



TO: Santa Clara Valley Habitat Agency Implementation Board

FROM: Kenneth R. Schreiber, Interim Executive Officer

SUBJECT: Participating Special Entity Agreement with University of California, Berkeley for the Blue Oak Ranch Reserve Project

Recommended Actions:

1. Adopt a Resolution of California Environmental Quality Act (CEQA) findings that the Environmental Assessment/Initial Study/Mitigated Negative Declaration prepared by the University of California, Berkeley for the University of California Blue Oak Ranch Reserve Multi-use Facilities and Infrastructure Project Initial Study and Mitigated Negative Declaration dated August 2013 was completed in compliance with CEQA, reflects the Habitat Agency's independent judgment and analysis, and includes the adoption of a mitigation monitoring and reporting program. CEQA: The environmental impacts of the Blue Oak Ranch Reserve Project were addressed by a Mitigated Negative Declaration approved by the University of California, Berkeley on September 19, 2013.
2. Adopt a Resolution making positive findings and approving a Participating Special Entity Agreement with University of California, Berkeley for the Blue Oak Ranch Reserve Project.

Discussion:

The adopted Habitat Plan provides that the Habitat Agency can grant coverage for activities proposed by government or regulated utilities that have not directly received State and federal permits through the adopted Habitat Plan. The governmental or regulated utilities receiving Habitat Plan coverage are called Participating Special Entities (PSEs). On October 17, 2013, the Implementation Board adopted Policies for the review and approval of PSEs. This staff report recommends approval of a PSE Agreement with University of California, Berkeley for Blue Oak Ranch Reserve Project. The recommendation is consistent with the application's review by senior staff from the Co-Permittees (i.e., the Management Team), consultants to the Agency, and the Executive Officer.

Project Description:

University of California, Berkeley (UC Berkeley) proposes to develop facilities for visiting researchers and students at the Blue Oak Ranch Reserve (Reserve), an environmental field station located on Mount Hamilton that is part of the University's Natural Reserve System. A site map is Exhibit 1 of the attached PSE Agreement, which is attached hereto as Attachment 3.

The proposed project will provide temporary group housing for up to thirty year-long visitors in ten modular bunkhouses; up to ten tent platforms for seasonal visitors; two 2-bedroom residences for reserve staff and their families; infrastructure to support development (septic fields, wells and a pump house, photovoltaic array, gravel driveways, parking and ADA paths); and minimal repairs to the existing barn.

The proposed project represents the maximum planned development. The modular housing and tent platforms are planned to be built on piers in order to minimize earthwork. The siting of new structures is setback from sensitive grassland zones and an ephemeral barn pond and is not within riparian zones. New structures are consolidated as much as possible within the area of the existing barn, which is an area that has already been impacted. The barn currently serves as the director's residence and office, and provides a common workshop, kitchen, classroom and restroom for visiting researchers and students. The barn will continue to provide common amenities, including kitchen and bathroom facilities for seasonal and year-long visitors. The new facilities will greatly enhance the suitability of the Reserve for continuous research, instruction, public outreach and stewardship.

Environmental Review:

As lead agency for the proposed project, the University of California conducted CEQA review by preparing the University of California Blue Oak Ranch Reserve Multi-use Facilities and Infrastructure Project Initial Study and Mitigated Negative Declaration dated August 2013 (IS/MND). The IS/MND identified the two federally listed species that may be impacted by the project and incorporated avoidance measures into the project's Mitigation Monitoring Program. These include requirements for a pre-construction survey, exclusion fencing, and notification of the California Department of Fish and Wildlife (CDFW) and US Fish and Wildlife Service (USFWS) in the event either species is found. The IS/MND was approved by UC Berkeley Chancellor Dirks on September 19, 2013. A copy of the IS/MND is provided online (<http://www.scv-habitatplan.org>) for review by the Implementation Board prior to approval of the resolutions for this project. The hardcopy IS/MND documents are available for public review at the Habitat Agency office at 535 Alkire Avenue, Morgan Hill, CA 95037. In order to approve the PSE agreement with the University, the Implementation Board must make its own CEQA findings as a responsible agency before it can act to approve the agreement with the University. A resolution is attached here as Attachment 1 for adoption of CEQA findings by the Implementation Board for this project.

Land Cover Impacts:

The proposed project will result in 5.0 acres of permanent impacts and 0.4 acres of temporary impacts (Table 1). The development area (project footprint plus buffers) was used to calculate all impacts. Construction associated with the residence area will result in 1.6 acres of permanent impacts and 0.2 acres of temporary impacts. The water tank construction will result in 0.4 acre of permanent impacts. Construction associated with the group accommodation will result in 3.0 acres of permanent impacts and 0.2 acres of temporary impacts. Improvements to the existing barn will not result in additional impacts. The attached Exhibit 1 of the PSE Agreement displays the land cover types within the proposed project parcels.

Table 1. Natural Communities and Land Cover Impacts in the Development Area

Natural community and land cover types (in acres, except where noted)	Acreage of land cover “permanently impacted” by project	Acreage of land cover “temporarily impacted” by project
<i>Grasslands</i>		
California Annual Grassland	3.5	0.3
<i>Chaparral and Coast Scrub</i>		
Coyote Brush Scrub	1.5	0.1
Total	5.0	0.4

Conditions:

The activity will comply with all applicable Habitat Plan conditions. Habitat Plan conditions that specifically apply to this project are: Condition 1, Condition 3, Condition 7, Condition 8, Condition 12, and Condition 14. Exhibit 2 of the attached PSE Agreement (Attachment 3) identifies specific conditions of importance for this application.

Fees:

Consistent with the adopted PSE policy, the applicant will pay the following fees. The total mitigation fees are \$77,344.66 (Table 2). The entire development area is within Fee Zone A. The land cover fees are \$77,080 for permanent impacts and \$246.66 for temporary impacts. An estimated five new daily vehicle trips will occur as part of the proposed project for a total of \$18 in nitrogen deposition fees. The PSE charge is either \$5,000 or 10 percent of mitigation fees, whichever is greater. In this case, 10 percent or \$7,734.46 is greater. Administrative costs will be reimbursed by the applicant based on actual costs of staff labor.

Table 2. Fees and Charges

Fee type	Impact type	Fee rate	Number of Units	Fee Multiplication Factor	Total
<i>Land Cover Fees</i>					
Zone A	Permanent	\$15,416 per acre	5.0 acres		\$77,080.00
	Temporary		0.4 acres	0.04	\$246.66
<i>Special Fees</i>					
	Nitrogen deposition fee	\$3.60 per new vehicle trip	5 new vehicle trips		\$18.00
Total Mitigation Fees					\$77,344.66
PSE Charge (\$5,000 or 10% of mitigation fees, whichever is greater)					\$7,734.46
Administrative Costs					Reimbursement of actual costs

Required findings for approval:

The Implementation Board may approve a PSE Agreement only if it makes each of the following findings:

1. The proposed activity complies with all terms and requirements of the Governing Documents.

The application from University of California, Berkeley for the Blue Oak Ranch Reserve Project has been reviewed for consistency with the adopted Habitat Plan, Implementation Agreement, and other applicable governing documents and has been found to be consistent with the terms and requirements of those documents.

2. The Wildlife Agencies have concurred in writing with approval of the PSE.

CDFW has concurred via email on April 1, 2014 and USFWS has concurred via technical assistance letter dated July 10, 2013 with the approval of the Participating Special Entity Agreement for the Blue Oak Ranch Reserve Project as described in the project application.

3. The impacts of the proposed activity fall within those analyzed in the Habitat Plan, the ESA Section 7 biological opinion for the Habitat Plan, and the Plan's EIR/EIS in general type, location, magnitude and effects.

The impacts of proposed activities of the Blue Oak Ranch Reserve Project have been reviewed for consistency with the Habitat Plan, the ESA Section 7 biological opinion for the Habitat Plan, and the Plan's EIR/EIS and have been found to be consistent in general type, location, magnitude and effects.

4. The impacts of the proposed activity do not deplete the amount of take coverage to such an extent that not enough is available for future Covered Activities.

The impacts of proposed activities of the Blue Oak Ranch Reserve Project have been analyzed for consistency with the Habitat Plan and have been found, individually and in combination with other PSE applications, to not deplete take coverage to an unwarranted extent.

5. The proposed activity does not conflict with the conservation strategy or the ability of the Agency to meet Habitat Plan goals and objectives.

The proposed activities of the Blue Oak Ranch Reserve Project have been analyzed and have been found to not conflict with the conservation strategy or ability of the Agency to meet Habitat Plan goals and objectives. The project is not in a High or Moderate Conservation Priority land area and does not conflict with species movement linkages.

6. The PSE Agreement will further the ability of the Agency to implement Habitat Plan goals and objectives.

Implementation of the Blue Oak Ranch Reserve Project activities will further the ability of the Agency to implement Habitat Plan goals and objectives through payment of fees and facilitating use of the Habitat Plan's conditions of approval for an activity not directly covered by the Habitat Plan's permits and requirements.

In conclusion, it is recommended that the Implementation Board approve both of the attached Resolutions making required CEQA findings for the project (Attachment 1) and approving the PSE application from University of California, Berkeley for the Blue Oak Ranch Reserve Project activities (Attachment 2).

Attachments:

Attachment 1 – CEQA Resolution

Attachment 2 – PSE Agreement Resolution

Attachment 3 – PSE Agreement

Copies:

Beth Piatnitzka, University of California, Berkeley