance, and pest management activities would not result in increased visitation, which could require increased fire and police protection. The public access improvement projects would result in increased visitation to natural areas, which could increase the need for fire and police protection services. However, public access to these projects would generally be limited to daytime hours and would involve passive recreation, such as hiking and nature appreciation. Furthermore, many of these areas are currently accessible to the public, so any increase in the need for police and fire protection would be minimal. For these reasons, the cumulative scenario for public services would not be significant.

While the project could slightly increase visitation, the project includes recreation features for passive recreation, including hiking and nature appreciation and only be open to the public from sunrise to sunset, which would limit the need for additional police or fire protection. Furthermore, CVAL is currently accessible to the public, so any increase in the need for police and fire protection would be minimal. Therefore, the project would not contribute to nor create a cumulatively significant effect on the environment; there is **no significant cumulative impact**.

Recreation

The project would not increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated (significance criterion a); therefore, the project would not contribute to corresponding cumulative impacts. This impact is not discussed further.

The project list approach was used to determine cumulative impacts related to construction or expansion of recreational facilities, which could have an adverse physical effect on the environment (significance criterion b) because potential environmental impacts on recreational resources are generally limited to the communities surrounding the project that would use those recreational resources. The geographic extent for considering cumulative impacts is Santa Clara County, therefore, all of the cumulative projects listed in Table 3.21-1 are included in this analysis.

The cumulative projects involve water infrastructure and flood protection improvements, public access improvements, operations and maintenance activities, or pest management activities. The operation, maintenance, and pest management activities would not construct new recreational facilities that could lead to an adverse physical effect on the environment. The cumulative projects involving the construction of recreational facilities could lead to an adverse effect on the physical environment. However, many of the projects, including the Llagas Creek Bridge and Day Use Area Project, consist of improvements to existing public access and recreation features. The environmental impacts associated with these types of projects are relatively minor and in the long-term, benefit the public by providing high quality access to nature. Thus, the cumulative scenario for recreational resources is not significant.

Similarly, the project would improve public access features to allow the public to further enjoy a portion of CVAL, and the environmental effects are addressed throughout this Initial Study. Therefore, the project would not contribute to nor create a cumulatively significant effect on the environment; there is **no significant cumulative impact**.

Transportation

The project would not conflict with a program, plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle, and pedestrian facilities (significance criterion a); therefore, the project would not contribute to corresponding cumulative impacts. This impact is not discussed further.

The project list approach is used because potential transportation impacts would generally be limited to the roadways surrounding the project. The geographic extent for considering cumulative impacts is 5 miles to encompass the local roadways that serve the project area: Monterey Road, Dougherty Avenue, Lantz Drive, Hale Avenue, and Palm Avenue. Palm Avenue provides direct access to the project area and there are no sidewalks present along Palm Avenue. Cumulative projects within 5 miles of the project area are operations and maintenance activities and IPM Program activities occurring within CVAL, along with the Calero County Dam Seismic Retrofit Project, Upper Llagas Creek Flood Control Project, the Llagas Creek Bridge & Day-use Area Project and the Metcalf Motorcycle County Park Operations and Maintenance Project

None of the cumulative projects would increase hazards due to a geometric design; or result in inadequate emergency access. Daily trips associated with operation, maintenance, and pest management activities are limited to only a few intermittent trips and would not lead to cumulative transportation impacts on local roadways. The County Dam Seismic Retrofit Project and Upper Llagas Creek Flood Control Project are water infrastructure improvement projects that would not result in substantial new project-related trips on local roadways during operation. Construction of both projects may result in an incremental increase due to construction-related trips, however, the additional trips would be temporary and limited to the construction phase. The Llagas Creek Bridge and Day Use Area Project and the Metcalf Motorcycle County Park Operations and Maintenance Project would develop new public access and recreation features, which would result in new project-related trips on local roadways during construction and operation. However, construction crew sizes would be small, and construction-related trips would be temporary, lasting only the duration of the construction period. Operation of the Llagas Creek Bridge & Day-use Area Project and the Metcalf Motorcycle County Park Operations and Maintenance Project would allow for additional public access opportunities which would increase trips over existing conditions, however, passive recreation opportunities provided by both projects would not substantially increase daily trips in the region nor along the primary access route to the project area, Palm Avenue. Therefore, the cumulative scenario for transportation would not be significant.

Similarly, construction activities and operations associated with the project would not increase hazards due to a geometric design; result in inadequate emergency access; or significantly increase VMT in the region. Therefore, the project would not contribute to nor create a cumulatively significant effect on the environment; there is **no significant cumulative impact**.

Tribal Cultural Resources

Because all significant TCRs are unique and nonrenewable members of finite classes, all adverse effects or negative impacts erode a dwindling resource base. The loss of any TCRs affects all others in a region because these resources are best understood in the context of the entirety of the cultural system of which they are a part. The cumulative TCR analysis uses the project list approach, and the geographic extent includes the Santa Clara Valley region. Therefore, all of the cumulative projects listed in Table 3.21-1 are included in this analysis.

The region was historically occupied by the Ohlone, who were subdivided into tribelets, and the project area was in the southern portion of the *Tamyen (Tamien)* and northern portion of the *Mutsun* territory of the Ohlone. Neighboring

groups included the Coast Miwok north across the Carquinez Strait, the Miwok and Northern Valley Yokuts to the east, and the Salinan and Esselen to the south. The cumulative projects listed in Table 3.21-1 are within either the areas historically occupied by the Ohlone or neighboring tribes, and inadvertent discovery or damage of unknown TCRs could occur, if present. Given increasing development in the region and the potential for the cumulative projects listed in Table 3.21-1 to affect TCRs, the cumulative scenario for TCRs in the region would be significant.

No TCRs, as defined by PRC Section 5024.1, were identified in the project area as a result of AB 52 consultation. However, the history of the region including the project area is known to have included Native American use and there is a potential for unknown TCRs to be present within the project area, which could be encountered by the project during ground disturbing construction activities. To limit accidental damage to unknown TCRs, the Authority would implement Mitigation Measure TCR-1 through Mitigation Measure TCR-3, which were developed through the AB 52 consultation process. Mitigation Measure TCR-1 requires the Authority to invite Native American and archaeological monitors for ground disturbing activities. Mitigation Measure TCR-2 requires that a cultural sensitivity training program be provided to all construction personnel prior to the start of project construction. The Authority would also implement Mitigation Measure TCR-3 which includes protective measures for tribal cultural materials in the event that precontact cultural materials (including midden soil, chipped stone, bone, or shell) are encountered. All ground-disturbing activity within 50 feet of the discovery would be halted until the qualified archaeologist and tribal monitor can assess the finding(s). Thus, potential impacts to TCRs from project implementation would be avoided and minimized such that TCRs would maintain their integrity. Therefore, the project's impact **would not be a considerable contribution to this cumulative impact**.

Wildfire

The project list approach is used to evaluate potential wildfire impacts because these impacts generally affect specific areas. Although wildfire ignition is site-specific, it can spread and produce smoke outside of the initial area where it starts. The geographic scope for evaluating fire risk and the exposure of people to wildfire pollutants or the uncontrolled spread of wildfire is Santa Clara County. All of the cumulative projects listed in Table 3.21-1 are included in the cumulative analysis of wildfire.

The cumulative projects involve water infrastructure and flood protection improvements, public access improvements, operations and maintenance activities, or pest management activities. Sources of ignition from operations and maintenance and pest management activities would be limited to intermittent mechanical equipment use. However, all diesel- and gasoline-powered equipment used on forest-, brush, or grass-covered lands are required to use spark arrestors to reduce the likelihood of ignition (PRC Section 4442). The cumulative projects involving public access and recreation may increase public use of natural areas, which could increase wildfire risk. However, the public currently has access to most of the areas where recreation related projects would occur, and the potential for increased wildfire risk is minimal. In addition, low-intensity and passive recreation activities, such as hiking or bicycling, do not introduce new ignition sources or otherwise substantially increase fire risk. Therefore, the cumulative scenario for wildfire is not cumulatively significant.

Similarly, the project would involve improving low-intensity recreation within the project area, which would not substantially increase wildfire risk. Therefore, the project would not contribute to nor create a cumulatively significant effect on the environment; there is **no significant cumulative impact**.

c) Does the project have environmental effects that will cause substantial adverse effects on human beings, either directly or indirectly?

Less than significant. Impacts to human beings could result from substantial air quality and GHG emissions, accidental upset or release of hazardous materials, substantial noise creation, risks related seismic activity and stability of soils, and increased risk of wildfire. However, based on the nature and scope of the project (i.e., construction and operation of low-intensity public access and recreation features in an existing open space preserve) and the analysis herein, the project would not result in any direct or indirect substantial adverse effects on human beings. Therefore, the impact would be **less than significant**.

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Appendix A

Special-Status Species Tables

Table A-1 Special-Status Botanical Species Known to Occur in the Project Region and their Potential for Occurrence in the Project Area

Species	Status [1]			Habitat Plan Covered Species[2]	Habitat and Blooming Period	Potential for Occurrence [3]
	Federal	State	CRPR			
Bent-flowered fiddleneck *Amsinckia lunaris*			1B.2	No	Cismontane woodland, valley and foothill grassland, coastal bluff scrub. 10–2,600 feet in elevation. Blooms March–June.	Could occur: Grassland habitat is present within the project area.
Anderson's manzanita *Arctostaphylos andersonii*			1B.2	No	Broadleaved upland forest, chaparral, north coast coniferous forest. Open sites, redwood forest. 200–2,500 feet in elevation. Blooms November–May.	Not expected to occur: No habitat for the species is present within the project area.
Big-scale balsamroot *Balsamorhiza macrolepis*			1B.2	No	Ultramafic. Chaparral, valley and foothill grassland, cismontane woodland. Usually on serpentine. 100–4,800 feet in elevation. Blooms March–June.	Not expected to occur: No serpentine habitat is present within the project area (Authority 2021).
Santa Cruz Mountains pussypaws *Calyptridium parryi* var. *hesseae*			1B.1	No	Chaparral, cismontane woodland. Sandy or gravelly openings. 950–5,000 feet in elevation. Blooms May–August.	Not expected to occur: The project area is below the known elevational range for this species.
Chaparral harebell *Campanula exigua*			1B.2	No	Ultramafic. Chaparral. Rocky sites, usually on serpentine in chaparral. 900–4,100 feet in elevation. Blooms May–June.	Not expected to occur: No chaparral habitat or serpentine substrates are present (Authority 2021) within the project area.
Tiburon paintbrush *Castilleja affinis* var. *neglecta*	E	T	1B.2	Yes	Ultramafic. Valley and foothill grassland. Rocky serpentine sites. 400–1,300 feet in elevation. Blooms April–June.	Not expected to occur: No serpentine habitat is present within the project area (Authority 2021).
Pink creamsacs *Castilleja rubicundula* var. *rubicundula*			1B.2	No	Ultramafic. Chaparral, cismontane woodland, meadows and seeps, valley and foothill grassland. Openings in chaparral or grasslands. On serpentine. 50–3,000 feet in elevation. Blooms April–June.	Not expected to occur: No serpentine habitat is present within the project area (Authority 2021).
Coyote ceanothus *Ceanothus ferrisiae*	E		1B.1	Yes	Ultramafic. Chaparral, valley and foothill grassland, coastal scrub. Serpentine sites in the Mt. Hamilton range. 500 – 1,500 feet in elevation. Blooms January–May.	Not expected to occur: No serpentine habitat is present within the project area (Authority 2021).
Congdon's tarplant *Centromadia parryi* ssp. *congdonii*			1B.1	No	Valley and foothill grassland. Alkaline soils, sometimes described as heavy white clay. 0–750 feet in elevation. Blooms May–October, may bloom as late as November in some locations and conditions.	Could occur: Alkaline soils and grasslands are present in the project area.
Dwarf soaproot *Chlorogalum pomeridianum* var. *minus*			1B.2	No	Ultramafic. Chaparral. Serpentine. 1,000–3,280 feet in elevation. Blooms May–August.	Not expected to occur: No serpentine chaparral habitat is present within the project area (Authority 2021).

Species	Status [1]			Habitat Plan Covered Species[2]	Habitat and Blooming Period	Potential for Occurrence [3]
	Federal	State	CRPR			
Monterey spineflower *Chorizanthe pungens* var. *pungens*	T		1B.2	No	Coastal dunes, chaparral, cismontane woodland, coastal scrub, valley and foothill grassland. Sandy soils in coastal dunes or more inland within chaparral or other habitats. 0–560 feet in elevation. Blooms April–June, and may bloom as late as July or August in some locations and conditions.	Not expected to occur: Sandy soil is not present in the project area.
Robust spineflower *Chorizanthe robusta* var. *robusta*	E		1B.1	No	Cismontane woodland, coastal dunes, coastal scrub, chaparral. Sandy terraces and bluffs or in loose sand. 30–800 feet in elevation. Blooms April–September.	Not expected to occur: Loose sand, sandy terraces, and bluffs are not present in the project area.
Mt. Hamilton fountain thistle *Cirsium fontinale* var. *campylon*			1B.2	Yes	Ultramafic. Cismontane woodland, chaparral, valley and foothill grassland. In seasonal and perennial drainages on serpentine. 330–2,900 feet in elevation. Blooms as early as February in some locations and conditions; however, most often blooms April–October.	Not expected to occur: No serpentine habitat for the species is present within the project area (Authority 2021).
San Francisco collinsia *Collinsia multicolor*			1B.2	No	Closed-cone coniferous forest, coastal scrub. On decomposed shale (mudstone) mixed with humus; sometimes on serpentine. 95–820 feet in elevation. Blooms as early as February in some locations and conditions; however, normally blooms March–May.	Not expected to occur: No habitat for the species is present within the project area.
Hospital Canyon larkspur *Delphinium californicum ssp. interius*			1B.2	No	Cismontane woodland, chaparral, coastal scrub. In wet, boggy meadows, openings in chaparral and in canyons. 640–3595 feet in elevation. Blooms April–June.	Not expected to occur: No habitat for the species is present within the project area.
Santa Clara Valley dudleya *Dudleya abramsii* ssp. *setchellii*	E		1B.1	Yes	Ultramafic. Valley and foothill grassland, cismontane woodland. On rocky serpentine outcrops and on rocks within grassland or woodland. 200–1,500 feet in elevation. Blooms April–October.	Not expected to occur: Habitat for the species (with rocky serpentine substrate) is not present in the project area (Authority 2021).
Hoover's button-celery *Eryngium aristulatum* var. *hooveri*			1B.1	No	Vernal pools, wetland. Alkaline depressions, vernal pools, roadside ditches and other wet places near the coast. 0–170 feet in elevation. Blooms as early as June and as late as August in some locations and conditions, but normally blooms in July.	Could occur: The seasonal drainage within the project area may be habitat for the species.
Fragrant fritillary *Fritillaria liliacea*			1B.2	Yes	Coastal scrub, valley and foothill grassland, coastal prairie, cismontane woodland. Often on serpentine, though a weak serpentine associate; various soils reported though usually on clay, in grassland. 10–1,300 feet in elevation. Blooms February–April.	Could occur: Grassland habitat for the species is present in the project area.

Species	Status [1]			Habitat Plan Covered Species[2]	Habitat and Blooming Period	Potential for Occurrence [3]
	Federal	State	CRPR			
Loma Prieta hoita *Hoita strobilina*			1B.1	Yes	Ultramafic. Chaparral, cismontane woodland, riparian woodland. Serpentine; mesic sites. 200–3,200 feet in elevation. Blooms May–July and as late as October in some locations and conditions.	Not expected to occur: No serpentine habitat is present within the project area (Authority 2021).
Contra Costa goldfields *Lasthenia conjugens*	E		1B.1	No	Alkali playa, wetland. Valley and foothill grassland, vernal pools, alkaline playas, cismontane woodland. Vernal pools, swales, low depressions, in open grassy areas. 0 – 1,475 feet in elevation. Blooms March–June.	Not expected to occur: Although annual grassland habitat is present within the project area, vernal pools and alkali soils are not present within the project area.
Legenere *Legenere limosa*			1B.1	No	Vernal pools, wetland. In beds of vernal pools. 3–2,890 feet in elevation. Blooms April–June.	Not expected to occur: No vernal pool or wetland habitat is present within the project area.
Mt. Hamilton coreopsis *Leptosyne hamiltonii*			1B.2	No	Cismontane woodland. On steep shale talus with open southwestern exposure. 1,740–4,270 feet in elevation. Blooms March–May.	Not expected to occur: No habitat for the species is present and the project area is outside of the elevation range of this species.
Smooth lessingia *Lessingia micradenia* var. *glabrata*			1B.2	Yes	Ultramafic. Chaparral, cismontane woodland. Serpentine; often on roadsides. 390–1,380 feet in elevation. Blooms as early as May in some locations and conditions; however, normally blooms July–November.	Not expected to occur: No serpentine habitat is present within the project area; however, the species is documented to occur within 50 feet of the project area on adjacent serpentine soils (Authority 2021).
Mt. Hamilton lomatium *Lomatium observatorium*			1B.2	No	Cismontane woodland. Open to partially shaded openings in *Pinus coulteri*-oak woodland. Sedimentary Franciscan rocks and volcanics. 1,780–4,000 feet in elevation. Blooms March–May.	Not expected to occur: Sedimentary Franciscan rocks and volcanics are not present, and the project area is outside of the elevational range of the species.
Arcuate bush-mallow *Malacothamnus arcuatus*			1B.2	No	Chaparral, cismontane woodland. Gravelly alluvium. 0–2,410 feet in elevation. Blooms April–September.	Not expected to occur: No chaparral or woodland habitat is present within the project area.
Hall's bush-mallow *Malacothamnus hallii*			1B.2	No	Ultramafic. Chaparral, coastal scrub. Some populations on serpentine. 30–2,400 feet in elevation. Blooms May–September, sometimes as late as October.	Not expected to occur: No serpentine chaparral or coastal scrub habitat is present within the project area (Authority 2021).
Oregon meconella *Meconella oregana*			1B.1	No	Coastal prairie, coastal scrub. Open, moist places. 200–2,100 feet in elevation. Blooms March–April.	**Could occur:** Annual grassland habitat is present within the project area.

Species	Status [1]			Habitat Plan Covered Species[2]	Habitat and Blooming Period	Potential for Occurrence [3]
	Federal	State	CRPR			
Woodland woollythreads *Monolopia gracilens*			1B.2	No	Chaparral, valley and foothill grassland, cismontane woodland, broadleafed upland forest, north coast coniferous forest. Grassy sites, in openings; sandy to rocky soils. Often seen on serpentine after burns but may have only weak affinity to serpentine. 330–3,940 feet in elevation. Blooms as early as February in some locations and conditions; most often blooms March–July.	Could occur: Annual grassland habitat is present within the project area.
Santa Cruz Mountains beardtongue *Penstemon rattanii* var. *kleei*			1B.2	No	Chaparral, lower montane coniferous forest, north coast coniferous forest. Sandy shale slopes; sometimes in the transition between forest and chaparral. 1,310–3,610 feet in elevation. Blooms May–June.	Not expected to occur: No chaparral or coniferous forest habitat is present within the project area, and project is below the elevational range of the species.
San Benito pentachaeta *Pentachaeta exilis ssp. aeolica*			1B.2	No	Cismontane woodland, valley and foothill grassland. Grassy areas. 1,200–2,805 feet in elevation. Blooms March–May.	Not expected to occur: Annual grassland habitat is present within the project area; however, the project is below the elevational range of the species.
Mt. Diablo phacelia *Phacelia phacelioides*			1B.2	No	Ultramafic. Chaparral, cismontane woodland. Adjacent to trails, on rock outcrops and talus slopes; sometimes on serpentine. 1,990–4,410 feet in elevation. Blooms April–May.	Not expected to occur: No serpentine soils are present within the project area (Authority 2021), and the project is below the elevational range of the species.
Hairless popcornflower *Plagiobothrys glaber*			1A	No	Salt marsh, vernal pool, wetland. Meadows and seeps, marshes and swamps. Coastal salt marshes and alkaline meadows. 20–590 feet in elevation. Blooms March–May.	Not expected to occur: No wetland habitat is present within the project area.
Warty popcornflower *Plagiobothrys verrucosus*			2B.1	No	Chaparral. Shale substrate. 2,200–2,510 feet in elevation. Blooms April–May.	Not expected to occur: No chaparral habitat is present within the project area.
Chaparral harebell *Ravenella exigua*			1B.2	No	Ultramafic. Chaparral. Rocky sites, usually on serpentine in chaparral. 900–4,100 feet in elevation. Blooms May–June.	Not expected to occur: No chaparral habitat or serpentine habitat (Authority 2021) is present within the project area.
Rock sanicle *Sanicula saxatilis*			1B.2	No	Broadleafed upland forest, chaparral, valley and foothill grassland. Bedrock outcrops and talus slopes in chaparral or oak woodland habitat. 2,200–4,100 feet in elevation. Blooms April–May.	Not expected to occur. Bedrock outcrops and talus slopes are not present in the project area and the project area is outside the known elevation range for this species.
Chaparral ragwort *Senecio aphanactis*			2B.2	No	Chaparral, cismontane woodland, coastal scrub. Drying alkaline flats. 65–2,805 feet in elevation. Blooms January–April and sometimes as late as May.	Not expected to occur: No chaparral, woodland or scrub habitat is present within the project area.

Species	Status [1]			Habitat Plan Covered Species[2]	Habitat and Blooming Period	Potential for Occurrence [3]
	Federal	State	CRPR			
Metcalf Canyon jewelflower *Streptanthus albidus* ssp. *albidus*	E		1B.1	Yes	Ultramafic. Valley and foothill grassland. Relatively open areas in dry grassy meadows on serpentine soils; also on serpentine balds. 150–2,625 feet in elevation. Blooms April–July.	Not expected to occur: No serpentine habitat is present within the project area (Authority 2021).
Most beautiful jewelflower *Streptanthus albidus* ssp. *peramoenus*			1B.2	Yes	Ultramafic. Chaparral, valley and foothill grassland, cismontane woodland. Serpentine outcrops, on ridges and slopes. 310–3,280 feet in elevation. Blooms April–September; although may bloom as early as March and as late as October in some locations and conditions.	Not expected to occur: No serpentine habitat is present within the project area (Authority 2021).
Mount Hamilton jewelflower *Streptanthus callistus*			1B.3	No	Chaparral, cismontane woodland. Open talus slopes on shale with gray pine and/or black oak. 1,970–2,590 feet in elevation. Blooms April–May.	Not expected to occur: No woodland, chaparral or talus slopes or shale is present within the project area. In addition, the project area is outside of the elevational range of the species.
Santa Cruz clover *Trifolium buckwestiorum*			1B.1	No	Coastal prairie, broadleafed upland forest, cismontane woodland. Moist grassland. Gravelly margins. 340–2,000 feet in elevation. Blooms April–October.	Could occur: Grassland habitat is present in the project area.
Saline clover *Trifolium hydrophilum*			1B.2	No	Wetland. Marshes and swamps, valley and foothill grassland, vernal pools. Mesic, alkaline sites. 0–980 feet in elevation. Blooms April–June.	Could occur: The seasonal drainage within the project area may provide habitat for the species.

Notes: CRPR = California Rare Plant Rank; CNPS California Native Plant Society; ESA = Federal Endangered Species Act; CESA = California Endangered Species Act; CVAL = Coyote Valley Open Space Preserve

[1] Legal Status Definitions

Federal:
E Endangered (legally protected by ESA)
T Threatened (legally protected by ESA)

State:
T Threatened (legally protected by CESA)

California Rare Plant Ranks:
1B Plant species considered rare or endangered in California and elsewhere (protected under CEQA, but not legally protected under ESA or CESA)
2B Plant species considered rare or endangered in California but more common elsewhere (protected under CEQA, but not legally protected under ESA or CESA)

Threat Ranks
0.1-Seriously threatened in California (over 80% of occurrences threatened / high degree and immediacy of threat)
0.2-Moderately threatened in California (20-80% occurrences threatened / moderate degree and immediacy of threat)
0.3-Not very threatened in California (less than 20% of occurrences threatened / low degree and immediacy of threat or no current threats known)

[2] Habitat Plan Covered Species are species for which the Habitat Plan (Santa Clara County et al. 2012) provides permitting coverage for take under the Endangered Species Act and California Endangered Species Act. The Habitat Plan also requires that projects enrolled in the Plan implement specific avoidance and minimization measures for some covered species.

[3] Potential for Occurrence Definitions

Not expected to occur: Species is unlikely to be present in the project area due to poor habitat quality, lack of suitable habitat features, or restricted current distribution of the species.

Could occur: Habitat for the species is available at the project area; however, there are little to no other indicators that the species might be present.
Sources: CNPS 2023; Authority 2021.

Table A-2 Special-Status Wildlife Known to Occur in the Project Region and their Potential to Occur in the Project Area

Species	Listing Status[1]		Habitat Plan Covered Species[2]	Habitat	Potential for Occurrence[3]
	Federal	State			
Invertebrates					
Monarch butterfly *Danaus plexippus*	C		No	Adult monarchs collect nectar from a variety of host plants; larvae are obligate herbivores of milkweed (*Asclepias* spp). Western population of monarchs overwinter in wooded areas, sheltered from frost and strong winds along the central and southern California coast.	Could occur: Milkweed hostplants have been documented to occur within the project area; therefore, breeding may occur (Authority 2021). The project area does not contain stands of trees dense enough to support overwintering.
Bay checkerspot butterfly *Euphydryas editha bayensis*	T		Yes	Coastal dunes, ultramafic, valley and foothill grassland. Restricted to native grasslands on outcrops of serpentine soil in the vicinity of San Francisco Bay. *Plantago erecta* is the primary hostplant; *Orthocarpus densiflorus* and *O. purpurscens* are the secondary hostplants.	Could occur: Documented to occur within the project region (CNDDB 2023). Serpentine soils are not present within the project area; therefore, the hostplants of the species are not likely to be present within the project area. However, there is habitat for hostplants adjacent to the project area and the species may forage within the project area.
Crotch bumble bee *Bombus crotchii*		C	No	Coastal California east to the Sierra-Cascade crest and south into Mexico. Food plant genera include *Antirrhinum, Phacelia, Clarkia*, *Dendromecon, Eschscholzia*, and *Eriogonum*.	Could occur: Documented to occur within the project region (CNDDB 2023); and habitat for the species is present within the project area.
Smith's blue butterfly *Euphilotes enoptes smithi*	E		No	Coastal dunes, coastal scrub. Most commonly associated with coastal dunes and coastal sage scrub plant communities in Monterey and Santa Cruz counties. Hostplant: *Eriogonum latifolium* and *E. parvifolium* are utilized as both larval and adult foodplants.	Not expected to occur: Documented to occur within the project region (CNDDB 2023); however, the project area is outside of the range of the species.
Western bumble bee *Bombus occidentalis*		C	No	Bumble bees have three basic habitat requirements: nesting sites for the colonies, availability of nectar and pollen from floral resources throughout the duration of the colony period (spring, summer, and fall), and overwintering sites for the queens.	Not expected to occur: Documented to occur historically within the project region (CNDDB 2023); and habitat for the species is present within the project area. However, more recent detections have been limited to areas west of the coast range (CNDDB 2023).
Fish					
Southern coastal roach *Hesperoleucus venustus subditus*		SSC	No	Found in the drainages of Tomales Bay and northern San Francisco Bay in the north, and drainages of Monterey Bay in the south.	Not expected to occur: The seasonal drainage within the project area does not provide habitat for this species.
Monterey hitch *Lavinia exilicauda harengus*		SSC	No	Sacramento/San Joaquin flowing waters, South coast flowing waters. Tributaries to Monterey Bay, specifically the Salinas, Pajaro, and San Lorenzo drainages.	Not expected to occur: The seasonal drainage within the project area does not provide habitat for this species.
Steelhead - central California coast DPS	T		No	Sacramento/San Joaquin flowing waters. From Russian River, south to Soquel Creek and to, but	Not expected to occur: The seasonal drainage within the project area does not provide habitat for this

Species	Listing Status[1]		Habitat Plan Covered Species[2]	Habitat	Potential for Occurrence[3]
	Federal	State			
Oncorhynchus mykiss irideus pop. 8				not including, Pajaro River. Also San Francisco and San Pablo Bay basins.	species. The project area is also outside of the range of this DPS.
Steelhead - south-central California coast DPS *Oncorhynchus mykiss irideus* pop. 9	T		No	Sacramento/San Joaquin flowing waters. South coast flowing waters. Federal listing refers to runs in coastal basins from the Pajaro River south to, but not including, the Santa Maria River.	Not expected to occur: The seasonal drainage within the project area does not provide habitat for this species.
Amphibians and Reptiles					
California glossy snake *Arizona elegans occidentallis*		SSC	No	Patchily distributed from the eastern portion of San Francisco Bay, southern San Joaquin Valley, and the Coast, Transverse, and Peninsular Ranges south to Baja California. Generalist reported from a range of scrub and grassland habitats, often with loose or sandy soils.	Not expected to occur: The grassland habitat within the project area may provide habitat for the species; however, the project area is outside of the species range (CalHerps 2023).
California giant salamander *Dicamptodon ensatus*		SSC	No	Aquatic, meadow and seep, north coast coniferous forest, and riparian forest. Found in wet coastal forests near streams and seeps from Mendocino County south to Monterey County and east to Napa County. Aquatic larvae are found in cold, clear streams, occasionally in lakes and ponds. Adults known from wet forests under rocks and logs near streams and lakes.	Not expected to occur: The seasonal drainage within the project area does not provide aquatic habitat for this species, and no other aquatic habitat is close enough to the project area to allow the area to be used as upland habitat.
California red-legged frog *Rana draytonii*	T	SSC	Yes	Aquatic, artificial flowing waters, artificial standing waters, freshwater marsh, marsh & swamp, riparian forest, riparian scrub, riparian woodland, Sacramento/San Joaquin flowing waters, Sacramento/San Joaquin standing waters, south coast flowing waters. Lowlands and foothills in or near permanent sources of deep water with dense, shrubby or emergent riparian vegetation. Requires 11–20 weeks of permanent water for larval development. Must have access to estivation habitat.	Could occur: Documented to occur within the project region and within 1.7 mile of the project area (CNDDB 2023; Authority 2021). While there is no aquatic habitat suitable for breeding within the project area, potential dispersal habitat for the species occurs within the project area.
California tiger salamander *Ambystoma californiense*	T	T	Yes	Cismontane woodland, meadow and seep, riparian woodland, valley and foothill grassland, vernal pool, and wetlands. Central Valley DPS federally listed as threatened. Need underground refuges, especially ground squirrel burrows, and vernal pools or other seasonal water sources for breeding.	Could occur: Documented to occur within the project region (CNDDB 2023, and within the dispersal distance of the species (Authority 2021). Grassland habitat within the project area is potentially suitable upland habitat for the species, which may use ground squirrel burrows within the project area.
Coast horned lizard *Phrynosoma blainvillii*		SSC	No	Chaparral, cismontane woodland, coastal bluff scrub, coastal scrub, desert wash, pinyon and juniper woodlands, riparian scrub, riparian woodland, valley and foothill grassland. Frequents a wide variety of habitats, most common in lowlands along sandy washes with scattered low bushes. Open areas for sunning, bushes for cover, patches of loose soil for burial, and abundant supply of ants and other insects.	Not expected to occur: The project area contains grassland habitat for this species; however, the species is separated from occupied habitat by barriers that limit dispersal (Authority 2021).

Species	Listing Status[1]		Habitat Plan Covered Species[2]	Habitat	Potential for Occurrence[3]
	Federal	State			
Foothill yellow-legged frog *Rana boylii*		C	Yes	Aquatic, chaparral, cismontane woodland, coastal scrub, Klamath/north coast flowing waters, lower montane coniferous forest, meadow and seep, riparian forest, riparian woodland, and Sacramento/San Joaquin flowing waters. Partly-shaded, shallow streams and riffles with a rocky substrate in a variety of habitats. Need at least some cobble-sized substrate for egg-laying. Need at least 15 weeks to attain metamorphosis.	Not expected to occur: The seasonal drainage within the project area does not provide aquatic habitat for this species, and no other aquatic habitat is close enough to the project area to allow the area to be used as
Northern California legless lizard *Anniella pulchra*		SSC	No	Chaparral. Coastal dunes. Coastal scrub. Sandy or loose loamy soils under sparse vegetation. Soil moisture is essential. They prefer soils with a high moisture content.	Not expected to occur: Documented to occur within the project region (CNDDB 2023); however, no habitat for the species is present within the project area.
Santa Cruz black salamander *Aneides niger*		SSC	No	Mixed deciduous and coniferous woodlands and coastal grasslands in San Mateo, Santa Cruz, and Santa Clara counties. Adults found under rocks, talus, and damp woody debris.	Not expected to occur: Documented to occur within the project region (CNDDB 2022); however, the project area is too dry to support this species.
Western pond turtle *Actinemys marmorata*		SSC	Yes	Aquatic, artificial flowing waters, Klamath/north coast flowing waters, Klamath/north coast standing waters, marsh & swamp, Sacramento/San Joaquin flowing waters, Sacramento/San Joaquin standing waters, South coast flowing and standing waters. A thoroughly aquatic turtle of ponds, marshes, rivers, streams and irrigation ditches, usually with aquatic vegetation, below 6,000 feet elevation. Needs basking sites and upland habitat (sandy banks or grassy open fields) up to 325 feet from water for egg-laying.	Could occur: The seasonal creek within the project area does not provide aquatic habitat for this species; however, there is aquatic habitat for the species within dispersal distance of the project area, and the species may use the project area for dispersal between aquatic habitats.
Birds					
Black swift *Cypseloides niger*		SSC	No	Coastal belt of Santa Cruz and Monterey counties; central and southern Sierra Nevada; San Bernardino and San Jacinto mountains. Breeds in small colonies on cliffs behind or adjacent to waterfalls in deep canyons and sea-bluffs above the surf; forages widely.	Not expected to occur: Documented to occur historically within the project region (CNDDB 2023); however, the project area is outside of the range of the species. Additionally, no nesting habitat is present within the project area.
Burrowing owl *Athene cunicularia*		SSC	Yes	Coastal prairie, coastal scrub, Great Basin grassland, Great Basin scrub, Mojavean desert scrub, Sonoran Desert scrub, and valley and foothill grassland. Open, dry annual or perennial grasslands, deserts and scrublands characterized by low-growing vegetation. Subterranean nester, dependent upon burrowing mammals, most notably, the California ground squirrel.	Could occur: The species is documented to occur within the project region (CNDDB 2023), and the project area contains foraging habitat for the species; however, the species was not observed during surveys of the project area in 2021 (Authority 2021).
Golden eagle *Aquila chrysaetos*		FP	No	Broadleaved upland forest, cismontane woodland, coastal prairie, Great Basin grassland, Great Basin scrub, lower montane coniferous forest, pinyon and juniper woodlands, upper montane coniferous forest, and valley and foothill grassland. Rolling foothills, mountain areas, sage-juniper flats, and desert. Cliff-walled	Could occur: Although no nesting habitat is present, potential foraging habitat for the species occurs in the project area.

Species	Listing Status[1]		Habitat Plan Covered Species[2]	Habitat	Potential for Occurrence[3]
	Federal	State			
				canyons provide nesting habitat in most parts of range; also, large trees in open areas.	
Grasshopper sparrow *Ammodramus savannarum*		SSC	No	Valley and foothill grassland. Dense grasslands on rolling hills, lowland plains, in valleys and on hillsides on lower mountain slopes. Favors native grasslands with a mix of grasses, forbs and scattered shrubs. Loosely colonial when nesting.	**Could occur**: Documented to occur within the project region from a single occurrence on Coyote Ridge on the other side of the Coyote Valley (CNDDB 2023). Grassland habitat is present within the project area.
Least Bell's vireo *Vireo bellii pusillus*	E	E	Yes	Riparian forest, riparian scrub, riparian woodland. Summer resident of Southern California in low riparian in vicinity of water or in dry river bottoms; below 2,000 feet. Nests placed along margins of bushes or on twigs projecting into pathways, usually willow, *Baccharis*, and mesquite.	Not expected to occur: No riparian habitat is present within the project area. The nearest documented occurrence is located along Llagas Creek near the confluence with the Pajaro River southeast of Gilroy, approximately 16.5 miles from the project area (CNDDB 2023).
Loggerhead shrike *Lanius ludovicianus*		SSC	No	Broadleaved upland forest, desert wash, Joshua tree woodland, Mojavean desert scrub, pinyon and juniper woodlands, riparian woodland, Sonoran Desert scrub. Broken woodlands, savannah, pinyon-juniper, Joshua tree, and riparian woodlands, desert oases, scrub and washes. Prefers open country for hunting, with perches for scanning, and fairly dense shrubs and brush for nesting.	**Could occur:** Documented to occur within the project region (CNDDB 2023). The project area does not contain the riparian woodland or scrub habitat needed for nesting by this species; however, the species may forage within the project area.
Swainson's hawk *Buteo swainsoni*		T	No	Great Basin grassland, riparian forest, riparian woodland, valley and foothill grassland. Breeds in grasslands with scattered trees, juniper-sage flats, riparian areas, savannahs, and agricultural or ranch lands with groves or lines of trees. Requires adjacent foraging areas such as grasslands, or alfalfa or grain fields supporting rodent populations.	**Could occur:** Documented to occur in the project region (CNDDB 2023). Since 2013, a pair has nested along Coyote Creek and in front of the charter school east of Monterey Road and south of Bailey Avenue, approximately 2.3 miles northeast of the project area. Aside from a pair that attempted nesting in 2018–2020 southeast of Gilroy, the Coyote Creek record provides the only Santa Clara County nesting record since the 1890s (Authority 2021). Due to the only documented nesting within the region regularly occurring outside of the project area, the species may forage in the project area, but nesting is unlikely to occur.
Tricolored blackbird *Agelaius tricolor*		T	Yes	Freshwater marsh, marsh and swamp, swamp, wetland. Highly colonial species, most numerous in Central Valley and vicinity. Largely endemic to California. Requires open water, protected nesting substrate, and foraging area with insect prey within a few kilometers of the colony.	**Could occur:** The species has been documented to occur within the project region (CNDDB 2023). The project area contains foraging habitat for the species; however, there is no potential nesting habitat within 250 feet of the project area (Authority 2021).

Species	Listing Status[1]		Habitat Plan Covered Species[2]	Habitat	Potential for Occurrence[3]
	Federal	State			
White-tailed kite *Elanus leucurus*		FP	No	Cismontane woodland, marsh and swamp, riparian woodland, valley and foothill grassland, and wetlands. Rolling foothills and valley margins with scattered oaks and river bottomlands or marshes next to deciduous woodland. Open grasslands, meadows, or marshes for foraging close to isolated, dense-topped trees for nesting and perching.	Could occur: The species has been documented to occur within the project region (CNDDB 2023). Potential foraging and nesting habitat for the species occurs within and adjacent to the project area.
Yellow rail *Coturnicops noveboracensis*		SSC	No	Freshwater marsh, meadow and seep. Summer resident in eastern Sierra Nevada in Mono County. Fresh-water marshlands.	Not expected to occur: The species is documented to occur historically within the project region (CNDDB 2023); however, there is no marsh or wetland habitat within the project area.
Yellow-breasted chat *Icteria virens*		SSC	No	Riparian forest, riparian scrub, riparian woodland. Summer resident; inhabits riparian thickets of willow and other brushy tangles near watercourses. Nests in low, dense riparian, consisting of willow, blackberry, wild grape; forages and nests within 10 feet of ground.	Not expected to occur: The species has been documented to occur in the project region (CNDDB 2023); however, riparian habitat for the species is not present in the project area.
Mammals					
American badger *Taxidea taxus*		SSC	No	Alkali marsh, alkali playa, alpine, alpine dwarf scrub, bog a fen, brackish marsh, broadleaved upland forest, chaparral, chenopod scrub, cismontane woodland, closed-cone coniferous forest, coastal bluff scrub, coastal dunes, coastal prairie. Most abundant in drier open stages of most shrub, forest, and herbaceous habitats, with friable soils. Needs sufficient food, friable soils and open, uncultivated ground. Preys on burrowing rodents. Digs burrows.	Known to occur: Documented to occur within CVAL just outside of the project area on the hill above the parking area (CNDDB 2023).
Mountain lion - Southern California/Central Coast evolutionary significant unit *Puma concolor*		C	No	Found in most habitats within Central California. Uses caves, other natural cavities, and brush thickets for cover and denning, often within riparian habitats.	Could occur: The project area contains foraging habitat for the species; however, there is no denning/nursery habitat within the project area, and the existing disturbance within the project area makes it unlikely that denning or nursery habitat is present nearby.
Pallid bat *Antrozous pallidus*		SSC	No	Chaparral, coastal scrub, desert wash, Great Basin grassland, Great Basin scrub, Mojavean desert scrub, riparian woodland, Sonoran Desert scrub, upper montane coniferous forest, valley and foothill grassland. Deserts, grasslands, shrublands, woodlands and forests. Most common in open, dry habitats with rocky areas for roosting. Pallid bats are known to use cracks and crevasses in caves, mines, bridges, buildings, and mature trees for roosting (Sherwin and Rambladini 2005). Roosts must protect bats from high temperatures. Very sensitive to disturbance of roosting sites.	Could occur: Documented to occur in the project region (CNDDB 2023). Foraging habitat is present, and individuals may roost within trees in the project area; however, no cavities large enough to support a maternity colony were observed during survey of the project area (Authority 2021).

Species	Listing Status[1]		Habitat Plan Covered Species[2]	Habitat	Potential for Occurrence[3]
	Federal	State			
Ringtail *Bassariscus astutus*		FP	No	Riparian habitats, forest habitats, and shrub habitats in lower to middle elevations.	Not expected to occur: Species is not tracked in CNDDB. Documented to be relatively common in the project region (Santa Clara Count et al. 2012); however, the grassland within the project area does not provide habitat for the species.
San Francisco dusky-footed woodrat *Neotoma fuscipes annectens*		SSC	No	Chaparral, redwood. Forest habitats of moderate canopy and moderate to dense understory. May prefer chaparral and redwood habitats. Constructs nests of shredded grass, leaves and other material. May be limited by availability of nest-building materials.	Not expected to occur: Nests of this species were not observed in the project area (Authority 2021), and the grassland in the project area does not provide habitat for the species.
San Joaquin kit fox *Vulpes macrotis mutica*	E	T	Yes	Chenopod scrub, valley and foothill grassland. Annual grasslands or grassy open stages with scattered shrubby vegetation. Need loose-textured sandy soils for burrowing, and a prey base.	Not expected to occur: Documented to occur within the project region (CNDDB 2023); however, the existing disturbance in the project area and barriers to dispersal between the project area and occupied habitat make it unlikely that the species would be present (Authority 2021).
Townsend's big-eared bat *Corynorhinus townsendii*		SSC	No	Broadleaved upland forest, chaparral, chenopod scrub, Great Basin grassland, Great Basin scrub, Joshua tree woodland, lower montane coniferous forest, meadow and seep, Mojavean desert scrub, riparian forest, riparian woodland, Sonoran Desert scrub. Throughout California in a wide variety of habitats. Most common in mesic sites. Roosts in the open, hanging from walls and ceilings in caves, mines, and buildings. Roosting sites limiting. Extremely sensitive to human disturbance.	Not expected to occur: Documented to occur within the project region (CNDDB 2023). However, the species is unlikely to forage or roost in the project area due to a lack of caves, abandoned buildings, or large redwoods for roosting in or nearby.

Note: CNDDB = California Natural Diversity Database; DPS= Distinct Population Segment; CVAL = Coyote Valley Open Space Preserve

[1] Legal Status Definitions

Federal:
- E Endangered (legally protected)
- T Threatened (legally protected)
- C Candidate (no formal protection other than CEQA consideration)

State:
- FP Fully protected (legally protected)
- SSC Species of special concern (no formal protection other than CEQA consideration)
- C Candidate (legally protected)
- E Endangered (legally protected)
- T Threatened (legally protected)

[2] Valley Habitat Plan Covered Species are species for which the Habitat Plan (Santa Clara County et al. 2012) provides permitting coverage for take under the Endangered Species Act and California Endangered Species Act. The Habitat Plan also requires that projects enrolled in the Plan implement specific avoidance and minimization measures for some covered species.

[3] Potential for Occurrence Definitions

Not expected to occur: Species is unlikely to be present in the project area due to poor habitat quality, lack of suitable habitat features, or restricted current distribution of the species.

Could occur: Habitat for the species is available in the project area; however, there are little to no other indicators that the species might be present.

Known to occur: The species, or evidence of its presence, has been reported by others.

Source: CalHerps 2023.; CNDDB 2023; Authority 2021; Sherwin and Rambladini 2005; Santa Clara County et al. 2012.

REFERENCES

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Appendix B

Noise Modeling

Coyote Valley Construction Noise (Leq)

Location	Distance to Nearest Receptor in feet	Combined Predicted Noise Level (L_{eq} dBA)
threshold	612	65.0
Nearest Sr	1000	60.7
NR 2	1500	57.2

Equipment	Reference Emission Noise Levels (L_{max}) at 50 feet[1]	Usage Factor[1]
Auger Drill Rig	85	0.2
Excavator	85	0.4
Grader	85	0.4
Paver	85	0.5

Ground Type	hard
Source Height	8
Receiver Height	5
Ground Factor[2]	0.00

Predicted Noise Level [3]	L_{eq} dBA at 50 feet[3]
Auger Drill Rig	78.0
Excavator	81.0
Grader	81.0
Paver	82.0

Combined Predicted Noise Level (L_{eq} dBA at 50 feet)
86.8

Sources:

[1] Obtained from the FHWA Roadway Construction Noise Model, January 2006. Table 1.

[2] Based on Figure 6-5 from the Federal Transit Noise and Vibration Impact Assessment, 2006 (pg 6-23).

[3] Based on the following from the Federal Transit Noise and Vibration Impact Assessment, 2006 (pg 12-3).

L_{eq}(equip) = E.L.+10*log (U.F.) - 20*log (D/50) - 10*G*log (D/50)

Where: E.L. = Emission Level;

U.F.= Usage Factor;

G = Constant that accounts for topography and ground effects (FTA 2006: pg 6-23); and

D = Distance from source to receiver.

Coyote Valley Construction Noise (Lmax)

Location	Distance to Nearest Receptor in feet	Combined Predicted Noise Level (L_{eq} dBA)
threshold	1,000	65.0
Nearest SR	1000	65.0
SR 2	1500	61.5

Equipment	Reference Emission Noise Levels (L_{max}) at 50 feet[1]	Usage Factor[1]
Auger Drill Rig	85	1
Excavator	85	1
Grader	85	1
Paver	85	1

Ground Type	hard
Source Height	8
Receiver Height	5
Ground Factor[2]	0.00

Predicted Noise Level [3]	L_{eq} dBA at 50 feet[3]
Auger Drill Rig	85.0
Excavator	85.0
Grader	85.0
Paver	85.0

Combined Predicted Noise Level (L_{eq} dBA at 50 feet)
91.0

Sources:

[1] Obtained from the FHWA Roadway Construction Noise Model, January 2006. Table 1.

[2] Based on Figure 6-5 from the Federal Transit Noise and Vibration Impact Assessment, 2006 (pg 6-23).

[3] Based on the following from the Federal Transit Noise and Vibration Impact Assessment, 2006 (pg 12-3).

L_{eq}(equip) = E.L.+10*log (U.F.) - 20*log (D/50) - 10*G*log (D/50)

Where: E.L. = Emission Level;

U.F.= Usage Factor;

G = Constant that accounts for topography and ground effects (FTA 2006: pg 6-23); and

D = Distance from source to receiver.

Equipment Description	Acoustical Usage Factor (%)	Spec 721.560 Lmax @ 50ft (dBA slow)	Actual Measured Lmax @ 50ft (dBA slow)	No. of Actual Data Samples (count)	Spec 721.560 LmaxCalc	Spec 721.560 Leq	Distance	Actual Measured LmaxCalc	Actual Measured Leq
Auger Drill Rig	20	85	84	36	79.0	72.0	100	78.0	71.0
Backhoe	40	80	78	372	74.0	70.0	100	72.0	68.0
Bar Bender	20	80	na	0	74.0	67.0	100		
Blasting	na	94	na	0	88.0		100		
Boring Jack Power Unit	50	80	83	1	74.0	71.0	100	77.0	74.0
Chain Saw	20	85	84	46	79.0	72.0	100	78.0	71.0
Clam Shovel (dropping)	20	93	87	4	87.0	80.0	100	81.0	74.0
Compactor (ground)	20	80	83	57	74.0	67.0	100	77.0	70.0
Compressor (air)	40	80	78	18	74.0	70.0	100	72.0	68.0
Concrete Batch Plant	15	83	na	0	77.0	68.7	100		
Concrete Mixer Truck	40	85	79	40	79.0	75.0	100	73.0	69.0
Concrete Pump Truck	20	82	81	30	76.0	69.0	100	75.0	68.0
Concrete Saw	20	90	90	55	84.0	77.0	100	84.0	77.0
Crane	16	85	81	405	79.0	71.0	100	75.0	67.0
Dozer	40	85	82	55	79.0	75.0	100	76.0	72.0
Drill Rig Truck	20	84	79	22	78.0	71.0	100	73.0	66.0
Drum Mixer	50	80	80	1	74.0	71.0	100	74.0	71.0
Dump Truck	40	84	76	31	78.0	74.0	100	70.0	66.0
Excavator	40	85	81	170	79.0	75.0	100	75.0	71.0
Flat Bed Truck	40	84	74	4	78.0	74.0	100	68.0	64.0
Front End Loader	40	80	79	96	74.0	70.0	100	73.0	69.0
Generator	50	82	81	19	76.0	73.0	100	75.0	72.0
Generator (<25KVA, VMS s	50	70	73	74	64.0	61.0	100	67.0	64.0
Gradall	40	85	83	70	79.0	75.0	100	77.0	73.0
Grader	40	85	na	0	79.0	75.0	100		
Grapple (on Backhoe)	40	85	87	1	79.0	75.0	100	81.0	77.0
Horizontal Boring Hydr. Jac	25	80	82	6	74.0	68.0	100	76.0	70.0
Hydra Break Ram	10	90	na	0	84.0	74.0	100		
Impact Pile Driver	20	95	101	11	89.0	82.0	100	95.0	88.0
Jackhammer	20	85	89	133	79.0	72.0	100	83.0	76.0
Man Lift	20	85	75	23	79.0	72.0	100	69.0	62.0
Mounted Impact Hammer	20	90	90	212	84.0	77.0	100	84.0	77.0
Pavement Scarafier	20	85	90	2	79.0	72.0	100	84.0	77.0
Paver	50	85	77	9	79.0	76.0	100	71.0	68.0
Pickup Truck	40	55	75	1	49.0	45.0	100	69.0	65.0
Pneumatic Tools	50	85	85	90	79.0	76.0	100	79.0	76.0
Pumps	50	77	81	17	71.0	68.0	100	75.0	72.0
Refrigerator Unit	100	82	73	3	76.0	76.0	100	67.0	67.0
Rivit Buster/chipping gun	20	85	79	19	79.0	72.0	100	73.0	66.0
Rock Drill	20	85	81	3	79.0	72.0	100	75.0	68.0
Roller	20	85	80	16	79.0	72.0	100	74.0	67.0
Sand Blasting (Single Nozzl	20	85	96	9	79.0	72.0	100	90.0	83.0
Scraper	40	85	84	12	79.0	75.0	100	78.0	74.0
Shears (on backhoe)	40	85	96	5	79.0	75.0	100	90.0	86.0
Slurry Plant	100	78	78	1	72.0	72.0	100	72.0	72.0
Slurry Trenching Machine	50	82	80	75	76.0	73.0	100	74.0	71.0
Soil Mix Drill Rig	50	80	na	0	74.0	71.0	100		
Tractor	40	84	na	0	78.0	74.0	100		
Vacuum Excavator (Vac-tru	40	85	85	149	79.0	75.0	100	79.0	75.0
Vacuum Street Sweeper	10	80	82	19	74.0	64.0	100	76.0	66.0
Ventilation Fan	100	85	79	13	79.0	79.0	100	73.0	73.0
Vibrating Hopper	50	85	87	1	79.0	76.0	100	81.0	78.0
Vibratory Concrete Mixer	20	80	80	1	74.0	67.0	100	74.0	67.0
Vibratory Pile Driver	20	95	101	44	89.0	82.0	100	95.0	88.0
Warning Horn	5	85	83	12	79.0	66.0	100	77.0	64.0
Welder / Torch	40	73	74	5	67.0	63.0	100	68.0	64.0

Source:
FHWA Roadway Construction Noise Model, January 2006. Table 9.1
U.S. Department of Transportation
CA/T Construction Spec. 721.560