



TO: Santa Clara Valley Habitat Agency Governing Board

FROM: Edmund Sullivan, Executive Officer

SUBJECT: Participating Special Entity Agreement with Santa Clara County Open Space Authority for the Coyote Valley Open Space Preserve South Meadow Restoration Project

**RECOMMENDED ACTIONS:**

1. Adopt a Resolution making California Environmental Quality Act (CEQA) findings that the Initial Study and Mitigated Negative Declaration prepared by the Santa Clara County Open Space Authority (OSA) for the Coyote Valley Open Space Preserve Use and Management Plan, reflects the Habitat Agency's independent judgment and analysis, and includes the adoption of a mitigation monitoring and reporting program.
2. Adopt a Resolution making positive findings and approving a Participating Special Entity Agreement with the OSA for the Coyote Valley Open Space Preserve South Meadow Restoration Project.

**BACKGROUND:**

The Habitat Plan allows the Habitat Agency to grant coverage for activities proposed by governmental entities or regulated utilities which have not directly received state and federal permits through the adopted Habitat Plan. The governmental entities 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 the Santa Clara Valley Open Space Authority for its Coyote Valley Open Space Preserve South Meadow Restoration Project. The recommendation is consistent with the application's review by the Wildlife Agencies, consultants to the Habitat Agency, and the Executive Officer.

Project Description:

The proposed project is an ecological restoration project in the Coyote Valley Open Space Preserve. It will result in 2.68 acres of temporary impacts and no permanent impacts. The proposed project includes 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. A site plan is provided as an attachment to the PSE Agreement (Attachment 2 PSE Agreement Resolution).

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.

Environmental Review:

As lead agency for the proposed project, the OSA conducted CEQA review by preparing an Initial Study and Mitigated Negative Declaration for the Coyote Valley Open Space Preserve Use and Management Plan dated July 25, 2013. The final MND together with a Mitigation Monitoring and Reporting Program was approved by the Board of Directors of the Open Space Authority on September 26, 2013.

A copy of the MND is provided online (<http://www.scv-habitatplan.org>) for review by the Governing Board prior to approval of the resolutions for this project. The hardcopy CEQA 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 OSA, the Governing Board must make its own CEQA findings as a responsible agency before it can act to approve the agreement with the Santa Clara County Open Space Authority. A resolution is attached (Attachment 1) for adoption of CEQA findings by the Board for this project.

Land Cover 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. 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
<b>Total</b>		<b>2.68</b>
Riverine/Stream (linear feet)		<b>900</b>

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 4, Condition 5, Condition 11, Condition 12, Condition 13, Condition 14, and Condition 15. Attachment 2 of the PSE Agreement (Exhibit 1 of Attachment 2 PSE Agreement Resolution) identifies specific conditions of importance for this application.

Fees:

This project is exempt from all mitigation fees since it qualifies as an ecological restoration project, and will only pay administrative charges.

Required findings for approval:

The Board may approve a PSE Agreement only if it makes each of the findings identified below. Each finding is numbered and followed by a paragraph that explains whether or not the finding has been met.

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 determination: Met

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

The Wildlife Agencies have concurred via email on June 8 & 9, 2015 with approval of the Participating Special Entity Agreement for the Santa Clara Valley Open Space Authority for the Coyote Valley Open Space Preserve South Meadow Restoration Project as described in the project application.

Finding #2 determination: Met.

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 Santa Clara Valley Open Space Authority for 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.

Finding #3 determination: Met.

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 Santa Clara Valley Open Space Authority for 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 determination: 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 Santa Clara Valley Open Space Authority for 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 not in a High or Moderate Conservation Priority land area and does not conflict with species movement linkages.

Finding #5 determination: Met.

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

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

Finding #6 determination: Met.

**FISCAL IMPACT:** Approval of the PSE Agreement with the Santa Clara Valley Open Space Authority for the Coyote Valley Open Space Preserve South Meadow Restoration Project will result in reimbursable administrative fees paid to the Habitat Agency to mitigate project impacts through the Habitat Plan's PSE process.

**ATTACHMENTS:**

Attachment 1 – CEQA Resolution

Attachment 2 – PSE Agreement Resolution