



Memorandum

Date:	June 1, 2015
To:	Joseph Terry, U.S. Fish and Wildlife Service Dave Johnston, California Department of Fish and Wildlife
From:	Edmund Sullivan, Santa Clara Valley Habitat Agency Terah Donovan, ICF International
Cc:	
Subject:	Participating Special Entity: Santa Clara Valley Open Space Authority, Coyote Valley Open Space Preserve South Meadow Restoration Project

Summary

The Santa Clara Valley Open Space Authority (OSA) submitted their application to the Santa Clara Valley Habitat Agency (Habitat Agency) on March 27, 2015 to be considered for Participating Special Entity (PSE) status under the Santa Clara Valley Habitat Plan (Habitat Plan) for the Coyote Valley Open Space Preserve South Meadow Restoration Project (Project). The Habitat Agency reviewed their application materials and provided comments that required revisions. OSA resubmitted their application materials based on the Habitat Agency's comments. The proposed project will result in 2.68 acres of temporary impacts and no permanent impacts.

OSA has provided documentation of compliance for all conditions that apply to the proposed project, namely, Conditions 1 through 5 and Conditions 12 through 15. This project is exempt from all fees since it qualifies as an ecological restoration project. The following sections provide additional information describing the project, impacts to land cover types, applicable conditions, findings, and impact fees. The Habitat Agency recommends approval of this restoration project.

Project Description

The proposed project is an ecological restoration project.

OSA is proposing ecological restoration of the South Meadow area of its Coyote Valley Open Space Preserve (Preserve) (Figure 1) by retiring hydrologic modifications, restoring or enhancing historic meadow topographic features, stabilizing active sources of sediment, and replanting with appropriate native species. Hydrologic function on the site will be restored by stabilizing a downcutting channel with headcut repairs, restoring the water table by filling drainage ditches, partially filling the channel to a more stable configuration, and removing the ranch road and berms that alter on-site hydrology.

The channel will be further stabilized by filling the gaps in riparian vegetation with native trees and shrubs. This will also improve wildlife habitat along the riparian corridor. Grassland habitat will be improved by decompacting the road area, retaining top soil for reuse after grading, and planting disturbed areas with a mixture of native grasses and grassland forbs. Gentle grading of the meadow to retain waters and direct flows to an existing wetland and creation of a new wetland will further prolong stormwater retention and increase wetland habitat. Wetlands will not be directly disturbed, but additional species of native hydrophytes will be plug-planted to increase diversity. Cattle will be excluded from the meadow restoration area for an establishment period, and then managed for a beneficial level of grazing pressure.

Specific project goals include:

- 1) Restore South Meadow's hydrologic conditions
 - a. Reduce stormwater runoff
 - b. Increase water residence time in soils
 - c. Restore historic drainage density and contours
- 2) Stabilize soils and active head cuts
- 3) Restore natural topographic complexity
 - a. Leverage topographic features to enhance site hydrology and habitat
- 4) Increase presence and diversity of native vegetation
 - a. Increase provision of lowland habitat for special-status species and other wildlife
 - b. Incorporate planting schemes and design elements that can function under anticipated climatic changes
- 5) Provide increased habitat and forage for upland and migratory wildlife
- 6) Test, monitor, and demonstrate cost effective restoration approaches to partners and stakeholders that can be applied elsewhere in the Preserve and the greater Coyote Creek watershed
- 7) Provide volunteer and educational opportunities for schools, non-profits, and the public at large during and after the project

Impacts

The proposed project will result in 2.68 acres of temporary impacts and 900 feet of temporary stream impacts (Table 1). The proposed development area (project footprint plus buffers) was used to calculate impacts. Figures 2a and 2b display the land cover types within the proposed project parcels.

The majority of the proposed project impacts will occur within the California annual grassland land cover type. Impacts to this land cover type are 2.6 acres of temporary impacts.

The proposed project is considered a temporary impact because it is a restoration project and the condition of the South Meadow site will be enhanced from its current condition as a result of this project.

The development area from the restoration work (including a 10 ft. buffer) is 2.6 acres of California annual grassland, 0.05 acre of mixed riparian woodland and forest, 0.03 acre of seasonal wetland, and 900 linear feet of stream. A minor impact of 0.01 acre will occur on golf courses/urban parks land cover type. However, impacts to this land cover type are recorded in values to the nearest tenth of an acre so this impact will not be tracked by the Habitat Agency.

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		2.6
<i>Riparian Forest and Scrub</i>		
Mixed Riparian Woodland and Forest		0.05
<i>Wetlands</i>		
Seasonal Wetland		0.03
Total		2.68
Riverine/Stream (linear feet)		900

Conditions

Three conditions apply to the proposed project. The application materials document how OSA will comply with the following conditions.

- Condition 1. Avoid Direct Impacts on Legally Protected Plant and Wildlife Species.** This condition applies to all Habitat Plan covered projects. An initial site assessment was conducted in November 2014. The site supports potential breeding, wintering, and foraging habitat for a number of special-status bird species protected under the Migratory Bird Treaty Act (MBTA). Additional measures will be followed to avoid impacts on terrestrial wildlife species during construction.
- Condition 3. Maintain Hydrologic Conditions and Protect Water Quality.** This condition applies to all Habitat Plan covered projects. Attachment 3 of the application package provides a list of measures applicable to the proposed project. All potential impacts to hydrology and water quality identified in the Initial Study/Mitigated Negative Declaration (IS/MND) were

determined to be less than significant or have no impact on water quality. Therefore, no mitigation measures were included.

- **Condition 4. Avoidance and Minimization for In-stream Projects.** The project is not located within a mapped stream buffer. However, work will occur in the stream channel, which meets CDFW's definition of "bed and bank" and drains to Fisher Creek. Therefore, measures to protect water quality are included in the project. The project will include measures as specified in Attachment 3 of the application. Dewatering will not be required because work will occur in the dry season when water is not flowing in the channel.
- **Condition 5. Avoidance and Minimization for In-stream Operations and Maintenance.** Project actions include channel stabilization with headcut repairs and invasive species management. Project work will include measures as specified in Attachment 3 of the application. Condition 5 also has additional measures for certain types of project work but none of these apply to the restoration work being performed.
- **Condition 11. Stream and Riparian Setbacks.** Restoration projects are exempt from Condition 11 compliance.
- **Condition 12. Wetland and Pond Avoidance and Minimization.** The project area has one existing wetland, which is well established but possibly supported by a leaking pipe that has recently been repaired. Planned filling of upland drainage ditches that intercept upland runoff and re-contouring of slopes to direct water from upland areas to flow toward the wetland would provide additional drainage water to maintain the wetland area. In addition, an uphill area that has wetland plants and hydrology, but lacks indicators of wetland soils, would be enhanced with native wetland plantings.

Work is planned to avoid the existing wetland areas themselves but may include reshaping and broadening the upslope potential wetland. Grading work within the grasslands to direct more flow toward each of the wetland areas, including filling drainage ditches and some re-contouring of slopes, may come within the 10-foot buffer for temporary impacts. In the long-term, both wetland sites will be substantially improved by the project.

Attachment 3 of the application includes additional measures for temporary wetland protection during project implementation.

- **Condition 13. Serpentine and Associated Covered Species Avoidance and Minimization.** Serpentine areas, mapped as critical habitat for Bay checkerspot butterfly, occur immediately north and south of the project site (Figure 3). Biologists on site in March 2015 identified a Bay checkerspot butterfly individual immediately north of the project site. The project and construction staging areas are sited to avoid or minimize impacts to any serpentine nearby. Construction will avoid serpentine soils and a 10-foot buffer, using construction fencing to clearly separate protected areas.
- **Condition 14. Valley Oak and Blue Oak Woodland Avoidance and Minimization.** Valley oak woodland and blue oak woodland do not occur in the project area. Although there are valley

oaks along the ephemeral channel mixed with bay, the habitat is considered mixed riparian forest and woodland. Valley oak plantings will occur in the grasslands.

- **Condition 15. Western Burrowing Owl.** The project site is not within the western burrowing owl survey areas or within potential breeding or overwintering habitat (Figure 3). A site evaluation conducted by a qualified biologist (Attachment 2 of the application) identified habitat elements, including grassland and ground squirrel burrows. A preconstruction survey will be performed by a qualified biologist.

Fees

This project is exempt from all fees since it qualifies as an ecological restoration project.

Findings

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 Santa Clara Valley Open Space Authority for the Coyote Valley Open Space Preserve South Meadow Restoration 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.

Finding 1: Met
2. **The Wildlife Agencies have concurred in writing with approval of the PSE.**
This memorandum is provided to the Wildlife Agencies to seek approval or rejection. Concurrence or rejection will be documented.

Finding 2: Pending
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 Coyote Valley Open Space Preserve South Meadow Restoration 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 Coyote Valley Open Space Preserve South Meadow Restoration 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.

Finding 4: Met

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 Coyote Valley Open Space Preserve South Meadow Restoration 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 within a Priority Reserve land area and will enhance species movement linkages.

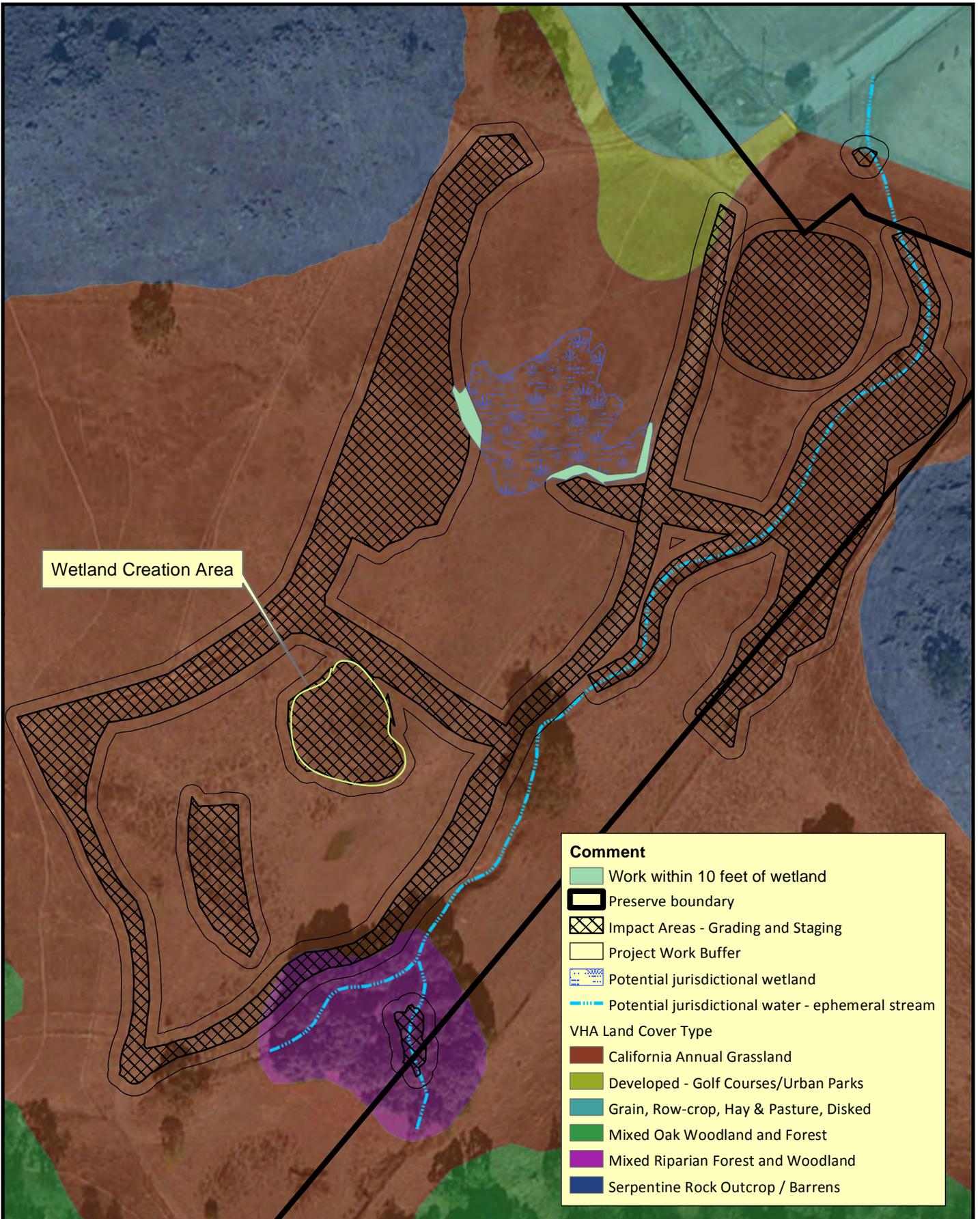
Finding 5: Met

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

Implementation of the Coyote Valley Open Space Preserve South Meadow Restoration Project activities will further the ability of the Habitat 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.

Finding 6: Met

Figure 1



PRUNUSKE CHATHAM, INC.

Date Created: April 30, 2015

Created By: Joan Schwan

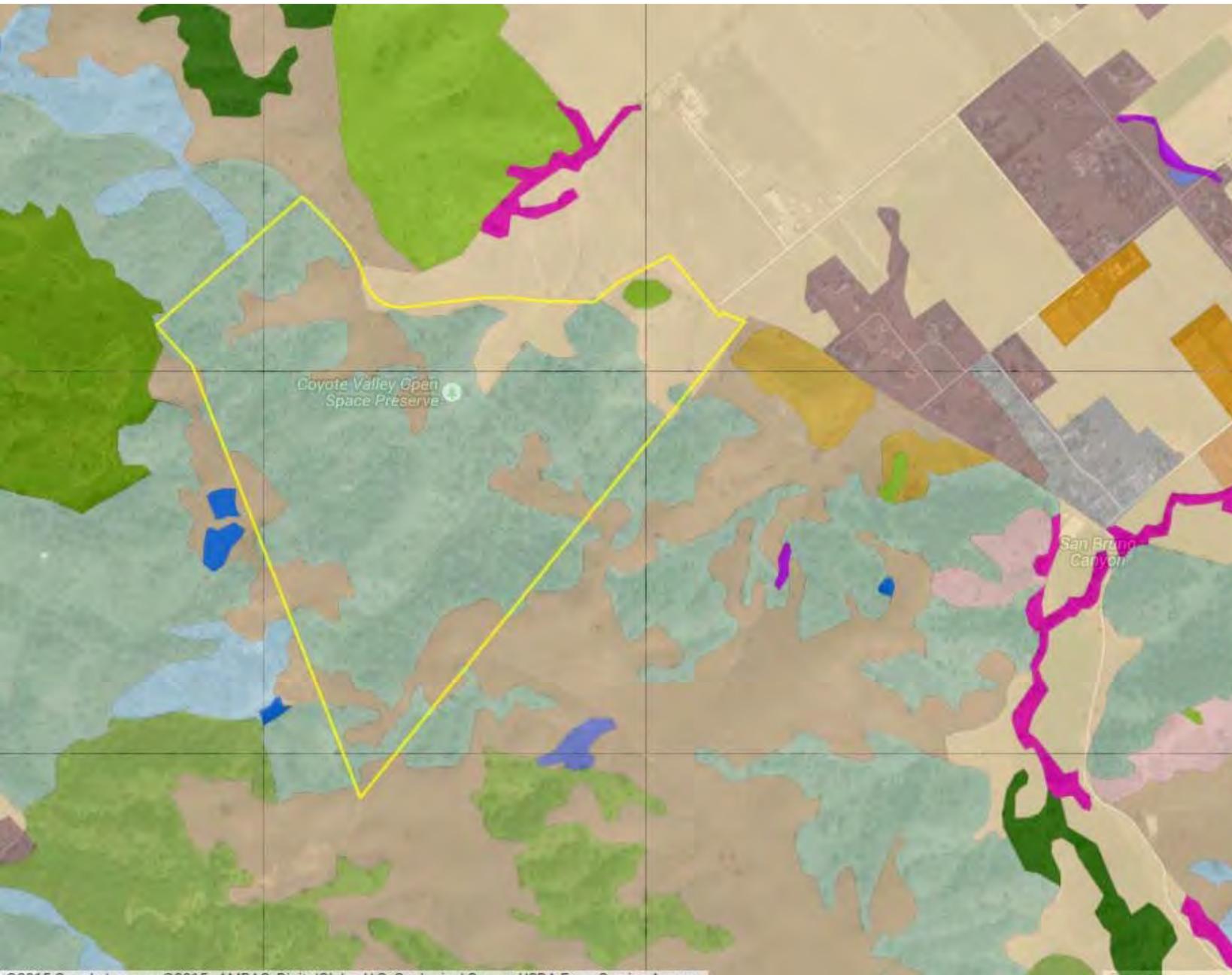
Santa Clara Valley Open Space Authority
 Coyote Valley Open Space Preserve
 South Meadow Restoration

Figure 2. Site Plan

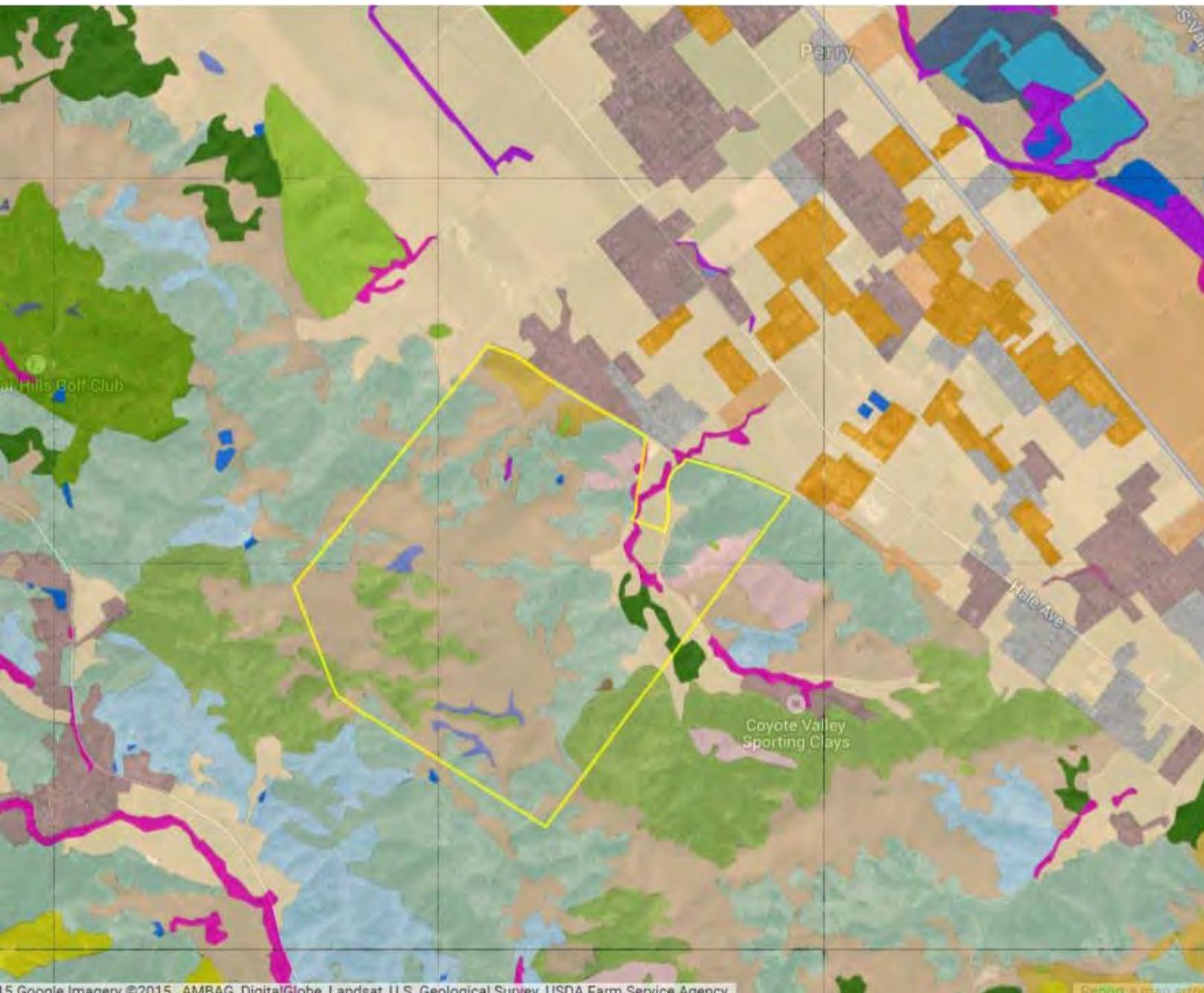


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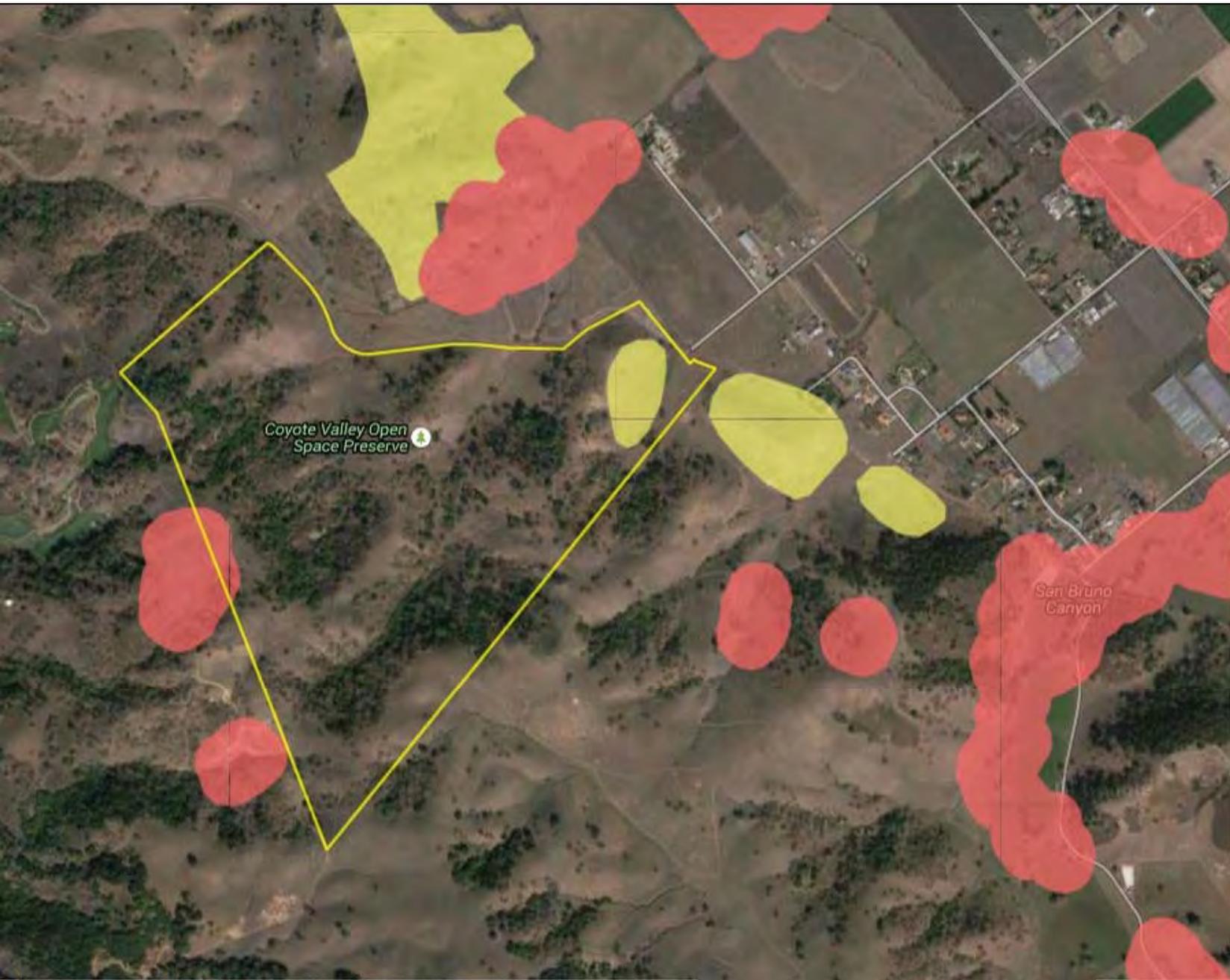
Map Sources
 Aerial Imagery: ESRI
 Landcover Types: VHA 2015, SCVOSA 2015



- Land Cover**
- California Annual Grassland
 - Serpentine Bunchgrass Grassland
 - Serpentine Rock Outcrop / Barrens
 - Serpentine Seep
 - Rock Outcrop
 - Northern Mixed Chaparral / Chamise Chaparral
 - Mixed Serpentine Chaparral
 - Northern Coastal Scrub / Diablan Sage Scrub
 - Coyote Brush Scrub
 - Valley Oak Woodland
 - Mixed Oak Woodland and Forest
 - Blue Oak Woodland
 - Coast Live Oak Forest and Woodland
 - Foothill Pine - Oak Woodland
 - Mixed Evergreen Forest
 - Willow Riparian Forest and Scrub
 - Central California Sycamore Alluvial Woodland
 - Mixed Riparian Forest and Woodland
 - Redwood Forest
 - Ponderosa Pine Woodland
 - Knobcone Pine Woodland
 - Coastal and Valley Freshwater Marsh
 - Seasonal Wetland
 - Pond
 - Reservoir
 - Orchard
 - Vineyard
 - Grain, Row-crop, Hay and Pasture, Disked
 - Agriculture Developed
 - Urban - Suburban
 - Rural Residential
 - Golf Courses / Urban Parks



- Land Cover**
- California Annual Grassland
 - Serpentine Bunchgrass Grassland
 - Serpentine Rock Outcrop / Barrens
 - Serpentine Seep
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 - Pond
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 - Agriculture Developed
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 - Golf Courses / Urban Parks



- Wildlife Survey Areas**
- Bay Checkerspot Butterfly
 - Western Burrowing Owl
 - San Joaquin Kit Fox
 - Least Bell's Vireo
 - Tricolored Blackbird
 - Least Bell's Vireo and Tricolored Blackbird



City of Gilroy | City of Morgan Hill | City of San José | County of Santa Clara | Santa Clara Valley Water District | Santa Clara Valley Transportation Authority

General Information

APN	71205011	
Address	550 PALM AV MORGAN HILL CA 95037	
Recorded Area	258.17 acres	
City	N/A	
Urban Service Area	N/A	
Planning Limits of Urban Growth	<ul style="list-style-type: none"> San Jose (11.8 acres) 	

Habitat Plan Information

Habitat Plan Permit Area	YES
Private Development Areas	<ul style="list-style-type: none"> Private Development Covered (258 acres)
Land Cover	<ul style="list-style-type: none"> Grain, Row-crop, Hay and Pasture, Disked / Short-term Fallowed (25.4 acres) California Annual Grassland (46.2 acres) Serpentine Rock Outcrop / Barrens (1.7 acres) Mixed Oak Woodland and Forest (184.6 acres) Blue Oak Woodland (0.1 acres)
Land Cover Fee Zones	<ul style="list-style-type: none"> Fee Zone A (Ranchlands and Natural Lands) (230.4 acres) Fee Zone B (Agricultural and Valley Floor Lands) (27.6 acres)
Potential Wetland Fee Zones	N/A
Potential Serpentine Fee Zones	<ul style="list-style-type: none"> Serpentine Fee Zone (8.2 acres)
Burrowing Owl Survey and Fee Zone	N/A
Wildlife Survey Areas	<ul style="list-style-type: none"> Bay Checkerspot Butterfly (7.7 acres) Tricolored Blackbird (3.1 acres) (Condition 17 may apply)
Plant Survey Areas	<ul style="list-style-type: none"> Plant Survey Zone (107.7 acres) (Conditions 19 and 20 may apply)
Category 1 Streams and Setbacks	N/A
Category 1 Streams and Setbacks (stream length)	N/A
Valley Oak and Blue Oak Woodland	<ul style="list-style-type: none"> Blue Oak Woodland (0.1 acres) (Condition 15 may apply)
Urban Reserve System Interface Zones	<ul style="list-style-type: none"> Urban-Reserve System Interface Design Requirements may apply in this area. (258 acres) (Condition 18 applies)

The data provided in the Geobrowser are intended to be used as an initial planning tool for project applicants. All fees and survey requirements will be implemented based on field-verified information that is specific to each project.

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City of Gilroy | City of Morgan Hill | City of San José | County of Santa Clara | Santa Clara Valley Water District | Santa Clara Valley Transportation Authority

General Information

APN	71205012	
Address	BAILEY AV MORGAN HILL CA 95037	
Recorded Area	832.02 acres	
City	N/A	
Urban Service Area	N/A	
Planning Limits of Urban Growth	N/A	

Habitat Plan Information

Habitat Plan Permit Area	YES
Private Development Areas	<ul style="list-style-type: none"> ▪ Rural Development Not Covered (0 acres) ▪ Private Development Covered (795.9 acres) ▪ Rural Development Equal to or Greater Than Two Acres Covered (0 acres)
Land Cover	<ul style="list-style-type: none"> ▪ Grain, Row-crop, Hay and Pasture, Disked / Short-term Fallowed (41.1 acres) ▪ Willow Riparian Forest and Scrub (0.7 acres) ▪ California Annual Grassland (333.4 acres) ▪ Seasonal Wetland (9.6 acres) ▪ Northern Coastal Scrub / Diablan Sage Scrub (23.7 acres) ▪ Serpentine Rock Outcrop / Barrens (1.6 acres) ▪ Pond (0.4 acres) ▪ Mixed Riparian Forest and Woodland (5.7 acres) ▪ Coast Live Oak Forest and Woodland (87.3 acres) ▪ Valley Oak Woodland (9.4 acres) ▪ Mixed Oak Woodland and Forest (262.9 acres) ▪ Rock Outcrop (1 acres) ▪ Serpentine Bunchgrass Grassland (19.1 acres)
Land Cover Fee Zones	<ul style="list-style-type: none"> ▪ Fee Zone A (Ranchlands and Natural Lands) (795 acres) ▪ Fee Zone B (Agricultural and Valley Floor Lands) (1 acres)
Potential Wetland Fee Zones	<ul style="list-style-type: none"> ▪ Mixed Riparian Forest and Woodland (5.7 acres) ▪ Pond (0.4 acres) ▪ Willow Riparian Forest and Scrub (0.7 acres) ▪ Seasonal Wetland (9.6 acres)
Potential Serpentine Fee Zones	<ul style="list-style-type: none"> ▪ Serpentine Fee Zone (34.6 acres)
Burrowing Owl Survey and Fee Zone	N/A
Wildlife Survey Areas	<ul style="list-style-type: none"> ▪ Bay Checkerspot Butterfly (21.6 acres) ▪ Tricolored Blackbird (57.4 acres) (Condition 17 may apply)
Plant Survey Areas	<ul style="list-style-type: none"> ▪ Plant Survey Zone (120.3 acres) (Conditions 19 and 20 may apply)
Category 1 Streams and Setbacks	N/A
Category 1 Streams and Setbacks (stream length)	N/A
Valley Oak and Blue Oak Woodland	<ul style="list-style-type: none"> ▪ Valley Oak Woodland (9.4 acres) (Condition 15 may apply)
Urban Reserve System Interface Zones	<ul style="list-style-type: none"> ▪ Urban-Reserve System Interface Design Requirements may apply in this area. (0 acres) (Condition 18 applies)

The data provided in the Geobrowser are intended to be used as an initial planning tool for project applicants. All fees and survey requirements will be implemented based on field-verified information that is specific to each project.

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