

RESOLUTION NO. G-2015-005

A RESOLUTION OF THE GOVERNING BOARD OF THE SANTA CLARA VALLEY HABITAT AGENCY MAKING CERTAIN FINDINGS IN ACCORDANCE WITH THE CALIFORNIA ENVIRONMENTAL QUALITY ACT FOR IMPLEMENTATION OF THE SANTA CLARA VALLEY OPEN SPACE AUTHORITY COYOTE VALLEY OPEN SPACE PRESERVE SOUTH MEADOW RESTORATION PROJECT, FOR WHICH A MITIGATED NEGATIVE DECLARATION WAS PREPARED BY THE SANTA CLARA VALLEY OPEN SPACE AUTHORITY IN ACCORDANCE WITH THE CALIFORNIA ENVIRONMENTAL QUALITY ACT AND ADOPTING A MITIGATION MONITORING AND REPORTING PROGRAM

WHEREAS, the Santa Clara Valley Open Space Authority ("OSA") has applied to the Santa Clara Valley Habitat Agency for an agreement with the Agency conferring participating special entity status and a certificate of inclusion pursuant to the Santa Clara Valley Habitat Plan for its South Meadow Restoration Project, hereinafter referred to as the "Project"; and

WHEREAS, the California Environmental Quality Act of 1970, as amended, (CEQA) requires that, in the approval of a project for which an environmental impact report has been prepared, the decision-making body shall review the environmental impact report and make certain findings regarding the significant effects on the environment identified in the environmental impact report; and

WHEREAS, the Project was the subject of an Initial Study and Mitigated Negative Declaration entitled, "Coyote Valley Open Space Preserve Use and Management Plan Draft Initial Study" dated July 2013, prepared by OSA as the lead agency under CEQA and that Final Mitigated Negative Declaration (the "Final MND"), together with a certain Mitigation Monitoring and Reporting Program (the "MMRP"), was adopted by the Board of Directors of OSA on September 26, 2013; and

WHEREAS, even though the Governing Board delegated authority to the Implementation Board to approve PSE agreements and related environmental documents, the Governing Board retains the authority to do so and due to the

cancellation of the July 2015 Implementation Board meeting it is desirable to avoid several months delay to the Project; and

WHEREAS, the Governing Board does hereby certify that, acting as a responsible agency for the Project under CEQA, it has considered and approved the information contained in such MND; and

WHEREAS, prior to the adoption of this Resolution, the Executive Officer of the Santa Clara Valley Habitat Agency was given an opportunity to review and comment on the MND for the Project in accordance with the requirements of CEQA, together with state and local guidelines implementing CEQA; and

WHEREAS, the MND concluded that implementation of the Project would result in less-than-significant impacts on the environment and no mitigation was required; and

WHEREAS, in connection with the approval of a project involving the preparation of the MND that identifies one or more significant environmental effects, CEQA requires the decision-making body of the lead agency to incorporate feasible mitigation measures that would reduce those significant environment effects to a less-than-significant level; and

WHEREAS, whenever a lead agency approves a project requiring the implementation of measures to mitigate or avoid significant effects on the environment, CEQA also requires a lead agency to adopt a Mitigation Monitoring and Reporting Program ("MMRP") to ensure compliance with the mitigation measures during project implementation; and

WHEREAS, OSA as lead agency prepared and adopted a MMRP for the Project; and

WHEREAS, the Santa Clara Valley Habitat Agency has reviewed the MND and MMRP adopted by OSA as the lead agency for the Project under CEQA, and concurs in the analysis and conclusions set forth in said MND and the MMRP; and

WHEREAS, the Santa Clara Valley Habitat Agency is a responsible agency for a portion of the proposed Project as described in this Resolution; and

WHEREAS, the MND and MMRP for the Project are, by this reference, incorporated into this Resolution as if fully set forth herein;

NOW THEREFORE BE IT RESOLVED BY THE GOVERNING BOARD OF THE SANTA CLARA VALLEY HABITAT AGENCY THAT THE GOVERNING BOARD does hereby make the following findings:

(1) It has independently reviewed and analyzed the MND, together with the MMRP, and other information in the record and has considered the information contained therein, prior to acting upon or approving the portion of the Project before the Governing Board for consideration,

(2) The MND together with the MMRP prepared for the Project have been completed in compliance with CEQA and in a manner that is consistent with state and Agency guidelines implementing CEQA, and

(3) The MND together with the MMRP represents the independent judgment and analysis of the Santa Clara Valley Habitat Agency as a responsible agency for a portion of the Project. The Governing Board designates the Executive Officer at the Santa Clara Valley Habitat Agency Office at 535 Alkire Ave., Ste. 100, Morgan Hill, California 95037 as the custodian of documents and records of proceedings on which this decision is based.

BE IT FURTHER RESOLVED BY THE GOVERNING BOARD THAT it does hereby adopt the MND, including the MMRP, prepared for the Project.

The MND is on file in the Office of the Executive Officer at the Santa Clara Valley Habitat Agency at 535 Alkire Ave., Ste. 100, Morgan Hill, California 95037, and available for inspection by any interested person.

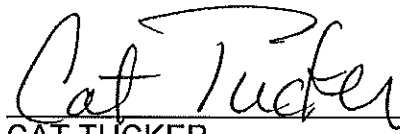
ADOPTED by the Governing Board of the Santa Clara Valley Habitat Agency on June 18, 2015, by the following vote:

AYES: Tucker, Wasserman, Constantine, Herrera

NOES: None

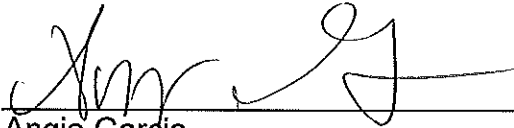
ABSENT: Tate, Leroe-Munoz, Simitian

ABSTAIN: None



CAT TUCKER
Chair, Governing Board
Santa Clara Valley Habitat Agency

ATTEST:



Angie Garcia
Deputy Secretary
Santa Clara Valley Habitat Agency