



# MARTIAL COTTLE PARK

STATE PARK GENERAL PLAN/COUNTY PARK MASTER PLAN FINAL EIR



STATE CLEARINGHOUSE #2010022006  
DRAFT  
FEBRUARY, 2011

# MARTIAL COTTLE PARK

## STATE PARK GENERAL PLAN/COUNTY PARK MASTER PLAN FINAL EIR

*County of Santa Clara Parks and Recreation Department  
& California State Parks*



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*Cover photograph of Martial Cottle taken at  
Cottle Ranch 1951, courtesy of the Donor, included as part of the Oral History.*



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## 1 INTRODUCTION

This Final Environmental Impact Report (EIR) for the Martial Cottle Park State Park General Plan/County Park Master Plan (the Plan) has been prepared in accordance with the California Environmental Quality Act (CEQA) Guidelines. The Draft EIR and Final EIR have been prepared to provide an assessment of the potential environmental consequences of adopting the Plan. The EIR is intended to inform State and County decision-makers, other responsible agencies, and the public of the nature of the project. The County of Santa Clara is the lead agency for this project, and the State of California is a responsible agency under CEQA.

This Final EIR document has been prepared in the form of an addendum to the Draft EIR for the Plan. The Draft EIR identified the likely environmental consequences associated with the Plan, and identified goals and guidelines contained in the Plan that help to reduce potentially significant impacts and presented mitigation measures to reduce potential adverse impacts.

State CEQA Guidelines Section 15132 requires that a Final EIR consist of:

- a. The Draft EIR or a revision of the draft;
- b. Comments and recommendations received on the Draft EIR, either verbatim or in summary;
- c. A list of persons, organizations, and public agencies commenting on the Draft EIR;
- d. The responses of the lead agency to significant environmental concerns raised in the review and consultation process; and
- e. Any other information added by the lead agency.

In accordance with CEQA Guidelines Section 15132(a), the Draft EIR is incorporated by reference into this Final EIR. Printed copies of the Draft EIR are on file at the County of Santa Clara's Parks and Recreation Department's Administrative Office at 298 Garden Hill Drive, Los Gatos, California, 95032. The Draft EIR was also sent to the County of Santa Clara Clerk Re-

corder's Office, California Department of Parks and Recreation, and multiple County of Santa Clara and City of San Jose libraries.

*A. Purpose of the Final Environmental Impact Report*

This document responds to public and agency comments on the Draft EIR and proposes revisions to the Draft EIR as necessary in response to these comments. None of these revisions result in significant changes to the project description or findings of the Draft EIR that would trigger the need to recirculate the Draft EIR.

This document, together with the Draft EIR, constitutes the Final EIR. Pursuant to CEQA guidelines, the County of Santa Clara Board of Supervisors will consider the Final EIR for certification prior to project approval.

*B. Environmental Review Process*

According to CEQA, lead agencies are required to consult with public agencies having jurisdiction over a proposed project, and to provide the general public with an opportunity to comment on the Draft EIR. This Final EIR has been prepared to respond to those comments received on the Draft EIR and to clarify findings in the Draft EIR.

The Draft EIR was made available for public review on September 8, 2010. The Draft EIR was distributed to local and State responsible and trustee agencies, and the general public was advised of the availability of the Draft EIR. The County of Santa Clara Parks and Recreation Department held a public meeting to receive comments on the Draft EIR on September 22, 2010 at Gunderson High School in San Jose. The CEQA-mandated 45-day public comment period ended on October 22, 2010.

Copies of all written comments received on the Draft EIR are contained in this document. A summary of oral comments made at the public meeting on September 22, 2010 is also included in Chapter 5 of the Final EIR.

### *C. Document Organization*

This document is organized into the following chapters:

- ◆ **Chapter 1: Introduction.** This chapter discusses the use and organization of this Final EIR.
- ◆ **Chapter 2: Report Summary.** This chapter is a summary of the findings of the Draft and the Final EIR.
- ◆ **Chapter 3: Revisions to the Draft EIR.** Revisions to the text and graphics of the Draft EIR are contained in this chapter. Underline text represents language that has been added to the EIR; text with strikethrough has been deleted from the EIR.
- ◆ **Chapter 4: List of Commentors.** Names of agencies and individuals who commented on the Draft EIR are included in this chapter.
- ◆ **Chapter 5: Comments and Responses.** This chapter contains reproductions of the written comments received from agencies and the public on the Draft EIR, as well as oral comments received at the public meeting on the Draft EIR. The responses are keyed to the comments that precede them.

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## 2 REPORT SUMMARY

This is a summary of the findings of the Draft and Final Environmental Impact Reports (EIRs). This summary presents an overview of the proposed project and conclusions of the analysis contained in Chapter 4, Environmental Evaluation, of the Draft EIR. The chapter also summarizes areas of controversy and alternatives to the project.

### *A. Proposed Project*

This EIR provides an assessment of the potential environmental impacts of implementing the combined Martial Cottle Park State Park General Plan/County Park Master Plan (the Plan). The Draft EIR evaluated the Draft Plan, which was published on January 19, 2010. Subsequent to publication of the Draft EIR, the Draft Plan was revised based on input received during the public review process. These changes resulted in the Draft Final Plan which was submitted to the County of Santa Clara Parks and Recreation Commission on November 3, 2010 for its consideration. The Draft Final Plan and Final EIR will be submitted to the County of Santa Clara Board of Supervisors on February 8, 2011 for consideration and project approval, together with a summary of revisions recommended following the publication of the Draft Final Plan.

The Plan contains goals, guidelines, and objectives to guide the creation of the proposed Martial Cottle Park (the Park). The project site is located in unincorporated Santa Clara County on land owned by the State of California and the County of Santa Clara. The project site is comprised of three parcels, of which one is owned by the State of California (136.52 acres) and two are owned by the County of Santa Clara (120.12 acres). The project site is within the jurisdiction of the County of Santa Clara, but is surrounded by land within the City of San Jose's jurisdiction.

The project site consists of 256.64 acres and is comprised of three parcels. The project site is roughly bounded by Branham Lane to the north; Snell Avenue to the east; Chynoweth Avenue, Colony Field Drive, and State Route 85 to the south; and Barron Park Drive, Birmingham Drive, and Vis-

tapark Drive to the west. The following summarizes the major features of the Park Plan. Refer to Chapter 3, Project Description, of the Draft EIR for additional detail.

The establishment of the Park is intended to provide recreational and educational resources that honor the Donor's intent to preserve and educate visitors about Santa Clara Valley's agricultural history. The Park's agricultural uses would be a component of educational and interpretive programming about the agricultural history of the Santa Clara Valley. The main uses of the Park would include recreational facilities and trails, educational and interpretive programming related to the site's cultural and natural resources and agricultural production that relates to the site's history. Over half of the Park would be in agricultural production capable of providing food primarily for local and regional markets using sustainable farming practices.<sup>1</sup> The Park's agricultural facilities would include on-site marketing opportunities for farmers, as well as facilities for produce storage.

The site's natural resources would be enhanced through the restoration of seasonal wetland habitat along the Canoas Creek channel, the retention of existing trees, and the establishment of diverse hedgerows. Hedgerows are strips or other areas planted with trees, perennials, and annuals that create habitat for agriculturally beneficial insects and pollinators and other wildlife, help to control erosion and weeds, and reduce non-point source water pollution. A small native plant nursery located on site would provide plants to support on-site and regional habitat enhancement efforts.

As part of the agricultural education programming, the Park would include interpretive signage along trails and at key points of interest, demonstration gardens, and agricultural facilities oriented toward youth.

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<sup>1</sup> Sustainable farming practices integrate natural biological cycles and controls; protect and renews soil fertility and the natural resource base; and minimize adverse impacts on health, safety, wildlife, water quality and the environment.

Recreational activities within the Park would be passive, supported by a trail network through agricultural land and through the enhanced seasonal wetlands, and by picnic grounds and day use facilities. A visitor center, a multi-use outdoor pavilion, grassy area, and picnic areas would serve as community space for events and gatherings.

*B. Summary of Goals and Need for the Park Plan*

The Donor's vision for Martial Cottle Park is that it be jointly developed, operated, and maintained as one park. The purpose of the combined State Park General Plan and County Park Master Plan is to provide guidelines and policies for the development, operation and maintenance of the Park as one park. By combining the State Park General Plan and County Park Master Plan into one document, the Plan avoids redundant efforts and ensures consistency between the goals and guidelines of California State Parks and the County of Santa Clara Parks and Recreation Department (County Parks). Additional detail regarding the Plan is provided in Chapter 3, Project Description, of the Draft EIR.

The Plan establishes the following fundamental parkwide goals based upon the Donor's vision, grant deed restrictions and public input:

- ◆ Ensure consistency with the goals and policies of California State Parks, the County of Santa Clara Board of Supervisors, Parks and Recreation Department, the Countywide Trails Master Plan, and the County General Plan.
- ◆ The Park's focus will be education and commemoration of Santa Clara County's agricultural history. Portions of the Park will be under agricultural use, and portions under educational and cultural uses, all for the promotion of local agriculture. Research and commercial agricultural uses will be limited to those that are reasonably related to the history of farming in the Santa Clara Valley.
- ◆ Ensure public safety within all park areas.

- ◆ Minimize conflict among park elements, between park users, and with surrounding land uses.

### *C. Public Involvement*

This section provides an overview of opportunities for public involvement provided during the planning process. Further description of the planning process is provided in Chapter 3, Project Description, of the Draft EIR. Opportunities were provided for the public to be involved in all phases of the planning process through participation at regular Task Force meetings; community workshops and scoping meetings; County Parks and Recreation Commission meetings; State Park and Recreation Commission meetings; the County's Housing, Land Use, Environment and Transportation Committee meeting; and County Board of Supervisors meetings that were scheduled at key milestones in the process.

The County of Santa Clara issued the Notice of Preparation for this Draft EIR on February 1, 2010 (see Appendix A of the Draft EIR). A public scoping meeting for this EIR was held on February 10, 2010, in conjunction with Public Workshop #4 for the Plan. During the scoping meeting, public input on the issues addressed in this EIR was solicited. Comment letters also were received from the public in response from the Notice of Preparation (see Appendix B of the Draft EIR).

The public was also invited to inform the Park development by reviewing draft planning documents available on-line at the California State Parks and County Parks' respective websites, or by contacting County Parks directly via mail, e-mail, facsimile, or phone. The EIR consultant team and County Parks distributed comment forms at each of the public workshops.

#### *D. Park Plan Summary*

The Plan establishes a vision for the future of the Park based on the Donor's vision, grant deed restrictions, and public input. Implementation of the Plan would be initiated by Phase I improvements and completed during subsequent phases. Phase 1, which would extend from 2011 to 2019, would focus on establishing basic infrastructure and facilities to enable farming operations to be initiated during Phase 1, as well as necessary improvements to allow for public access and limited recreational activities. All project site components developed during this phase would comply with the County's Williamson Act Program guidelines, as the last of the Williamson Act contracts remaining on the three parcels of the Park will expire by 2019. Park components that would be initiated in Phase I would include the following:

- ◆ Main Park Entrance, paved entry road, and primary public parking area
- ◆ At least one service/emergency entrance
- ◆ Unpaved service roads
- ◆ Multi-use trails and non-vehicular access points
- ◆ Visitor Center Complex
- ◆ Developed open space (approximately 5 acres during Phase I)
- ◆ A park corporation yard and an agricultural corporation yard
- ◆ Interpretive elements
- ◆ Orientation signage
- ◆ Restrooms
- ◆ Security fencing
- ◆ Water, electricity, and gas infrastructure
- ◆ Underground electrical supply system
- ◆ Utility connections for park and agricultural areas
- ◆ Utility connections, gates, fencing, and other basic infrastructure to enable cooperative partners to occupy designated areas
- ◆ Repair, maintenance, and upgrades of the well located on State Parks property
- ◆ Soil improvement

Subsequent development phases would allow for the completion of Park components initiated during Phase 1, such as interpretive programming and

recreational open space, and for the development of other components of the Plan. The following components would be initiated in subsequent phases:

- ◆ Canoas Creek re-vegetation
- ◆ Seasonal wetland feature
- ◆ Native plant nursery
- ◆ Multi-Use Outdoor Pavilion
- ◆ Agricultural Marketing Area
- ◆ Pedestrian undercrossing beneath Highway 85/ neighborhood access to/from Martial Cottle Park

#### *E. Areas of Controversy*

The following is a discussion of issues that are likely to be of particular concern to agencies and interested members of the public during the environmental review process. This list does not necessarily identify all areas of concern, but attempts to capture those that are likely to generate greatest interest based on the input received during the scoping process.

- ◆ **Aesthetics.** Neighboring residents have expressed a desire for views to be maintained from residential properties surrounding the project site. Trees planted in the project site could block views of the hills from properties to the west of the project site.
- ◆ **Biological Resources.** Members of the public expressed concerns regarding the preservation of habitat for bird species and non-native foxes existing on the project site. Comments were also received describing past problems with rodents existing on the project site.
- ◆ **Buffers.** Neighboring residents expressed concern regarding security and potential nuisances from Park activities, and provided input on buffer areas between the project site and residential properties to the west of the project site. Residents also provided comments on proposed fencing and buffer designs.
- ◆ **Cultural Resources.** Commentors expressed concern regarding potential impacts to nearby Native American cultural resource sites.

- ◆ **Hazards and Hazardous Materials.** Members of the public commented that hazardous materials would need to be properly addressed, and expressed concerns regarding runoff containing pesticides, herbicides, and fertilizers.
- ◆ **Hydrology and Public Services.** Public workshop participants inquired as to whether water supply would be sufficient to support planned farming activities in the Park.
- ◆ **Noise.** Neighboring residents expressed concerns regarding noise levels associated with agricultural operations.
- ◆ **Security.** Workshop participants expressed concerns regarding security and safety in the Park, particularly at night after the regular Park hours, and asked whether security features would be provided to buffer trail users and neighboring residential properties.
- ◆ **Traffic and Circulation.** Public workshop participants expressed concerns regarding traffic conditions and questioned whether parking capacity would be sufficient. Participants stated that development and maintenance of walking trails within the Park should be prioritized and expressed concern regarding pedestrian safety on multi-use trails that would be shared with bicyclists. Members of the public also expressed concerns regarding the location of the proposed entrance on Snell Avenue.

#### *F. Environmental Evaluation*

CEQA allows environmental issues for which there is no likelihood of a significant impact to be “scoped out” during the EIR scoping process, and not analyzed further in the EIR. Based on initial environmental evaluation completed for the project, certain issues and thresholds of significance were scoped out from further analysis and have not been analyzed further in this Draft EIR. This initial assessment concluded that implementation of the project would have *no impact* in relation to the following issues and thresholds:

◆ Aesthetics:

- The project site is not visible from a State scenic highway and would therefore not substantially damage scenic resources within a State scenic highway.
- The project site is not located on a ridgeline and therefore would not be located on a ridgeline visible from the valley floor.

◆ Forest Resources:

- The project site does not contain any forest land or timberland and would therefore not conflict with forest land or timberland, loss of forest land, or conversion of forest land.

◆ Biological Resources:

- The project site does not contain oak woodland habitat and would therefore not result in any substantial adverse effect on oak woodland habitat.
- The project site does not contain any fresh water marsh, oak forest, or salt water tide land and would therefore not impact such local natural communities.

◆ Historical Resources:

- The project site is not located within a Historic District.

◆ Geology and Soils:

- The project site is not located within a Geologic Study Zone.
- The project would not result in the construction of a building, road, or septic system on a slope of 10 percent or greater.

◆ Hazards and Hazardous Materials:

- The project site is not located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5.
- The project would not result in the construction of a roadway greater than 20 percent slope for a distance of 300 feet or more.
- The project site is not located within an Airport Land Use Commission Safety Zone.

- The project is not located in an area already involving extreme fire hazard and would therefore not increase fire hazards in such an area.
  - The project site is not located on a cul-de-sac over 800 feet in length and would therefore not require secondary access which would be difficult to obtain.
  - The project is not expected to employ technology that could result in a safety hazard in the event of a breakdown.
- ◆ Hydrology and Water Quality:
- The project would not result in the extension of a sewer trunk line without capacity to serve new development.
- ◆ Land Use and Planning:
- The project would not conflict with San Martin, South County, Los Gatos Specific Plan, Lexington Watershed, East Foothills Policy Area, New Almaden Historic Area/Guadalupe Watershed, or Stanford policies.
- ◆ Mineral Resources:
- The project site does not contain known mineral resources that would be of value to the region or residents of the State and would therefore not result in a loss in the availability of such resources.
  - The project site does not contain a locally important mineral resource recovery site or any non-renewable mineral resources and would therefore not result in the loss of such resources.
- ◆ Population and Housing:
- The project would not extend roads or other infrastructure in such a way that would substantially induce population growth.
  - The project site does not contain any existing housing or people and would therefore not displace substantial numbers of existing housing or people.
- ◆ Public Services:
- The project would not increase demand for school facilities and would therefore not result in substantial adverse physical impacts associated with the provision of new or physically altered school facilities.

◆ Recreation:

- The project would not increase the use of existing neighborhood regional parks or recreational facilities.
- Although the project site is currently owned by the State and the County, the property is undeveloped and does not allow public use or access until park improvements are completed, such that the property is not currently used as an active public or private park, wildlife reserve, or trail.

◆ Transportation and Traffic:

- The project would not result in any change in air traffic patterns.

The proposed project has the potential to generate significant environmental impacts in a number of areas. As shown in Table 2-1, most of the significant impacts would be reduced to a less-than-significant level if the mitigation measures recommended in this report are implemented. However, impacts related to climate change would remain significant and unavoidable.

### *G. Alternatives to the Plan*

An EIR must evaluate a reasonable range of feasible alternatives to the project or the location of the project that would achieve most of the basic project objectives and would avoid or substantially lessen any of the significant impacts of the project. For more information about project alternatives, please consult Chapter 5, Alternatives, of the Draft EIR. Each of the alternatives evaluated in Chapter 5 of the Draft EIR are summarized below:

- ◆ **No Project Alternative.** Under this alternative, the proposed Plan would not be adopted and future development on the project site would be subject to existing policies and regulations. Under this scenario, the County and State would maintain ownership of the property. Some intensification of agricultural activities may occur, but agricultural uses would not be as intense as under the proposed project. Public park uses would be limited to passive recreational uses, such as trails and community garden-

ing. No on-site parking area would be provided apart from curb-side parking and a loading area.

- ◆ **Plan Alternative 1 (Branham Lane Entrance Alternative).** Implementation of this alternative would place the Park entrance on Branham Lane, and would include equestrian facilities. All farming at the Park would be organic, as defined by the Organic Foods Production Act, and water use for agricultural activities would be reduced by one half. In comparison to the proposed project, this alternative would have an increased emphasis on agricultural uses.
- ◆ **Plan Alternative 2 (Chynoweth Avenue Entrance Alternative).** Implementation of this alternative would place the Park entrance on Chynoweth Avenue. A concentrated visitor area with equestrian facilities, including a barn and riding arena, would be located centrally within the Park. In comparison to the proposed project, this alternative would have a more substantial emphasis on recreational elements, and would include a large lake, recreational trails, picnic areas, and a community hall.

As determined through the comparative analysis of alternatives presented in Chapter 5 of the Draft EIR, the No Project Alternative would be the environmentally superior alternative. The No Project Alternative would generate fewer vehicle trips and would not result in new development or substantially increase the number of visitors accessing the project site. As such, the No Project Alternative would represent an improvement over the proposed project in relation to air quality; biological resources; climate change; hydrology, floodplains, and water quality; and noise impacts.

#### *H. Summary of Impacts and Mitigation Measures*

The impacts and mitigation measures identified in this Draft EIR are summarized in Table 2-1. The table is organized to correspond with the environmental factors discussed in Chapter 4 of the Draft EIR. Table 2-1 is arranged in four columns: (1) environmental impacts; (2) significance before mitigation; (3) mitigation measures; and (4) significance after mitigation. A series of

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mitigation measures is noted where more than one mitigation may be required to reduce an impact to a less-than-significant level. The full description of each impact and mitigation measure is presented in Chapter 4 of the Draft EIR.

TABLE 2-1 SUMMARY OF IMPACTS AND MITIGATION MEASURES

Significant Impact	Significance Before Mitigation	Mitigation Measures	Significance With Mitigation
<b>LAND USE, PLANS, AND POLICIES</b>			
<i>The project would not result in significant project or cumulative impacts related to land use; therefore, no mitigation measures are required.</i>			
<b>AESTHETICS AND VISUAL QUALITY</b>			
<i>The project would not result in significant project or cumulative impacts related to aesthetics; therefore, no mitigation measures are required.</i>			
<b>AGRICULTURAL RESOURCES</b>			
<i>The project would not result in significant project or cumulative impacts related to agricultural resources; therefore, no mitigation measures are required.</i>			
<b>AIR QUALITY</b>			
AQ-1: Construction activity during buildout of the proposed project would generate air pollutant emissions that could expose sensitive receptors to substantial pollutant concentration and would have a cumulatively considerable net increase of NOx emissions. This is a significant impact.	S	<p>AQ-1: Consistent with guidance from the BAAQMD, the following actions shall be required of construction contracts and specifications for the project.</p> <ul style="list-style-type: none"> <li>◆ All exposed surfaces (e.g. parking areas, staging areas, soil piles, graded areas, and unpaved access roads) shall be watered two times per day.</li> <li>◆ All haul trucks transporting soil, sand, or other loose material off-site shall be covered.</li> <li>◆ All visible mud or dirt track-out 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.</li> <li>◆ All vehicle speeds on unpaved roads shall be limited to 15 mph.</li> <li>◆ All roadways, driveways, and sidewalks to be paved shall be completed as soon as possible.</li> </ul>	LTS

LTS = Less Than Significant; PS = Potentially Significant; S = Significant; SU = Significant and Unavoidable

TABLE 2-1 SUMMARY OF IMPACTS AND MITIGATION MEASURES (CONTINUED)

Significant Impact	Significance Before Mitigation	Mitigation Measures	Significance With Mitigation
AQ-1 <i>continued</i>	<ul style="list-style-type: none"> <li>◆ Building pads shall be laid as soon as possible after grading unless seeding or soil binders are used.</li> <li>◆ Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to 2 minutes (the California airborne toxics control measure Title 13, Section 2485 of California Code of Regulations [CCR] limits idling time to 5 minutes). Clear signage shall be provided for construction workers at all access points.</li> </ul>	<ul style="list-style-type: none"> <li>◆ All construction equipment shall be maintained and properly tuned in accordance with manufacturer's specifications. All equipment shall be checked by a certified mechanic and determined to be running in proper condition prior to operation.</li> <li>◆ A publicly visible sign shall be posted with the telephone number and person to contact at the County of Santa Clara regarding dust complaints. This person shall respond and take corrective action within 48 hours. The BAAQMD's phone number shall also be visible to ensure compliance with applicable regulations.</li> <li>◆ The project shall develop a plan demonstrating that the off-road equipment (more than 50 horsepower) to be used in the construction project (i.e. owned, leased, and subcontractor vehicles) would achieve a project wide fleet-average 20 percent NOx reduction and a 45 percent PM reduction compared to the most recent ARB fleet average. Acceptable options for reducing emissions include the use of late model engines, low-emission diesel products, alternative fuels, engine retrofit technology, after-treatment products, add-on devices such as particulate filters, and/or other options as such become available.</li> </ul>	

LTS = Less Than Significant; PS = Potentially Significant; S = Significant; SU = Significant and Unavoidable

TABLE 2-1 SUMMARY OF IMPACTS AND MITIGATION MEASURES (CONTINUED)

Significant Impact	Significance Before Mitigation	Mitigation Measures	Significance With Mitigation
AQ-1 <i>continued</i>		<ul style="list-style-type: none"> <li>All construction equipment including diesel trucks and generators, shall be equipped with Best Available Control Technology for emission reductions of NOx and PM. The BACT requirement establishes maximum annual replacement and retrofit requirements for an equipment fleet. The NOx BACT requires at most, 10 percent (8 percent prior to 2015) of the horsepower in the fleet would need to be upgraded through repower, retrofit, or replacement annually, until the fleet average requirement is met. Equipment is exempt if it is less than 10 years old, has been retrofitted in the past 6 years, or a used replacement or repower is unavailable. PM BACT requires at most, 20 percent of the horsepower in the fleet would need to be retrofitted with PM controls. Equipment is exempt if it is less than 5 years old or if a retrofit device is unavailable or deemed unsafe for use.</li> <li>All contractors shall use equipment that meets ARB's most recent certification standard for off-road heavy duty diesel engines.</li> </ul>	LTS
AQ-2: Construction activities could expose sensitive receptors to substantial pollutant concentrations of toxic air contaminants. This would be a <i>potentially significant</i> impact.	PS	AQ-2: Implement Mitigation Measure AQ-1.	LTS
AQ-3: Future agriculture operations associated with the project could include livestock which could present a source of odors that could result in odor complaints from residences adjacent to the project site. This would be a <i>potentially significant</i> impact.	PS	AQ-3: Prior to implementation of any livestock operations, appropriate buffers between the livestock facility and existing residential uses shall be established. Lessee shall be required to prepare an odor impact minimization plan. County will establish fence line odor detection thresholds prior to developing livestock facilities. The odor impact minimization plan shall describe odor controls and procedures designed into the livestock operations along with contingencies to address potential odor complaints.	LTS

LTS = Less Than Significant; PS = Potentially Significant; S = Significant; SU = Significant and Unavoidable

TABLE 2-1 SUMMARY OF IMPACTS AND MITIGATION MEASURES (CONTINUED)

Significant Impact	Significance Before Mitigation	Mitigation Measures	Significance With Mitigation
<b>BIOLOGICAL RESOURCES</b>			
<b>BIO-1:</b> The proposed project could result in the disturbance of an active white-tailed kite nest, red-tailed hawk nest, or other native bird nests. This would be a <i>significant</i> impact to special-status species and a <i>potentially significant</i> impact to a nesting site.	PS/S	<b>BIO-1a:</b> Project-related construction activities shall ideally occur during the non-breeding season (September 1 to January 31) to avoid potential impacts to nesting birds, if present. If construction activities cannot occur in the non-breeding season, then a pre-construction survey for active bird nests shall be required within 500 feet of an area proposed for development. If construction activities do occur in the non-breeding season, a pre-construction survey for burrowing owls shall be completed no more than two calendar days prior to construction within 500 feet of an area proposed for development to avoid impacts to wintering burrowing owls, if present.  During the breeding season (February to August), surveys to determine the presence of nesting birds shall be conducted by a qualified wildlife biologist (i.e. approved by CDFG), or qualified Natural Resources Management Program staff, no more than 14 days prior to the initiation of any construction activities. Survey protocols for known occurrences of special status birds will follow current standards established by CDFG at the time of project implementation.  If birds (excluding non-native species) are observed nesting on or adjacent to the site during these surveys, construction buffers shall be established around all active nests. The size of the nest buffer shall be determined by the biologist or qualified Natural Resources Management Program staff in consultation with CDFG and would be based to a large extent on the nesting species and its sensitivity to disturbance. All project-related activity shall occur outside of the exclusion area until a qualified biologist or qualified Natural Resources Management Program staff has determined that the young have fledged from the nest.	LTS

LTS = Less Than Significant; PS = Potentially Significant; S = Significant; SU = Significant and Unavoidable

TABLE 2-1 SUMMARY OF IMPACTS AND MITIGATION MEASURES (CONTINUED)

Significant Impact	Significance Before Mitigation	Mitigation Measures	Significance With Mitigation
BIO-1 <i>continued</i>		<p><b>BIO-1b:</b> The County shall annually monitor raptor nesting activity within the Park and establish appropriate human exclusion zones around the active nest(s). The size of the nest buffer, if necessary, shall be determined by a qualified biologist, or qualified Natural Resources Management Program staff, in consultation with CDFG and would be based to a large extent on the bird's sensitivity to disturbance. All human activity shall occur outside of the exclusion area until a qualified biologist or qualified Natural Resources Management Program staff has determined that the young have fledged from the nest or the raptor nesting has ceased for the year. If the qualified biologist or qualified Natural Resources Management Program staff and CDFG determine that the nesting raptors are not disturbed by human activity in the Park, an exclusion zone and annual monitoring for raptor nests may not be required.</p>	
<p><b>BIO-2:</b> Construction of the proposed project could result in impacts to western pond turtle eggs and/or young turtles in nest chambers in upland areas. This would be a <i>significant</i> impact.</p>	S	<p><b>BIO-2:</b> Construction within potential pond turtle nesting areas should be delayed until after the eggs have hatched and the young have become independent; most likely on a date after August 15 in which impacts to eggs and young turtles would be unlikely. Young western pond turtles, however, are known to over-winter in their nest chambers and construction activities within pond turtle nesting areas after August 15 could still result in impacts to young turtles in nests.</p> <p>Western pond turtle nests sites are difficult to detect because turtles lay their eggs underground and surveying for nest sites after female turtles have laid their eggs is not feasible; it is thus not practicable to attempt to locate nests and move turtle nests or young prior to construction activities. Pond turtles could nest up to 50 feet from Canoas Creek in the fallowed fields on both sides of the creek. After the construction of Park facilities is complete, western pond turtles may nest on the site, but normal Park activities should not have a significant impact on these turtles.</p>	LTS

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TABLE 2-1 SUMMARY OF IMPACTS AND MITIGATION MEASURES (CONTINUED)

Significant Impact	Significance Before Mitigation	Mitigation Measures	Significance With Mitigation
BIO-2 <i>continued</i>		In areas adjacent to Canoas Creek, the project contractor shall place a fence between the proposed grading areas and the creek to discourage adult female turtles from entering and nesting in these areas. Installation of the fence shall be supervised by a qualified biologist or qualified Natural Resources Management Program staff. The fence mesh shall be of a size to allow hatchling turtles to pass through, but exclude adult females (approximately 3 by 3 inches). The fence shall be in place prior to April 1 and grading within the fenced-off areas shall be delayed until July 1. This would allow hatchling turtles that have over-wintered in the proposed grading area to leave the nest and return to aquatic habitat in the creek. After the first year of grading, construction within the fenced areas can be conducted throughout the year because nesting females would have been excluded from these areas and nests would not be present. After project construction is complete, the turtle exclusion fence may be removed.	
BIO-3: The proposed project could result in the loss of approximately 250 acres of foraging habitat within the fallowed fields. This would be a <i>significant</i> impact.	S	BIO-3a: Develop and implement an agricultural management plan for the Leased Agriculture Zone that will promote crop rotation, harvesting techniques, establishment of cover strips, and other agricultural practices to support wildlife values while maintaining viable agricultural operations. Lessee's agricultural management plan shall be approved by Santa Clara County Parks.  BIO-3b: Leases will provide that the application of rodenticides shall be reduced or eliminated, where possible, in order to increase prey abundance.	LTS
BIO-4: Development on the project site may impact the special-status Congdon's tarplant, if present. This would be a <i>significant</i> impact.	S	BIO-4a: Prior to construction of the project, a rare plant survey according to CNPS, CDFG, and USFWS protocols shall be conducted for Congdon's tarplant in areas where development is proposed to determine if any rare plants are present. The survey shall be conducted by a qualified biologist approved by CDFG, or qualified Natural Resources Management Program staff, familiar with	LTS

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TABLE 2-1 SUMMARY OF IMPACTS AND MITIGATION MEASURES (CONTINUED)

Significant Impact	Significance Before Mitigation	Mitigation Measures	Significance With Mitigation
BIO-4 <i>continued</i>	<p>the flora of the San Jose area, and with expertise in the identification of Congdon's tarplant. Surveys shall be conducted during the peak of Congdon's tarplant's growing season within the summer months to ensure that they are observed, if present. If no Congdon's tarplant populations are found on-site, then the qualified biologist or qualified Natural Resources Management Program staff shall prepare and submit a report to the County documenting the negative findings of the survey. At a minimum, the report shall include dates of surveys, names of surveyors, and a list of all plants observed. No additional mitigation shall be required if Congdon's tarplant are not found during the protocol-level surveys. According to the standard protocols, the results of a negative-findings plant surveys would be considered valid for two years. Thereafter, additional protocol-level surveys would be required.</p>	<p><u>BIO-4b:</u> If Congdon's tarplant populations are observed on-site, then a mitigation and monitoring plan shall be developed by the County to avoid and or compensate for the loss of special-status plant populations, prior to establishing area for lease. Significant adverse impacts to this plant shall be mitigated either by avoidance or through compensatory mitigation in accordance with the following standards.</p> <ol style="list-style-type: none"> <li>1. Whenever feasible, Congdon's tarplant populations shall be avoided and the populations protected in place. Avoidance measures may include fencing the existing plants with Environmentally Sensitive Area (ESA) fencing prior to construction, establishing a buffer zone of at least 20 feet around rare plant populations, and implementing a training program for construction personnel to ensure avoidance of the preserved plant populations.</li> </ol>	

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TABLE 2-1 SUMMARY OF IMPACTS AND MITIGATION MEASURES (CONTINUED)

Significant Impact	Significance Before Mitigation	Mitigation Measures	Significance With Mitigation
BIO-4 <i>continued</i>		2. If impacts to Congdon's tarplant populations are unavoidable, the County shall mitigate for the impact by preserving existing plant populations of the same species at an offsite mitigation site within another County Park at a minimum 2:1 ratio (2 acres of occupied habitat preserved for each acre of occupied habitat impacted). The County shall develop a mitigation and monitoring plan for the plants that are impacted and submit the plan to the CDFG for approval.	
<b>BIO-5:</b> Improvements to Canoas Creek would temporarily impact the limited riparian habitat within the Canoas Creek channel. This would be a <i>significant</i> impact.	S	<b>BIO-5:</b> Prior to initiating construction or enhancements to Canoas Creek, the County shall contact the Corps and RWQCB to determine what type of permit is required and if any mitigation is necessary. If BMPs are employed, impacts to Corps jurisdiction would be short-term and temporary, and mitigation may not be required. However, both agencies shall be contacted before any construction activity below the OHWM occurs.	LTS
<b>BIO-6:</b> Development of the project site may result in the fill of jurisdictional wetlands that are subject to jurisdiction as waters of the United States under Section 404 of the Clean Water Act and/or are waters of the State subject to jurisdiction under the Porter-Cologne Act. Impacts to these waters, if present, would be a <i>significant</i> impact. Implementation of Mitigation Measures BIO-6a, BIO-6b, BIO-6c, BIO-6d, and BIO-6e will reduce this impact to <i>less than significant</i> .	S	<b>BIO-6a:</b> Prior to implementing any development projects on the project site, a formal wetland delineation shall be conducted to determine the extent of jurisdictional waters of the U.S. and waters of the State on the site. Potential impacts to jurisdictional waters shall be avoided if feasible, and unavoidable impacts shall be minimized to the extent that is feasible. <b>BIO-6b:</b> The County shall obtain the appropriate federal and State permits authorizing the fill of jurisdictional wetlands and other waters including waters of the State. All work in jurisdictional areas shall be in compliance with the terms and conditions of the federal and state permits.	LTS

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TABLE 2-1 SUMMARY OF IMPACTS AND MITIGATION MEASURES (CONTINUED)

Significant Impact	Significance Before Mitigation	Mitigation Measures	Significance With Mitigation
BIO-6 <i>continued</i>		<p><u>BIO-6c:</u> All waters of the United States or waters of the State, if present, that are filled as a result of project development shall be mitigated at a minimum 1:1 ratio or the higher of the ratios stipulated in the federal or State permit authorizing fill of the wetlands or non-wetland waters. Mitigation for impacts to wetlands or other waters may be accomplished by on- or off-site creation of wetlands or non-wetland waters at an appropriate mitigation site on parkland within the County parks system.</p> <p><u>BIO-6d:</u> If the wetland delineation results determine that wetlands are present and cannot be avoided, and may be impacted by the Park, the County shall implement a wetland mitigation and monitoring plan as mitigation for impacts to jurisdictional wetlands and waters. The plan shall detail the mitigation design, wetland planting design, maintenance and monitoring requirements, reporting requirements, and success criteria. The mitigation wetlands shall be monitored for a minimum of five years. This plan shall be approved by the Corps, RWQCB, and the County prior to implementation.</p>	
		<p><u>BIO-6e:</u> During project construction, no material shall be allowed to enter or be stored in any wetlands, if present, that are to be preserved. Project related dirt and other material shall be kept sufficiently far away from preserved wetlands and drainages to prevent material from entering these features. If earthmoving activities or material stockpiling occur upslope from a preserved wetland or drainage, silt fencing shall be installed around the preserved feature to prevent soil from entering the wetland. Silt fencing shall be installed at the least 5 feet from the edges of preserved wetlands. Silt fencing shall also be installed around preserved features whenever earthmoving activities or material stockpiling occurs within 20 feet of a preserved feature. All equipment washing shall occur</p>	

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TABLE 2-1 SUMMARY OF IMPACTS AND MITIGATION MEASURES (CONTINUED)

Significant Impact	Significance Before Mitigation	Mitigation Measures	Significance With Mitigation
BIO-6 <i>continued</i>			
		downslope from preserved wetlands to prevent the runoff from entering the preserved wetlands. Berms or other barriers shall be constructed outside of preserved wetlands to prevent wash water runoff from entering the preserved wetlands.	
<b>BIO-7:</b> Improvements to Canoas Creek would temporarily impact jurisdictional waters under Section 404 of the Clean Water Act. This would be a <i>significant</i> impact.	S	<b>BIO-7:</b> Implement Mitigation Measure BIO-5.	LTS
<b>BIO-8:</b> Increased level of development and increased use of the property could cause red-tailed hawks and white-tailed kites, as well as other raptors, to abandon the site if used as a regular breeding site. This would be a <i>potentially significant</i> impact on nesting habitat sites.	S	<b>BIO-8:</b> Implement Mitigation Measures BIO-1a and BIO-1b.	LTS
<b>BIO-9:</b> Construction of the enhancements to Canoas Creek and the creation of a seasonal wetland may temporarily disrupt nesting white-tailed kites and other native bird nests, if present. This would be a <i>potentially significant</i> impact on nesting sites.	S	<b>BIO-9:</b> Implement Mitigation Measures BIO-1a and BIO-1b.	LTS
<b>BIO-10:</b> The proposed project could impact wetlands on the site, if present. This would be a <i>significant</i> impact.	S	<b>BIO-10:</b> Implement Mitigation Measures BIO-6a, BIO-6b, BIO-6c, BIO-6d, and BIO-6e.	LTS
<b>BIO-11:</b> Improvements to Canoas Creek would temporarily impact a watercourse and limited riparian habitat. This would be a <i>significant</i> impact.	S	<b>BIO-11:</b> Implement Mitigation Measure BIO-5.	LTS
<b>CLIMATE CHANGE</b>			
<b>CC-1:</b> Construction and operation of the project would result in GHG emissions that would have a <i>significant</i> physical adverse impact and cumulatively contribute to global climate change.	S	<b>CC-1a:</b> The following construction practices shall be implemented at the project site during the construction and pre-construction phases of the project: <ul style="list-style-type: none"> <li>◆ Implement Mitigation Measure AQ-1 to reduce exhaust emissions.</li> <li>◆ Use local building materials when feasible and to the extent that materials are available.</li> </ul>	SU

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TABLE 2-1 SUMMARY OF IMPACTS AND MITIGATION MEASURES (CONTINUED)

Significant Impact	Significance Before Mitigation	Significance With Mitigation
CC-1 <i>continued</i>	<p>♦ Recycle or reuse at least 50 percent of construction waste or demolition materials.</p> <p>For all building construction projects with a defined footprint, the County shall establish a construction limit of work area and install fencing around the limit of work. (This measure shall not apply to other park improvements such as trail construction.)</p> <p><u>CC-1b:</u> The following measures shall be incorporated into the design and construction of the project:</p> <p>Energy Efficiency Measures:</p> <ul style="list-style-type: none"> <li>♦ Design, construct and operate all newly constructed and renovated commercial structures to meet the County of Santa Clara's green building standards.</li> <li>♦ Design buildings to facilitate use of solar energy for electricity, water heating, and/or space heating/cooling within parameters of historical design.</li> <li>♦ Provide a landscape and development plan for the project that takes advantage of shade, prevailing winds, and landscaping.</li> <li>♦ Install efficient lighting and lighting control systems. Use daylight as an integral part of lighting systems.</li> <li>♦ Install light colored "cool" roofs and cool pavements (e.g. porous pavement).</li> <li>♦ Install energy efficient heating and cooling systems, appliances and equipment, and control systems.</li> <li>♦ Install energy-efficient, solar or light emitting diodes (LEDs) for outdoor lighting, as appropriate.</li> </ul>	

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TABLE 2-1 SUMMARY OF IMPACTS AND MITIGATION MEASURES (CONTINUED)

Significant Impact	Significance Before Mitigation	Mitigation Measures	Significance With Mitigation
CC-1 <i>continued</i>		<p>Water Conservation and Efficiency Measures:</p> <ul style="list-style-type: none"> <li>◆ Devise a comprehensive water conservation strategy appropriate for the project and location. The strategy may include the following, plus other innovative measures that might be appropriate:                             <ul style="list-style-type: none"> <li>• Create water-efficient landscapes within the development, including climate-appropriate and drought-tolerant species in non-agricultural areas.</li> <li>• Install water-efficient irrigation systems and devices, such as soil moisture-based irrigation controls.</li> <li>• Design buildings to be water-efficient. Install water-efficient fixtures and appliances, including low-flow faucets, dual-flush toilets and waterless urinals.</li> <li>• Restrict watering methods (e.g. prohibit systems that apply water to non-vegetated surfaces) and control runoff.</li> <li>• Install a separate, non-potable distribution system (i.e. “purple pipe”) to accommodate the use of recycled water or grey water for landscape irrigation needs of non-agricultural areas with irrigated landscaping, where feasible and where the supply infrastructure exists and/or as reclaimed water sources become available for the site.</li> <li>• Utilize rainwater harvesting techniques to collect rainwater and store in on-site cisterns to allow use of reclaimed water for landscape irrigation needs of non-agricultural areas with irrigated landscaping.</li> </ul> </li> </ul>	

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TABLE 2-1 SUMMARY OF IMPACTS AND MITIGATION MEASURES (CONTINUED)

Significant Impact	Significance Before Mitigation	Mitigation Measures	Significance With Mitigation
CC-1 <i>continued</i>		<p>Agriculture:</p> <ul style="list-style-type: none"> <li>◆ Require that agricultural and animal operations, managed by the Master Farmer and/or lessees, implement best management and sustainable farming practices to reduce emissions conserve energy and water, and utilize alternative energy sources.</li> <li>◆ When feasible, implement best management practices for crop rotation and weed control in agricultural areas.</li> </ul> <p>Solid Waste:</p> <ul style="list-style-type: none"> <li>◆ Establish and implement target reduction goals for recycling, composting, and other on-site solid waste reduction measures to achieve a 75 percent diversion rate consistent with the policies in the Santa Clara County Climate Action Plan.</li> </ul> <p>Transportation and Motor Vehicle Measures:</p> <ul style="list-style-type: none"> <li>◆ Develop a transportation demand management (TDM) program that includes trip reduction components such as free transit passes, a dedicated employee transportation coordinator, and carpool matching program.</li> <li>◆ Provide transit facilities (e.g. bus bulbs/turnouts, benches, shelters).</li> <li>◆ Provide bicycle lanes and/or paths, incorporated into the proposed street systems and connected to a community-wide network (such as bikeways along Branham Lane).</li> <li>◆ Provide sidewalks and/or paths, connected to adjacent land uses, transit stops (such as the existing VTA bus stops on Snell Avenue), and/or a community-wide network.</li> </ul>	SU
CC-2: The project would generate increased GHG emissions that hinder or delay the State's ability to meet the AB 32 reduction target. This would be a <i>significant</i> impact.	S	CC-2: The applicant shall implement Mitigation Measures CC-1a and CC-1b.	SU

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TABLE 2-1 SUMMARY OF IMPACTS AND MITIGATION MEASURES (CONTINUED)

Significant Impact	Significance Before Mitigation	Mitigation Measures	Significance With Mitigation
<b>CULTURAL RESOURCES</b>			
<p><b>CULT-i:</b> Project ground-disturbing activities, including construction of secondary service roads, unpaved multi-use trails, pedestrian trails, bridges, and habitat enhancements along Canoas Creek have the potential to result in a <i>significant</i> impact on archaeological deposits that qualify as “historical resources” or “unique archaeological resources.”</p>	S	<p><b>CULT-1a:</b> Prior to project construction or ecological enhancement within 1,000 feet to the east of Canoas Creek and southwest of Canoas Creek to the park boundary to the southwest, a qualified archaeologist shall review final facility locations and project-specific details, i.e., proposed construction depths. The archaeologist shall prepare a plan that will detail a monitoring and/or subsurface archaeological testing program, as appropriate. In addition, a qualified archaeologist shall perform a pre-construction orientation and instruction on the identification and protection of archaeological resources in the event that archaeological resources are identified during project ground-disturbing activities and an archaeologist is not on site.</p> <p>As appropriate, a qualified archaeologist shall undertake a presence/absence subsurface archaeological testing program. The testing shall determine if prehistoric archaeological deposits, human remains, and/or buried paleosols suitable for occupation by prehistoric peoples are within areas slated for development in the vicinity of Canoas Creek and CA-SCL-295. The County shall consult with an appropriate Native American consultant included on a list of local tribal representatives maintained by the Native American Heritage Commission prior to any archaeological excavations. The consultation shall identify concerns that local tribal representatives may have regarding the excavations, and the appropriate agency shall make a good-faith effort to address such concerns.</p> <p>Upon completion of the subsurface testing, the archeologist shall prepare a report documenting the methods and results of the excavation and provide recommendations regarding the treatment of archaeological deposits or human remains and any associated</p>	LTS

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TABLE 2-1 SUMMARY OF IMPACTS AND MITIGATION MEASURES (CONTINUED)

Significant Impact	Significance Before Mitigation	Mitigation Measures	Significance With Mitigation
CULT-1 <i>continued</i>		<p>cultural materials, as appropriate. Pursuant to California Code of Regulations Section 15126.4(b)(3), preservation of archaeological sites in place shall be the preferred manner of mitigating impacts to archaeological sites. The report shall be submitted to the appropriate Lead Agency and the Northwest Information Center at Sonoma State University.</p> <p><b>CULT-1b:</b> In the event that archaeological materials are discovered during project activities and an archaeologist is not on site, the County shall inform its contractor(s) of the archaeological sensitivity of the project site by including the following measures in contract documents:</p> <p><i>“If prehistoric or historical archaeological deposits are discovered during project activities, all work within 25 feet of the discovery shall be redirected and a qualified archaeologist contacted to assess the situation, consult with agencies as appropriate, and make recommendations regarding the treatment of the discovery. Project personnel should not collect or move any archaeological materials or human remains and associated materials. Archaeological resources can include flaked-stone tools (e.g., projectile points, knives, choppers) or obsidian, chert, basalt, or quartzite toolmaking debris; bone tools; culturally darkened soil (i.e., midden soil often containing heat-affected rock, ash and charcoal, shellfish remains, faunal bones, and cultural materials); and stone-milling equipment (e.g., mortars, pestles, handstones). Prehistoric archaeological sites often contain human remains. Historical materials can include wood, stone, concrete, or adobe footings, walls, and other structural remains; debris-filled wells or privies; and deposits of wood, glass, ceramics, metal, and other refuse.”</i></p>	

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TABLE 2-1 SUMMARY OF IMPACTS AND MITIGATION MEASURES (CONTINUED)

Significant Impact	Significance Before Mitigation	Mitigation Measures	Significance With Mitigation
<p><b>CULT-2:</b> Although human remains have not been identified in the project site, the possibility of buried remains in the project site cannot be discounted. Disturbance of human remains would be a <i>significant</i> impact.</p>	S	<p><b>CULT-2:</b> If human remains are encountered during the project, these shall be treated in accordance with California Health and Safety Code Section 7050.5. The County shall inform its contractor(s) associated with project ground-disturbing activities of the sensitivity of the project site for human remains by including the following measures in contract documents:</p> <p><i>“If human remains are uncovered, work within 25 feet of the discovery shall be redirected and the County Coroner notified immediately. At the same time, an archaeologist shall be contacted—if one is not already on site—to assess the situation and consult with agencies as appropriate. Project personnel shall not collect or move any human remains or associated materials. If the human remains are of Native American origin, the Coroner must notify the Native American Heritage Commission within 24 hours of this identification. The Native American Heritage Commission will identify a Native American Most Likely Descendant to inspect the site and provide recommendations for the proper treatment of the remains and associated grave goods.”</i></p> <p>The County shall verify that the above language has been included in the appropriate contract documents before commencement of project ground-disturbing activities.</p> <p>Upon completion of the assessment, the archeologist shall prepare a report documenting the methods and results and provide recommendations regarding the treatment of the human remains and any associated cultural materials, as appropriate and in coordination with the recommendations of the Most Likely Descendant. The report shall be submitted to the appropriate Lead Agency and the Northwest Information Center at Sonoma State University.</p>	LTS

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TABLE 2-1 SUMMARY OF IMPACTS AND MITIGATION MEASURES (CONTINUED)

Significant Impact	Significance Before Mitigation	Mitigation Measures	Significance With Mitigation
<b>CULT-3:</b> The project site has the potential to contain buried archaeological deposits and human remains, which, in addition to their archaeological value, may have profound sacred significance to members of the local Native American community. Disturbance of such remains would constitute a <i>significant</i> impact.	S	<u>CULT-3:</u> Implement Mitigation Measures CULT-1a, CULT-1b, and CULT-2.	LTS
<b>CULT-4:</b> Although no archaeological sites have been identified within the project site, prehistoric sites in the Santa Clara Valley are frequently buried under alluvium, with little or no surface manifestation. The project has the potential to have a <i>significant</i> impact on buried archaeological sites.	S	<u>CULT-4:</u> Implement Mitigation Measure CULT-1a.	LTS
<b>GEOLOGY AND SOILS</b>			
<i>There are no significant impacts related to geology and soils as a result of proposed project; therefore, no mitigation measures are required.</i>			
<b>HAZARDS AND HAZARDOUS MATERIALS</b>			
<b>HAZ-1:</b> The project would result in ground disturbances that could potentially cause rodents to leave the site into nearby neighborhoods, causing a <i>significant</i> impact.	S	<u>HAZ-1:</u> Prior to ground disturbance, a representative from the County of Santa Clara Vector Control District shall be contacted to survey the property and make recommendations for pest control at the site. Additionally, if vector displacement is noted during any phase of the project, the Vector Control District shall be contacted to provide recommendations.  Mitigations to the Park property would involve the installation of buried welded wire extending below and above ground, and along the perimeter of the project site in areas adjacent to existing residential development to provide a barrier to movement by rodents. The fence shall be maintained until all vegetation is removed from the areas to be developed on the project site. Ground clearing and vegetation removal shall be started adjacent to the existing residences and move toward the preserved open spaces onsite. By moving from the existing development toward the open space, suitable	LTS

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TABLE 2-1 SUMMARY OF IMPACTS AND MITIGATION MEASURES (CONTINUED)

Significant Impact	Significance Before Mitigation	Mitigation Measures	Significance With Mitigation
HAZ-1 <i>continued</i>		cover in which rodents may seek shelter would be located away from the residences. Animals seeking such cover could then move to vegetated areas instead of to adjacent residences. The specific design of this mitigation, such as the size, height, and depth of the mesh, shall be determined in consultation with the Vector Control District.	
<b>HYDROLOGY, FLOODPLAINS, AND WATER QUALITY</b>			
<i>There are no significant impacts related to hydrology, floodplains, and water quality as a result of proposed project; therefore, no mitigation measures are required.</i>			
<b>NOISE</b>			
NOISE-1: Construction activities could result in exposure of persons to or generation of noise levels in excess of County standards. This would be a <i>significant</i> impact.	S	<p><b>NOISE-1:</b> The construction contractor shall implement the following measures:</p> <ul style="list-style-type: none"> <li>◆ In accordance with Chapter VIII of the County of Santa Clara Ordinance Code, the operating of tools and equipment for construction activities (including earthmoving and grading) within the project site shall be conducted only between the hours of 7:00 a.m. and 7:00 p.m. Monday through Saturday. Noise producing construction activities shall not occur on Sundays or holidays.</li> <li>◆ A notice of these construction hour restrictions shall be conspicuously posted at the entrance to the work site prior to commencement of the work informing all contractors and subcontractors, their employees, agents, materialmen and all other persons at the property of the basic limitations upon noise and construction activities provided in the County's Ordinance Code.</li> </ul>	LTS

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TABLE 2-1 SUMMARY OF IMPACTS AND MITIGATION MEASURES (CONTINUED)

Significant Impact	Significance Before Mitigation	Mitigation Measures	Significance With Mitigation
NOISE-1 <i>continued</i>		<ul style="list-style-type: none"> <li>◆ The applicant shall designate a “Noise Disturbance Coordinator” who shall be responsible for responding to any complaints about construction noise. The Noise Disturbance Coordinator shall determine the cause of the noise complaint and shall require that reasonable measures warranted to correct the problem be implemented. The applicant shall conspicuously post a telephone number for the Noise Disturbance Coordinator at the construction site.</li> <li>◆ The construction contractor shall minimize the number of earthmoving equipment pieces operated simultaneously within 60 feet of any single adjoining noise sensitive land use.</li> <li>◆ During construction, all construction equipment powered by internal combustion engines shall be properly muffled and maintained.</li> <li>◆ Unnecessary idling of internal combustion engines shall be prohibited.</li> <li>◆ All stationary noise-generating equipment, such as air compressors, shall be located as far as practical from residences in the vicinity of the project site.</li> <li>◆ Whenever feasible, quiet construction equipment, particularly air compressors, shall be utilized.</li> </ul>	

**TRANSPORTATION AND CIRCULATION**

*The project would not result in any significant impacts to transportation and circulation; therefore, no mitigation measures are required.*

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TABLE 2-1 SUMMARY OF IMPACTS AND MITIGATION MEASURES (CONTINUED)

Significant Impact	Significance Before Mitigation	Mitigation Measures	Significance With Mitigation
<b>UTILITIES AND INFRASTRUCTURE</b>			
<i>The project would not result in any significant impacts to utilities and infrastructure; therefore, no mitigation measures are required.</i>			
<b>PUBLIC SERVICES AND RECREATION</b>			
<i>The project would not result in any significant impacts to public services and recreation; therefore, no mitigation measures are necessary.</i>			

### 3 REVISIONS TO THE DRAFT EIR

This chapter presents specific changes to the Draft EIR that are being made in response to comments made by the public and/or reviewing agencies and staff-directed changes. In each case, the revised page and location on the page is set forth, followed by the textual, tabular, or graphical revision. None of the changes constitute significant changes to the Draft EIR, so the Draft EIR does not need to be recirculated.

All changes to Chapter 1 of the Draft EIR, including changes to Table 1-1, Summary of Impacts and Mitigation Measures, are included in Chapter 2 of this Final EIR.

**The second bulleted item under “B. Summary of Goals and Need for the Park Plan” on page 1-3 of the Draft EIR is hereby amended as follows:**

- ◆ The Park’s focus will be education and commemoration of Santa Clara County’s agricultural history. Portions of the Park will be under agricultural use, and portions under educational and cultural uses, all related to the Park’s recreational and interpretive purpose ~~for the promotion of local agriculture~~. Research and commercial agricultural uses will be limited to those that are reasonably related to the history of farming in the Santa Clara Valley.

**The third sentence under “D. Park Plan Summary” on page 1-4 of the Draft EIR is hereby amended as follows:**

Phase 1, which would extend from ~~2010~~ 2011 to 2019, would focus on establishing basic infrastructure and facilities to enable farming operations to be initiated during Phase 1, as well as necessary improvements to allow for public access and limited recreational activities.

**The following items are hereby added to the end of the first bulleted list under “D. Park Plan Summary” on page 1-5 of the Draft EIR:**

- ◆ Modification or upgrade of the existing bridge across Canoas Creek
- ◆ Two new pedestrian/bicycle crossings across Canoas Creek

The following items are hereby amended and added to the end of the second bulleted list under “D. Park Plan Summary” on page 1-5 of the Draft EIR:

- ◆ Canoas Creek channel improvements re-vegetation
- ◆ Pedestrian undercrossing beneath Highway 85/ neighborhood access to/from Martial Cottle Park

The second bulleted item under “1. Goals and Need for the Park Plan” on page 3-2 of the Draft EIR is hereby amended as follows:

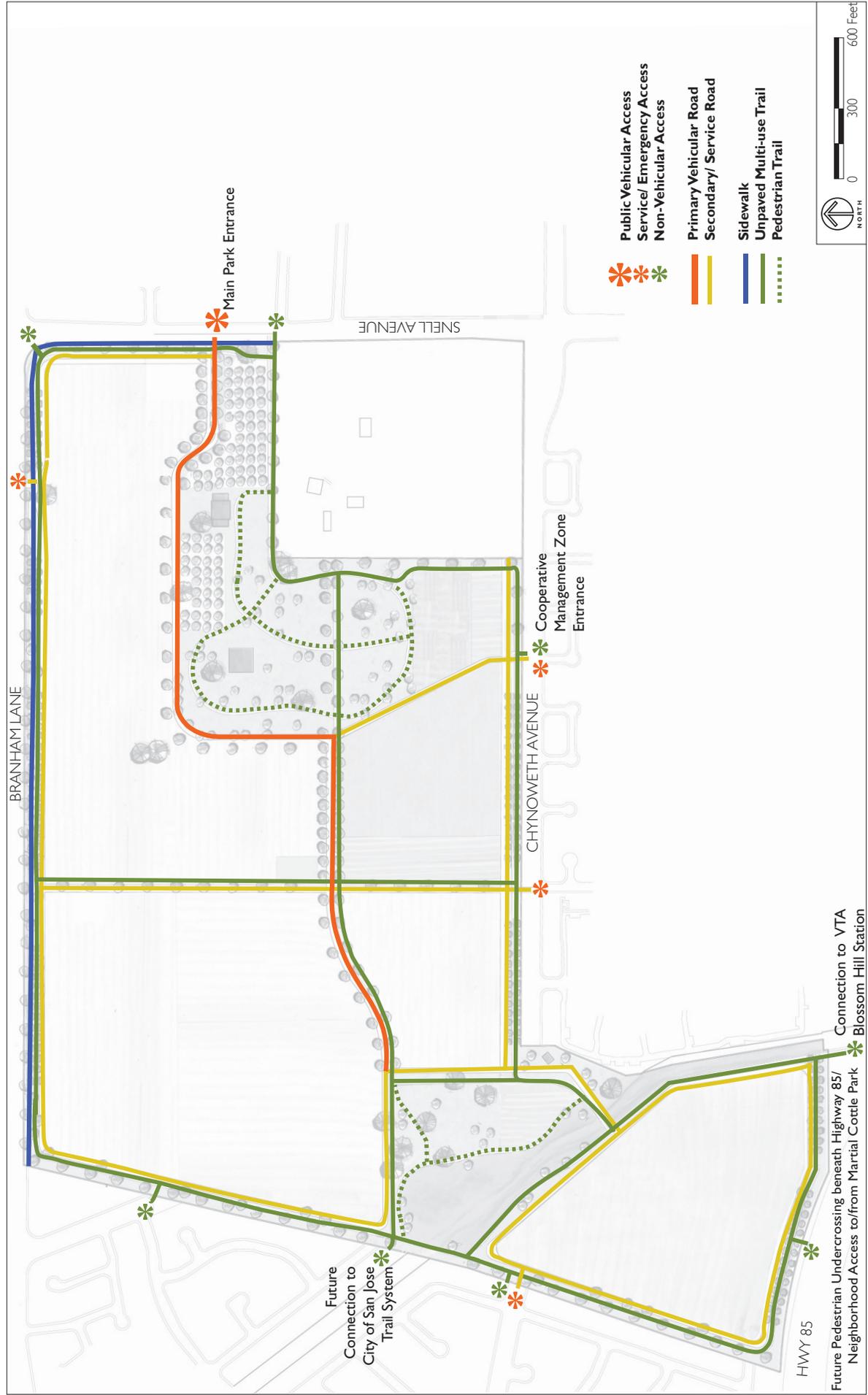
- ◆ The Park’s focus will be education and commemoration of Santa Clara County’s agricultural history. Portions of the Park will be under agricultural use, and portions under educational and cultural uses, all related to the Park’s recreational and interpretive purpose ~~for the promotion of local agriculture~~. Research and commercial agricultural uses will be limited to those that are reasonably related to the history of farming in the Santa Clara Valley.

Figure 3-5 on page 3-21 of the Draft EIR is hereby replaced with the figure on the following page. Revisions to Figure 3-5 include:

- ◆ Addition of a non-vehicular access point north of Canoas Creek channel for a future connection to the City of San Jose trail system.
- ◆ Amending the label for “Future Undercrossing/Connection to Blossom Hill Road” to “Future pedestrian undercrossing beneath Highway 85/ neighborhood access to/from Martial Cottle Park.”

The second full paragraph under “c. Non-Vehicular Circulation” on page 3-24 of the Draft EIR is hereby amended as follows:

The project would include three ~~new~~ bridges: a new pedestrian/bicycle crossing along the western perimeter of the project site, over Canoas Creek; ~~one to replace~~ modification, upgrade, or replacement of the existing vehicular bridge over Canoas Creek, near the on-site pump house; and a new pedestrian/bicycle crossing over Canoas Creek to the Blossom Hill light rail station. The bridges will be designed so that there are no impacts to the channel capacity of Canoas Creek or the SCVWD’s access along the top of the bank.



Source: DC&E, 2010.

STATE OF CALIFORNIA/SANTA CLARA COUNTY  
 MARTIAL COTTLE PARK  
 STATE PARK GENERAL PLAN/COUNTY PARK MASTER PLAN EIR

Future Pedestrian Undercrossing beneath Highway 85/  
 Neighborhood Access to/from Martial Cottle Park

FIGURE 3 - 5  
 CIRCULATION PLAN

The project would also include a future pedestrian undercrossing beneath Highway 85 to provide neighborhood access to and from the Park. The undercrossing would provide another walk-in neighborhood access point into the Park, from the neighborhoods south of Highway 85. The pedestrian undercrossing would be part of subsequent phases of the Park development and would include off-site improvements.

The last bulleted item under “6. Best Management Practices” in the last paragraph on page 3-28 of the Draft EIR is hereby amended as follows:

- ◆ Adhere to County guidelines for use of pesticides and fertilizers in order to reduce potential adverse impacts to local and regional water resources. (Guideline HYDRO.~~65~~)

The following text is hereby added to Section D. Implementation on page 3-29 of the Draft EIR, as a new paragraph following the second bulleted list:

The County Parks Department has completed a Williamson Act Compatible Land Use Determination that shows the project presumptively compatible with the agricultural use of the contracted land.

The first full paragraph under “1. Phase 1” of Section D. Implementation on page 3-29 of the Draft EIR is hereby amended as follows:

Phase 1 components are evaluated in this EIR at the project level, as described in Section 15161 of the CEQA Guidelines. Phase 1 would extend from ~~2010~~ 2011 to 2019, during the Williamson Act contract non-renewal period of the three parcels.

The following item is hereby added to the end of the first bulleted list under “Parkwide Circulation and Access” on page 3-30 of the Draft EIR:

- ◆ Modify or upgrade the existing bridge across Canoas Creek and create two new pedestrian/bicycle crossings across Canoas Creek.

The first sentence of the first full paragraph under “2. Subsequent Phases” on page 3-32 of the Draft EIR is hereby amended as follows:

~~Phase 1~~ Subsequent phase components are evaluated in this EIR at the program level, as described in Section 15168 of the CEQA Guidelines.

The first paragraph under “E. Required Permits and Approvals” on page 3-33 of the Draft EIR is hereby amended as follows:

Under the JPOA between California State Parks and County Parks, the County is the lead agency and is responsible for park development and operations on the State-owned and the County-owned properties. Since the County is the lead agency, this section identifies County permits and regulations, even though many do not apply to State Parks. ~~Certain County~~ The County Parks Department will comply with applicable County land use and building regulations, such as Architectural and Site Approval guidelines and permits and approvals from County Land Development Services, do not apply to public development, and therefore do not apply to Martial Cottle Park. However, County Parks may consult with County Development Services when appropriate. Local building codes and ordinances are not included in this section because Government Codes 53090 and 53091 exempt the County from compliance. In the event that the project site is annexed by the City, State Government Code 52090 and 53901 do not require the County to comply with municipal planning/building processes and procedures. these codes would continue to be exempt the project from local building codes and ordinance.

First bulleted item under Section E. Required Permits and Approvals for the “California State Parks” on page 3-33 of the Draft EIR is hereby amended as follows:

- Consideration of Findings of adopted EIR and Statement of Overriding Considerations for the Final EIR for the Martial Cottle Park State Park General Plan/County Park Master Plan

An additional bulleted item is added and the second bulleted item under Section E. Required Permits and Approvals for the “County of Santa Clara” on page 3-34 of the Draft EIR is hereby amended as follows:

- Consideration of Williamson Act Contract Compatible Use Determination (see Appendix D)
- Consideration of Statement of Overriding Considerations for the Final EIR

- Certification of the EIR for the Martial Cottle Park State Park General Plan/County Park Master Plan

The bulleted text under Section E. Required Permits and Approvals for the “Santa Clara Valley Water District” on page 3-34 of the Draft EIR is hereby amended as follows:

- ◆ Santa Clara Valley Water District:
  - Encroachment permit
  - Permit for development, modification, or abandonment of on-site wells

The first paragraph under “4. Santa Clara Valley Guidelines & Standards for Land Use near Streams User Manual” on page 4.1-2 of the Draft EIR is hereby amended as follows:

In 2006, the Santa Clara Valley Water Resources Protection Collaborative adopted the Guidelines & Standards for Land Use near Streams. These guidelines and standards apply to areas outside of the SCVWD’s right of way; for areas within the SCVWD’s right-of-way, the Water Resources Protection Ordinance (WRPO) and associated Water Resources Protection Manual apply. The Santa Clara Valley Water Resources Protection Collaborative published a User Manual for the Guidelines & Standards for Land Use near Streams containing tools, standards, and procedures for the protection of streams and streamside resources in the county. The guidelines and standards fall within the following activity headings:

The first full sentence under “2. Conflict with Any Applicable Land Use Plan, Policy, or Regulation Adopted for the Purpose of Avoiding or Mitigating an Environmental Effect” on page 4.1-14 of the Draft EIR is hereby amended as follows:

~~In addition, Although~~ the Plan includes the construction of two new crossings and the modification or upgrade of the existing crossing across Canoas Creek, activity in the riparian area would be temporary and improvements would be designed and constructed consistent with applicable County and State policies and requirements ~~would not propose any new structures within the riparian area.~~

**The first paragraph under “3. Creation of a New Source of Substantial Light or Glare” on page 4.2-18 of the Draft EIR is hereby amended as follows:**

The project would require new sources of interior lighting in the new visitor center and pavilion and in recreational and agricultural facilities, ~~as well as~~ new sources of exterior lighting in parking areas, outside of new buildings, in picnic areas, and along trails; and lighting from mobile equipment used during nighttime agricultural activities, commensurate with historical and current activities. New exterior lighting could result in visual impacts, particularly to adjacent residences. However, guidelines in the proposed Plan call for new lighting to be limited, and would prevent new lighting from leading to substantial adverse affects. Guideline UTIL.65 is: “Limit lighting in the Park and utilize fully-shielded solar-powered LED light standards.” Guideline VIS.8 is to “Provide limited and fully shielded site lighting only as necessary for public safety to minimize potential impacts on park neighbors, the night sky, and wildlife habitat.” In addition, the Design Guidelines chapter of the proposed Plan states that building design should employ natural lighting. Implementation of these guidelines would limit that amount of new lighting that would be needed for interior and exterior lighting throughout the project site, and would ensure that new lighting is designed to reduce potential adverse effects.

**The first full paragraph under “1. Conversion of Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland) to Non-Agricultural Use” on page 4.3-13 of the Draft EIR is hereby amended as follows:**

The distribution of land uses proposed in the Plan was developed through an extensive public planning process. Master Plan alternatives were considered that included a different entrance location so that a maximum amount of Prime Farmland could be preserved. However, such Master Plan alternatives resulted in other planning issues, such as concerns regarding potential Park entrance locations, and were not selected as the preferred alternative that became the proposed Plan. Although the Park includes these uses that are non-agricultural, they would directly support the long-term viability of the Park as an agricultural preserve. This would be consistent with the County’s General Plan Policy R-LU 11, which describes the allowable uses within the Agriculture designation as: (a) agriculture and ancillary uses; (b) uses necessary to

directly support local agriculture; and (c) other uses compatible with agriculture which clearly enhance the long term viability of local agriculture and agricultural lands. The project affirms this policy with the Park Donor's deed restrictions and property transfer agreement and the following Fundamental Parkwide Goal: "The Park's focus will be education and commemoration of Santa Clara County's agricultural history. Portions of the Park will be under agricultural use, and portions under educational and cultural uses, all related to the Park's recreational and interpretive purpose for the promotion of local agriculture. Research and commercial agricultural uses will be limited to those that are reasonably related to the history of farming in the Santa Clara Valley." These uses would also be consistent with Section C13-15(b) of the County of Santa Clara Ordinance Code, which lists uses considered to be compatible with land under Williamson Act contracts.

**Section D.3.a ("Conflicts with the Existing Williamson Act Contracts or the County's Williamson Act Ordinance and Guidelines") on page 4.3-14, continuing onto page 4.3-15, of the Draft EIR is hereby amended as follows:**

**a. Project-Level Components**

Project-level components include Phase I of the Plan. Phase I would take place from ~~2010~~ 2011 to 2019, during the Williamson Act contract non-renewal period of the three parcels. During the period of the Williamson Act contracts, County will maintain agricultural uses on relevant parcels consistent with the deed restrictions on the operation of the Park. Before the contracts expire, all project site development would be subject to ~~meet~~ the following ~~requirements of the County's~~ Williamson Act Program guidelines:

- ◆ Assuming the land is planted with standard-value crops, 60 percent of each parcel under contract is devoted to commercial agricultural production. If the land is planted in high-value crops, only 50 percent of the land must be in production. The crops must generate at least \$1,000 per acre per year to qualify as high value agriculture.
- ◆ No more than 10 percent (not to exceed 5 acres) of the parcel is developed with compatible uses such as barns and paved roads.

Phase 1 would focus on types of development in the Park that would maintain compliance with the Williamson Act during the contract non-renewal phase. Such development activities would include establishing basic infrastructure and facilities to enable farming operations to be initiated during Phase 1. The County Parks Department has completed a Williamson Act Compatible Land Use Determination that shows the project as being presumptively compatible with the agricultural use of the contracted land. For a detailed list of development objectives identified for Phase I, refer to Chapter 3, Project Description, of this Draft EIR. Phase 1 would include the issuance of Requests for Proposals from farmers and lessees of the leased agricultural areas, which would enable the farming of the approximately 140 acres in the Leased Agriculture Zone of the project site. As described in Chapter 3, Project Description, Phase 1 components would be implemented to meet ~~the following requirements~~ of the County's Williamson Act Program guidelines, where Phase 1 includes continued agricultural use and presumptively compatible recreational and educational use. In addition, Phase 1 includes related development such as new buildings and structures, roads, and paved areas that will support the Park's purpose, as dictated by grant deed restrictions, to commemorate the county's agricultural history and provide public education. Therefore, project-level components of the project would not conflict with Williamson Act guidelines or contracts and the impact would be *less than significant*.

**Mitigation Measure AQ-3 on page 4.4-28 of the Draft EIR is hereby amended as follows:**

Mitigation Measure AQ-3: Prior to implementation of any livestock operations, appropriate buffers between the livestock facility and existing residential uses shall be established. ~~An Lessee shall be required to prepare an~~ odor impact minimization plan. County will establish ~~with~~ fence line odor detection thresholds ~~shall be implemented~~ prior to developing livestock facilities. The odor impact minimization plan shall describe odor controls and procedures designed into the livestock operations along with contingencies to address potential odor complaints.

The last paragraph under “*iii. Wetlands*” on page 4.5-14, continuing onto page 4.5-15, of the Draft EIR is hereby amended as follows:

Canoas Creek (see Figure 4.5-1), a perennially wet flood protection channel that is tributary to the Guadalupe River, flows through the southwestern corner of the project site on its way to the Guadalupe River. Canoas Creek is a constructed drainage channel with a bottom that is lined with concrete. Sediment deposits have accumulated along this creek and provide habitat for aquatic and terrestrial vegetation. However, conditions within this creek provide only marginal habitat for native plants and animals. Canoas Creek once fed a fairly extensive marshland (Canoas Marsh).<sup>9</sup> Historically the creek and marshland likely supported native emergent wetland vegetation, such as tules and cattails, and a riparian woodland with native riparian plant species, such as willows. The historic Canoas Creek and marshland likely provided higher quality habitat for migratory waterfowl and other wildlife species.<sup>10</sup>

This constructed creek has altered the natural hydrology and seasonal flooding that likely occurred on the site in historic times, but still functions as a movement corridor for several aquatic and terrestrial animal species. This channel largely prevents water from flowing onto the project site. Water within the channel seems to have no influence on the site’s vegetation. Canoas Creek is also likely subject to regulation under Section 404 of the Federal CWA or the State of California’s Porter-Cologne Act.

<sup>9</sup> Leventhal, Alan, et al., 2009, *Final Report on the Burial and Archaeological Data Recovery Program Conducted on a Portion of a Middle Period Ohlone Cemetery, Katwas Ketneyma Wareeptak (The Four Matriarchs Site) CA-SCL-869, Muwekma Ohlone Tribe of the San Francisco Bay Area, Ohlone Families Consulting Services, 6-2 to 6-3.*

<sup>10</sup> LSA Associates, email correspondence with DC&E, December 1, 2010.

**Mitigation Measure BIO-1a on page 4.5-38, continuing onto 4.5-39, of the Draft EIR is hereby amended as follows:**

Mitigation Measure BIO-1a: Project-related construction activities shall ideally occur during the non-breeding season (September 1 to January 31) to avoid potential impacts to nesting birds, if present. If construction activities cannot occur in the non-breeding season, then a preconstruction survey for

active bird nests shall be required within 500 feet of an area proposed for development. If construction activities do occur in the non-breeding season, a pre-construction survey for burrowing owls shall be completed no more than two calendar days prior to construction within 500 feet of an area proposed for development to avoid impacts to wintering burrowing owls, if present.

During the breeding season (February to August), surveys to determine the presence of nesting birds shall be conducted by a qualified wildlife biologist (i.e., approved by CDFG), or qualified Natural Resources Management Program staff, no more than ~~30~~ 14 days prior to the initiation of any construction activities. Survey protocols for known occurrences of special status birds will follow current standards established by CDFG at the time of project implementation.

If birds (excluding non-native species) are observed nesting on or adjacent to the site during these surveys, construction buffers shall be established around all active nests. The size of the nest buffer shall be determined by the biologist or qualified Natural Resources Management Program staff in consultation with CDFG and would be based to a large extent on the nesting species and its sensitivity to disturbance. All project-related activity shall occur outside of the exclusion area until a qualified biologist or qualified Natural Resources Management Program staff has determined that the young have fledged from the nest.

**Mitigation Measure BIO-1b on page 4.5-39 of the Draft EIR is hereby amended as follows:**

Mitigation Measure BIO-1b: The County shall annually monitor raptor nesting activity within the Park and establish appropriate human exclusion zones around the active nest(s). The size of the nest buffer, if necessary, shall be determined by a qualified biologist, or qualified Natural Resources Management Program staff, in consultation with CDFG and would be based to a large extent on the bird's sensitivity to disturbance. All human activity shall occur outside of the exclusion area until a qualified biologist or qualified Natural Resources Management Program staff has determined that the young have fledged from the nest or the raptor nesting has ceased for the year. If the

qualified biologist or qualified Natural Resources Management Program staff and CDFG determine that the nesting raptors are not disturbed by human activity in the Park, an exclusion zone and annual monitoring for raptor nests may not be required.

**The third paragraph of Mitigation Measure BIO-2 on page 4.5-39, continuing onto page 4.5-40 of the Draft EIR is hereby amended as follows:**

In areas adjacent to Canoas Creek, the project contractor shall place a fence between the proposed grading areas and the creek to discourage adult female turtles from entering and nesting in these areas. Installation of the fence shall be supervised by a qualified biologist or qualified Natural Resources Management Program staff. The fence mesh shall be of a size to allow hatchling turtles to pass through, but exclude adult females (approximately 3 by 3 inches). The fence shall be in place prior to April 1 and grading within the fenced-off areas shall be delayed until July 1. This would allow hatching turtles that have over-wintered in the proposed grading area to leave the nest and return to aquatic habitat in the creek. After the first year of grading, construction within the fenced areas can be conducted throughout the year because nesting females would have been excluded from these areas and nests would not be present. After project construction is complete, the turtle exclusion fence may be removed.

**Mitigation Measure BIO-3a on page 4.5-40 of the Draft EIR is hereby amended as follows:**

Mitigation Measure BIO-3a: Develop and implement an agricultural management plan for the Leased Agriculture Zone that will promote crop rotation, harvesting techniques, establishment of cover strips, and other agricultural practices to support wildlife values while maintaining viable agricultural operations. ~~The~~ Lessee's agricultural management plan shall be approved by Santa Clara County Parks.

**Mitigation Measure BIO-3b on page 4.5-41 of the Draft EIR is hereby amended as follows:**

Mitigation Measure BIO-3b: ~~The Leases will provide that the application of rodenticides shall be eliminated or reduced~~ or eliminated, where possible, in order to increase prey abundance.

**Mitigation Measure BIO-4a on page 4.5-41 of the Draft EIR is hereby amended as follows:**

Mitigation Measure BIO-4a: Prior to construction of the project, a rare plant survey according to CNPS, CDFG, and USFWS protocols shall be conducted for Congdon's tarplant in areas where development is proposed to determine if any rare plants are present. The survey shall be conducted by a qualified biologist approved by CDFG, or qualified Natural Resources Management Program staff, familiar with the flora of the San Jose area, and with expertise in the identification of Congdon's tarplant. Surveys shall be conducted during the peak of Congdon's tarplant's growing season within the summer months to ensure that they are observed, if present. If no Congdon's tarplant populations are found on-site, then the qualified biologist or qualified Natural Resources Management Program staff shall prepare and submit a report to the County documenting the negative findings of the survey. At a minimum, the report shall include dates of surveys, names of surveyors, and a list of all plants observed. No additional mitigation shall be required if Congdon's tarplant are not found during the protocol-level surveys. According to the standard protocols, the results of a negative-findings plant surveys would be considered valid for two years. Thereafter, additional protocol-level surveys would be required.

**Mitigation Measure BIO-4b on page 4.5-41, continuing onto page 4.5-42, of the Draft EIR is hereby amended as follows:**

Mitigation Measure BIO-4b: If Congdon's tarplant populations are observed on-site, then a mitigation and monitoring plan shall be developed by the County to avoid and or compensate for the loss of special-status plant populations, prior to establishing area for lease. Significant adverse impacts to this plant shall be mitigated either by avoidance or through compensatory mitigation in accordance with the following standards.

1. Whenever feasible, Congdon's tarplant populations shall be avoided and the populations protected in place. Avoidance measures may include fencing the existing plants with Environmentally Sensitive Area (ESA) fencing prior to construction, establishing a buffer zone of at least 20 feet around rare plant populations, and implementing a training program for construction personnel to ensure avoidance of the preserved plant populations.
2. If impacts to Congdon's tarplant populations are unavoidable, the ~~project sponsor~~ County shall mitigate for the impact by preserving existing plant populations of the same species at an offsite mitigation site within another County Park at a minimum 2:1 ratio (2 acres of occupied habitat preserved for each acre of occupied habitat impacted). The ~~project sponsor~~ County shall develop a mitigation and monitoring plan for the plants that are impacted and submit the plan to the ~~County and~~ CDFG for approval.

**The last paragraph under "2. Substantial Adverse Effect on Any Riparian Habitat or Other Sensitive Natural Community" on page 4.5-42, continuing onto page 4.5-43, of the Draft EIR is hereby amended as follows:**

Canoas Creek cuts through the southwestern portion of the project site. The creek is concrete-lined, but has accumulated sediment that supports limited riparian vegetation and habitat. The proposed project would not impact the existing concrete-lined channel and banks. The existing creek crossing would be modified or upgraded to allow improved access over Canoas Creek. It has not yet been determined whether the existing crossing would need to be replaced, but it is expected that these modifications are not expected to impact the creek since the ~~footings and~~ width of the crossing is not expected to be significantly altered. In addition, the project would include two new bridges: a new pedestrian/bicycle crossing along the western perimeter of the project site, and a new pedestrian/bicycle crossing over Canoas Creek to the Blossom Hill light rail station. Any work that would occur around Canoas Creek below the Ordinary High Water Mark (OHWM) would require a Corps permit and associated RWQCB certification. Work along the creek bed and banks would also require a Streambed Alteration Agreement from the

CDFG. The modification of the existing bridge and creation of new bridges across Canoas Creek could create a *less-than-significant* impact on riparian habitat.

**Mitigation Measure BIO-5 on page 4.5-43 of the Draft EIR is hereby amended as follows:**

Mitigation Measure BIO-5: Prior to initiating construction or enhancement to Canoas Creek, the ~~applicant~~ County shall contact the Corps and RWQCB to determine what type of permit is required and if any mitigation is necessary. If BMPs are employed, impacts to Corps jurisdiction would be short-term and temporary, and mitigation may not be required. However, both agencies shall be contacted before any construction activity below the OHWM occurs.

**Mitigation Measure BIO-6b on page 4.5-45 of the Draft EIR is hereby amended as follows:**

Mitigation Measure BIO-6b: The ~~applicant~~ County shall obtain the appropriate federal and State permits authorizing the fill of jurisdictional wetlands and other waters including waters of the State. All work in jurisdictional areas shall be in compliance with the terms and conditions of the federal and state permits.

**The first full paragraph under “8. Impact to a Watercourse, Aquatic, Wetland, or Riparian Area or Habitat; a. Project-Level Components” on page 4.5-51 of the Draft EIR is hereby amended as follows:**

The modification of the existing bridge and proposed new bridges across Canoas Creek would cause a *less-than-significant* impact to riparian areas or habitat.

**The third sentence of the first full paragraph under “2. Conflicts with Applicable Greenhouse Gas Reduction Plans, Policies, or Regulations” on page 4.6-30 of the Draft EIR is hereby amended as follows:**

~~Policy~~ Guideline AG.8 of the Plan could reduce GHG emissions related to agricultural production by supporting carbon efficient farming methods and other climate change strategies.

The bulleted list under “2. Conflicts with Applicable Greenhouse Gas Reduction Plans, Policies, or Regulations” beginning on page 4.6-30, and continuing onto page 4.6-32, of the Draft EIR is hereby amended as follows:

The project’s GHG emissions generated during construction and operation would be minimized by virtue of the following guidelines contained in the Plan:

- ◆ RESOURCES.1: Preserve and establish locally native vegetation communities and wildlife habitat within the Park to the extent possible while allowing for primary development of agricultural, educational and recreational uses.
- ◆ PLANT.5: Incorporate climate-appropriate and drought-tolerant species to reduce the amount of water used for irrigation in the nonagricultural areas of the Park.
- ◆ HYDRO.1: Employ high-efficiency irrigation systems, controllers and schedules in agricultural, recreational and other areas of the Park requiring irrigation. Where applicable, the County will apply the County’s Water Conservation in Landscaping Ordinance.
- ◆ HYDRO.2: Minimize irrigation in non-agricultural areas through water conservation techniques such as the use of high-efficiency irrigation equipment, appropriate design, proper installation, proper maintenance, and appropriate irrigation schedules.
- ◆ AG.8: Utilize sustainable farming practices that integrate natural biological cycles and controls; protect and enhance soil fertility and the natural resource base; and minimize adverse impacts on public health, safety, wildlife, water quality and the environment.
- ◆ CIRC.5: Develop strategies for facilitating travel to and from the Park via alternative, non-automobile modes, such as bus, light rail, Caltrain, bicycle, and walking.
- ◆ CIRC.6: Provide bicycle parking according to VTA Countywide Bicycle Plan Technical Guidelines.
- ◆ CIRC.~~87~~: Work with the City of San José and the Santa Clara Valley Transportation Authority (VTA) to provide safe and convenient pedes-

trian and bicycle connections from nearby transit nodes that include bus stops, light rail, and Caltrain stations to the Park.

- ◆ CIRC.~~98~~: Work with the City of San Jose and the VTA to provide multiple points of walk-in entry and crosswalks for pedestrians and bicyclists to facilitate access to the Park from surrounding neighborhoods and regional transit.
- ◆ CIRC.~~109~~: Work with the VTA to develop safe and attractive designs for area bus stops serving park visitors that is in keeping with its historic farming nature, to promote public transit as a preferred means of travel to the Park.
- ◆ CIRC.~~1342~~: Establish trail connections throughout the Park to provide convenient connections between Park destinations.
- ◆ CIRC.~~1443~~: Provide trails around the perimeter as well as through the Park that are designed to accommodate safe and compatible use by multiple trail user groups, including pedestrians, joggers, rollerbladers, bicyclists, and equestrians.
- ◆ CIRC.~~1847~~: Work with the City of San Jose to provide safe and comfortable pedestrian and bicycle crossings at all intersections leading to the Park.
- ◆ UTIL.~~32~~: Encourage use of recycled/reclaimed water where appropriate, and harvest rainwater and greywater for use in non-agricultural irrigation where feasible.
- ◆ UTIL.~~43~~: Maximize use of sustainable energy practices such as the use of solar, and wind, passive solar, and geothermal technologies.
- ◆ UTIL.~~65~~: Limit lighting in the Park and utilize fully-shielded solar-powered LED light standards.
- ◆ UTIL.~~76~~: Utilize passive cooling techniques where possible.
- ◆ UTIL.~~109~~: Encourage recycling services and the means and methods for collecting and separating each type of debris deemed reusable or recyclable. Encourage on-site composting, mulching or reuse of plant debris.

- ◆ UTIL.~~1140~~: Require concessionaires to use recyclable and/or compostable materials.
- ◆ UTIL.1244: Work with the City of San José to establish a program that minimizes the amount of waste sent to landfills from the Park. The program should include strategies adopted from the City of San José's Zero Waste Event Program.

The first paragraph of Mitigation Measure CULT-1a on page 4.7-19, continuing onto page 4.7-20, of the Draft EIR is hereby amended as follows:

Mitigation Measure CULT-1a: Prior to project construction or ecological enhancement within 1,000 feet to the east of Canoas Creek and southwest of Canoas Creek to the park boundary to the southwest, a qualified archaeologist<sup>39</sup> shall review final facility locations and project-specific details, i.e., proposed construction depths. The archaeologist shall prepare a plan that will detail a monitoring and/or subsurface archaeological testing program, as appropriate. In addition, a qualified archaeologist shall perform a pre-construction orientation and instruction on the identification and protection of archaeological resources in the event that archaeological resources are identified during project ground-disturbing activities and an archaeologist is not on site.

As appropriate, a qualified archaeologist shall undertake a presence/absence subsurface archaeological testing program. The testing shall determine if prehistoric archaeological deposits, human remains, and/or buried paleosols suitable for occupation by prehistoric peoples are within areas slated for development in the vicinity of Canoas Creek and CA-SCL-295. The County shall consult with an appropriate Native American consultant included on a list of local tribal representatives maintained by the Native American Heritage Commission prior to any archaeological excavations. The consultation shall identify concerns that local tribal representatives may have regarding the excavations, and the appropriate agency shall make a good-faith effort to address such concerns.

**The first paragraph on page 4.9-16 of the Draft EIR, under “1. Creation of Significant Hazards to the Public or the Environment through the Routine Transport, Use or Disposal of Hazardous Materials,” is hereby amended as follows:**

In addition, the proposed Plan calls for sustainable farming practices<sup>8</sup> that would reduce the amount of harmful pesticides. The Martial Cottle Park would be subject to the county’s IPM Ordinance, which would require the use of natural biological cycles and controls, and other sustainable practices. Proposed Guideline SOIL.3 states that sustainable agriculture practices should be employed for building soil health in agricultural areas, including tilling, soil conservation, cover crops, crop rotation, mulching, and composting. Guideline AG.8 also calls for using sustainable farming practices that integrate natural biological cycles and controls; protect and enhance soil fertility and the natural resource base; and minimize adverse impacts on public health, safety, wildlife, water quality and the environment. Guideline PLANT.4 states that the Plan and Park should adhere to Ordinance Number NS-517.70, 5-21-02 of the County of Santa Clara Ordinance Code, which requires the elimination or reduction of pesticide application on County property to the maximum extent feasible. Finally, Guideline HYDRO.6~~5~~ states that the Plan should adhere to County guidelines for use of pesticides and fertilizers in order to reduce potential adverse impacts to local and regional water resources.

**The first full paragraph under “8. Proposal of a Site Plan that Would Result in a Safety Hazard” on page 4.9-22, continuing onto page 4.9-23, of the Draft EIR is hereby amended as follows:**

The project could result in a safety hazard if the ~~site~~ conceptual land use and circulation plan included features or new uses that would create safety risks for Park users or people in the vicinity of the project site. As discussed above, the ~~site~~ conceptual land use and circulation plan for the Park includes appropriate public and emergency access. One of the goals of the proposed Plan is to provide safe and convenient access to the Park for a wide range of users. Under that goal, Guideline CIRC.1 calls for a single public vehicular entry to the Park that minimizes potential traffic and parking impacts on surrounding neighborhoods. Guideline CIRC.2 calls for the design and main-

tenance of emergency access roads to meet Santa Clara County Fire Marshal Office standards. Guideline CIRC.3 calls for adequate parking on site to minimize parking on adjacent residential streets. Guideline CIRC.4 would locate adequate visitor parking to reduce potential for circulation, parking, and visual impacts on adjacent neighborhoods. Guideline CIRC.~~1413~~ would provide trails around the perimeter as well as through the Park that are designed to accommodate safe and compatible use by multiple trail user groups, including pedestrians, joggers, rollerbladers, bicyclists, and equestrians. Guideline CIRC.~~1847~~ calls for cooperation with the City of San Jose to provide safe and comfortable pedestrian and bicycle crossings at all intersections leading to the park. Finally, Guideline CIRC.~~1948~~ calls for the development of coordinated facilities use and parking strategy for special events that optimizes the beneficial use of parkland during non-event periods, avoids visual impacts associated with large parking lots, and minimizes parking impacts on adjacent residential neighborhoods. Implementation of ~~policies~~ goals and guidelines proposed in the Plan, along with the creation of site design features to enhance public safety, would ensure that there would be a *less-than-significant impact* from the project's site conceptual land use and circulation plan.

**The last paragraph on page 4.10-9, continuing onto page 4.10-10, under “f. Flood Protection” of the Draft EIR is hereby amended as follows:**

The SCVWD has the primary responsibility for flood protection capital projects on stream channels. Though the proposed project is located within City of San Jose's Urban Service Area, it is on State/County-owned land and is therefore not directly subject to City stream and floodplain policies. However, given the proximity of the project to areas of City jurisdiction, some coordination may be necessary to maintain consistency and proper function of floodplain areas. The project is subject to County and State policies regarding streams and floodplains, including the County's floodplain ordinance.

**The last paragraph under “2. Soils” on page 4.10-11 of the Draft EIR is hereby amended as follow:**

The soils in the project site are dominantly fine-grained and poorly drained soils developed on alluvium. The soil types include Clear Lake clay, Ores-

timba silty clay loam, and Sunnyvale silty clay. These soils are rated as Hydrologic Soil Group D, which indicates high runoff potential (low infiltration rates).<sup>13</sup> Although ponding is described to occur in these types of soils, the Donor's lessee explained that ponding occasionally occurs within the western central portion of the Project site, but rarely occurs in other portions of the property. The soil description of the Donor and Donor's lessee indicates more sand and gravel is present on-site than would be expected based on the Natural Resources Conservation Service descriptions, which would increase the infiltration rates compared to the mapped soil types. The sand and gravel referred to is likely the alluvium beneath the developed soil profile (see Figure 4.8-3, Project Site Soils, in Chapter 4.8, Geology and Soils). Canoas Creek once fed a fairly extensive marshland (Canoas Marsh). Soils on the site that exhibit hydric field indicators and obligate hydrophytic plant species within the fallowed fields may have historically supported portions of this marshland.<sup>14</sup>

<sup>14</sup> Leventhal, Alan, et al., 2009, *Final Report on the Burial and Archaeological Data Recovery Program Conducted on a Portion of a Middle Period Ohlone Cemetery, Katwas Ketnema Wareeptak (The Four Matriarchs Site) CA-SCL-869, Muwekma Ohlone Tribe of the San Francisco Bay Area, Ohlone Families Consulting Services, 6-2 to 6-3.*

**The second paragraph under “3. Hydrology and Surface Water Drainage” on page 4.10-13 of the Draft EIR is hereby amended as follows:**

Situated slightly east of the valley axis at an elevation of approximately 160 feet msl, the entire project site is relatively flat, with an elevation difference no greater than 10 feet within the property. Stormwater runoff from the project site currently drains to Canoas Creek. Canoas Creek is part of the surface water system in the Santa Clara Valley which includes streams, fourteen dams, and a system of aqueducts, pipelines, and storm drains. Canoas Creek was realigned and straightened in the late 1890s or early 1900s, then subsequently converted to a trapezoidal channel with a concrete bottom in the late 1960s by the SCVWD.<sup>4415</sup> This channel design ~~is~~ was common in the 1960s in the urban areas of Santa Clara County, implemented to control flooding; this type of design is no longer common.<sup>4516</sup> Canoas Creek was likely channelized in the late 1890s or early 1990s.<sup>17</sup>

<sup>44</sup>15 Ninyo & Moore Geotechnical and Environmental Sciences Consultants, 2003, Phase I Environmental Site Assessment for the Lester Property – 5285 Snell Avenue.

<sup>45</sup>16 Santa Clara Valley Water District, 2007, <http://www.valleywater.org/in-dex.htm>, accessed on June 2, 2010; and Santa Clara Valley Water District, comments submitted on the Martial Cottle State Park General Plan/County Park Master Plan Draft EIR, October 22, 2010.

<sup>17</sup> County of Santa Clara Parks and Recreation Department, 2009, Martial Cottle Park Final Resource Inventory, page II-2.

**The last paragraph under “3. Hydrology and Surface Water Drainage” on page 4.10-13 of the Draft EIR is hereby amended as follows:**

The bed of Canoas Creek located at the project site is 12 feet wide and the walls, which are both concrete and earthen, angle upward to an approximate width of ~~30~~ 50 feet from bank to bank at the top of the channel. The bed of Canoas Creek located at the project site is 12 feet wide and the walls, which are both concrete and earthen, angle upward to an approximate width of 30 feet from bank to bank at the top of the channel. The creek channel is about 12 feet deep. Canoas Creek transports flows into the main channel of the Guadalupe River located north of the site. The SCVWD Flood Alert System has operated a gage on Canoas Creek at Almaden Expressway (north of the project site, where the drainage area is 18.61 square miles) since October 1, 1977. Mean daily flow has not exceeded 800 cubic feet per second (cfs) at that station during this record. Elevated levels in the creek occurred in the 1980s due to diversions from the IBM Corporation, which aberrantly increases the historical mean daily flow to 8.2 cfs; without this augmented flow the historical mean daily flow is 5.1 cfs.<sup>18</sup> The creek does not go dry in the summer, likely due to “nuisance flows” from the surrounding urban areas<sup>16</sup> (see Figure 4.10-1).

<sup>18</sup> The baseflow increases were recorded during a period between 1982 and 1989. Increases were likely due to groundwater remediation discharges.

**The first full paragraph on page 4.10-14 under “3. Hydrology and Surface Water Drainage” of the Draft EIR is hereby amended as follows:**

The project site and Canoas Creek are located within the Guadalupe River Watershed, which encompasses approximately 170 square miles.<sup>17</sup><sup>19</sup> The

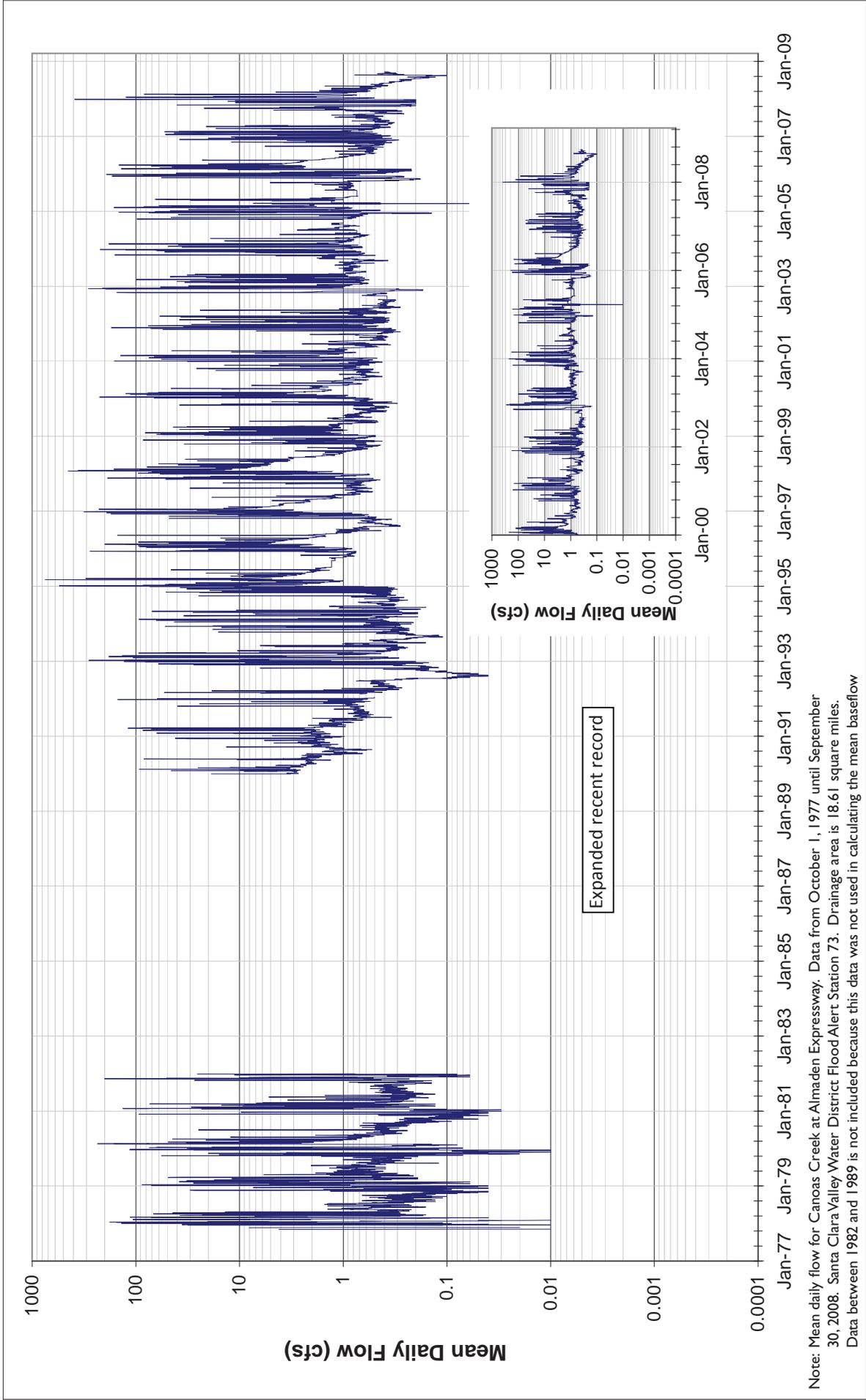
river's headwaters are located in the eastern Santa Cruz Mountains and drain to the Bay through Alviso Slough. The Guadalupe River begins at the confluence of Guadalupe Creek and Alamos Creek (to which Calero Creek is a tributary). Downstream from this point the watershed is heavily urbanized. Important tributaries include Ross Creek, Canoas Creek, and Los Gatos Creek. ~~The lower segments of the creek convey high volumes of treated effluent from wastewater treatment facilities to San Francisco Bay; the flow regime and quality of water in these segments is dominated by the treated effluent releases.~~

**The last paragraph on page 4.10-14 under “3. Hydrology and Surface Water Drainage” of the Draft EIR is hereby amended as follows:**

Since 1866, the Guadalupe River and its tributaries have been the focus of several drainage and flood-control modification projects. Approximately 21 percent of the channels in the watershed have been converted to concrete or rock-lined channels, 38 percent are manmade earthen channels, and only 40 percent have been left unmodified.<sup>4820</sup> During the 73-year period of record (1930 to 2003) at the former United States Geological Survey (USGS) gage just below the confluence with Los Gatos Creek (USGS Station 11169000), flows in the Guadalupe River were seasonal, with a maximum peak flow of 11,000 cfs recorded in 1995 and typically no flow recorded for several days during August or September. Flows are partially regulated by the SCVWD which operates major reservoirs in the watershed, including Guadalupe Reservoir on Guadalupe Creek. The SCVWD augments dry season flows in the Guadalupe River and its tributaries for the purposes of groundwater recharge and fisheries. Flows are also diverted to several groundwater percolation ponds along Guadalupe Creek, the Guadalupe River and Los Gatos Creek.

<sup>4820</sup> Santa Clara Basin Watershed Management Initiative, 2000, Volume One, Watershed Characteristics Report.

**Figure 4.10-1, “Mean Daily Flow for Canoas Creek” on page 4.10-15 of the Draft EIR is hereby replaced with the revised figure on the following page.**



Note: Mean daily flow for Canoas Creek at Almaden Expressway. Data from October 1, 1977 until September 30, 2008. Santa Clara Valley Water District Flood Alert Station 73. Drainage area is 18.61 square miles. Data between 1982 and 1989 is not included because this data was not used in calculating the mean baseflow

Source: Balance Hydrologics, 2010.

FIGURE 4.10-1  
 MEAN DAILY FLOW FOR CANOAS CREEK

Under “C. Standards of Significance,” Standard of Significance #14 on page 4.10-35 of the Draft EIR is hereby amended as follows:

14. Conflict with Water Resources Protection Collaborative Guidelines and Standards for Land Uses near Streams (~~Santa Clara Valley Water District Ordinance 83-2~~) or the Santa Clara Valley Water District’s Water Resources Protection Ordinance (06-1).

The second paragraph on page 4.10-37, under “2. Substantial Depletion of Groundwater Supplies or Interference with Groundwater Recharge” of the Draft EIR is hereby amended as follows:

Since groundwater is a major source of potable water in Santa Clara County, and because there are groundwater-supply wells within the vicinity of the project site, resumed pumping of the on-site well would need to be analyzed to evaluate the impact of pumping on water levels and the continued availability of water in neighboring wells. The Santa Clara Valley Water District indicated that ~~five~~ four wells were active on the Life Estate property and one well was active on the project site in 2000 (the baseline used for the 2005 Urban Water Management Planning (UWMP) analysis), and approximately 52 acre-feet of water were pumped from those wells that year.<sup>552</sup> It is probable that all of this water was pumped from wells within the Life Estate area, and that the agricultural supply well has been predominately inactive since at least 2000. Prior records of pumping at the site are not available, but it is likely that the agricultural supply well has been predominantly dormant since the 1980s (prior to the 1987 to 1992 drought).

The first paragraph under “4. Substantial Alteration of the Existing Drainage Pattern of the Site or Area or Substantial Increase in the Rate or Amount of Surface Runoff in a Manner Which Would Result in Flooding” on page 4.10-41 of the Draft EIR is hereby amended as follows:

Impacts related to altering the existing drainage patterns of the project site would be the same for Phase 1 and subsequent phases. As such, project-level and program-level components are not distinguished below. The seasonal ~~floodplain~~ wetland is proposed at the program-level.

The last two sentences under “4. Substantial Alteration of the Existing Drainage Pattern of the Site or Area or Substantial Increase in the Rate of Amount of Surface Runoff in a Manner Which Would Result in Flooding” on page 4.10-41 of the Draft EIR are hereby amended as follows:

The seasonal wetland proposed by the project is planned for the ~~floodplain~~ upland area adjacent to the Canoas Creek channel, so ~~that~~ it would not alter flows in Canoas Creek or the downstream protection that the existing floodplain currently provides. In fact, the ~~floodplain~~ wetland would act as extra additional detention for some of the runoff that currently discharges to the creek via overbank flow. ~~from runoff on-site to reduce flooding.~~

The notes in Table 4.10-5, “Project Site Peak Flow Results,” on page 4.10-42 of the Draft EIR are hereby amended as follows:

Notes: Peak flow calculations were prepared using the Rational Method as described in the Santa Clara County Drainage Manual (Schaaf & Wheeler, 2007). Existing conditions are 98 percent pervious surface, proposed conditions will be 93 percent pervious surface (as outlined in the Preferred Alternative Land Use Matrix dated 8-21-09). The change in discharge will be diminished to nearly zero by application of BMPs, ~~and detention along the floodplain of Canoas Creek~~ designed to detain and maximize infiltration of stormwater runoff from impervious surfaces within the Park.

The last paragraph under “5. Create or Contribute Increased Impervious Surfaces and Associated Runoff Water Which Would Provide Substantial Additional Sources of Polluted Runoff” on page 4.10-42 of the Draft EIR is hereby amended as follows:

Impacts related to impervious surfaces and associated runoff water would be the same for Phase 1 and subsequent phases. As such, project-level and program-level components are not distinguished below. Runoff from the project could potentially contain urban contaminants (from parking areas and storage areas for farm equipment, for example), or runoff from the agricultural and landscaped areas may contribute additional nutrients and pesticides to receiving waters.

**The third paragraph under “6. Degradation of Surface or Groundwater Quality or Public Water Supply” on page 4.10-44 of the Draft EIR is hereby amended as follows:**

The project will adhere to practices that would reduce the impacts of fertilizer or pesticide to the groundwater and surface water. For example, Plan guideline HYDRO.65 is to “adhere to County guidelines for use of pesticides and fertilizers in order to reduce potential adverse impacts to local and regional water resources,” as outlined in the County’s IPM Ordinance. Guideline AG.8 is to “utilize sustainable farming practices that integrate natural biological cycles and controls; protect and enhance soil fertility and the natural resource base; and minimize adverse impacts on public health, safety, wildlife, water quality and the environment.”

**The impact discussion under “9. Exposure of People or Structures to a Significant Risk of Loss, Injury, or Death Involving Flooding, Including Flooding as a Result of the Failure of a Levee or Dam” beginning with the second full paragraph on page 4.10-46, continuing onto page 4.10-47, of the Draft EIR is hereby amended as follows:**

The Santa Clara County Operational Area Emergency Operations Plan<sup>70</sup> addresses the possibility of dam failures, having an emergency action plan for the Anderson Dam and a general Dam Plan for other dams in the county.<sup>72</sup> ~~The plans are~~ County’s Operational Area Emergency Operations Plan is maintained by the SCVWD County of Santa Clara’s Office of Emergency Services (OES). The SCVWD’s Automated Local Evaluation in Real Time (ALERT) system includes 44 rain gages, 38 stream flow gages, 11 reservoir gages and one weather station which allow SCVWD to monitor hydrologic conditions or changes in real time. The Emergency Operations Plan includes procedures such as: evacuation in the event of hazardous events, such as dam failure; advising threatened areas of the emergency and declaring which safety measures are being implemented; and minimizing the effects of the disaster by focusing on saving lives and property.<sup>73</sup> These procedures would ensure that the safety of Park visitors and staff is protected in the event of dam failure.

SCVWD has implemented a dam instrumentation project as part of their Dam Safety Program. The instrumentation is capable of collecting, checking,

recording, and archiving the collected data and ~~alerting~~ ~~alarming~~ staff when parameters exceed set threshold limits. SCVWD routinely monitor and study the condition of each dam, providing reports to DSOD, working collaboratively with DSOD to assume that the dams in the county continue operating safely and conducting annual inspections.

Additionally, the County of Santa Clara Parks and Recreation Department maintains a Continuity of Government (COG) Emergency Plan and Continuity of Operations Plan (COOP), which together guide the Department's involvement in Countywide Emergency Response. Dam emergency procedures for the Parks and Recreation Department are included in the COG Emergency Plan.<sup>74</sup>

The project would have a typical visitor use of 2,683 people on a typical weekday and 4,610 people on a typical weekend day during the high season.

The dams in the vicinity of the project site are well-monitored through the Dam Safety Program, and protocols and procedures are in place to handle dam failure events that would protect future Park visitors and staff from dam emergencies through the COG Emergency Plan and the Emergency Operations Plan; therefore, t~~The project would result in a *less-than-significant* *potentially significant* impact by exposing visitors to risks related to exposing visitors and staff to risks associated with dam failure.~~

~~**Impact HYDRO-1:** The project site is located within the mapped dam failure inundation areas for the Leroy Anderson and Calero Creek Dams, as shown on the Dam Failure Inundation Hazard Map for San Jose. The project would have a typical visitor use of 2,683 people on a typical weekday and 4,610 people on a typical weekend day during the high season. Therefore, the project would result in a *potentially significant* impact by exposing visitors to risks associated with dam failure.~~

~~Mitigation Measure HYDRO 1: The project proponents shall provide adequate public signage warning park patrons of potential flood hazard.~~

~~Significance after Mitigation: Less than significant.~~

<sup>7622</sup> County of Santa Clara, 2008, Operational area emergency operations plan, 96p.

County of Santa Clara, 2008, *Operational Area Emergency Operations Plan*, page 27.

<sup>73</sup> County of Santa Clara, 2008, *Operational Area Emergency Operations Plan*, page 7-8.

<sup>74</sup> Mark, Jane. Senior Planner, Parks and Recreation Department, County of Santa Clara. Email communication with Alexis Lynch, DC&E. December 8, 2010.

The first paragraph under Standard of Significance #14 “Conflict with Water Resources Protection Collaborative Guidelines and Standards for Land Uses near Streams” on page 4.10-50 of the Draft EIR is hereby amended as follows:

14. Conflict with Water Resources Protection Collaborative Guidelines and Standards for Land Uses near Streams or the Santa Clara Valley Water District's Water Resources Protection Ordinance (06-1).

Impacts related to the water resources protection collaborative guidelines and the Santa Clara Valley Water District's Water Resources Protection Ordinance would be the same for Phase 1 and subsequent phases. As such, project-level and program-level components are not distinguished below.

The first two full paragraphs under “20. Involvement of a Surface Water Body, Natural Drainage Channel, Streambed, or Water Course Such as to Alter the Amount, Location, Course, or Flow of its Waters” on page 4.10-54 of the Draft EIR are hereby amended as follows:

Surface water impacts would be the same for Phase 1 and subsequent phases. As such, project-level and program-level components are not distinguished below. The ~~floodplain~~ seasonal wetland is proposed at the program-level.

The project does not plan to alter a surface water body, a natural drainage channel, a streambed, or a water course. Part of the project goals is to enhance Canoas Creek to allow for enhanced habitat and scenic values. Canoas Creek would be enhanced with landscaping in the upland habitat above the top of the creek banks. ~~re-vegetate, with native vegetation, the channel banks of Canoas Creek.~~ This would be completed under compliance with Santa Clara Valley Water District's goals. ~~Re-vegetation could slow down flow in~~

~~the creek.~~ The wetland planned as part of the project ~~will~~ would be ~~in the flood zone of the creek on the upland area adjacent to the Canoas Creek channel,~~ and ~~will~~ would therefore not alter the flow of the channel. Therefore, the project would create a *less-than-significant* impact.

**The last paragraph on page 4.11-29 of the Draft EIR, under “iii. Operational Noise Impacts,” is hereby amended as follows:**

Operational noise sources associated with implementation of the proposed project would include agricultural and farming equipment noise sources. These noise sources would be similar to those currently produced on the project site during the seasonal agricultural operating periods. Typical noise levels from tractors as measured at a distance of 50 feet from the operating equipment range from 78 dBA to 106 dBA  $L_{max}$ , with an average of about 84 dBA  $L_{max}$ . The closest off-site sensitive land uses would be located over 140 feet from proposed cultivation areas where large farming equipment would operate. At this distance, due to geometric spreading, these operational noise levels would be reduced to below 70 dBA  $L_{max}$ , which is below the County’s daytime maximum noise level standard for operation of mobile equipment of 75 dBA  $L_{max}$ , shown in Table 4.11-9. Operation of farming equipment associated with implementation of the project ~~is not~~ would be expected during nighttime periods commensurate with historical and current activities. Operational noise impacts to the existing residential property located in the Life Estate adjacent to the project site must be compared to the County’s land use compatibility standards for open space and agricultural land use development since, as noted in Table 4.11-8, homes in agricultural areas are not subject to the “Residential” standards. Therefore, operational noise sources would not result in exposure of persons to or generation of noise levels in excess of adopted standards, and any associated impacts would be *less than significant*.

**The second bulleted paragraph under “2. Transit Network” on page 4.12-8 of the Draft EIR is hereby amended as follows:**

- ◆ **Local Route 66** provides service between Kaiser San Jose and Milpitas/Dixon Road via downtown San Jose with 15-minute headways during weekday commute hours and 30-minute headways on Saturdays. The nearest bus stops to the project site are located near the intersection of

Snell Avenue/Obert Drive, Snell Avenue/Branham Lane and Snell Avenue/Chynoweth Avenue.

**The third paragraph under “3. Bicycle Facilities” on page 4.12-9 of the Draft EIR is hereby amended as follows:**

Bicycle lockers and racks are provided at the Blossom Hill, Ohlone/Chynoweth, Snell, Curtner, Capitol, and Branham VTA light rail stations.

**The first paragraph on page 4.12-50, under “3. Substantial Increase in Hazards Due to a Design Feature or Incompatible Uses” of the Draft EIR is hereby amended as follows:**

The project proposes to provide different entrances and access roads for Park visitors and service vehicles/farm equipment. As shown on Figure 3-5, the project includes some trails that would be for pedestrians only. In addition, the project contains goals and guidelines aimed to reduce potential circulation hazards and conflicts between incompatible users. The Plan’s Circulation and Access goal is to, “Provide safe and convenient access to the Park for a wide range of users.” Under this goal, several guidelines would help to provide safe circulation options for various users, and prevent conflicts between different types of uses and Park users. For example, Guideline CIRC.~~1413~~ is to “provide trails around the perimeter as well as through the Park that are designed to accommodate safe and compatible use by multiple trail user groups, including pedestrians, joggers, rollerbladers, bicyclists, and equestrians.” Guideline CIRC.~~1615~~ is to “provide a system of internal service roads that facilitates access and circulation of park vehicles and farm machinery (e.g. security patrol, maintenance trucks, tractors, etc.)”

**The last paragraph on page 4.12-52, under “6. Failure to Provide Future Street Right-of-Way or Safe Access, or Obstruction of Access to Nearby Uses” of the Draft EIR is hereby amended as follows:**

As discussed above in Section E.4, the project contains goals and guidelines to ensure that adequate emergency access to the project site is adequate. In addition to these guidelines, the project also contains additional guidelines intended to ensure a high level of access from surrounding neighborhoods and the region. For instance, Circulation and Access Guideline CIRC.~~98~~ is to

“work with the City of San Jose and the VTA to provide multiple points of walk-in entry and crosswalks for pedestrians and bicyclists to facilitate access to the Park from surrounding neighborhoods and regional transit.” Guidelines CIRC.~~114~~<sup>9</sup> and CIRC.~~124~~<sup>4</sup> call for the County to work with the VTA, Santa Clara Valley Water District, and Caltrans to ensure safe access from the project site to the area around the Blossom Hill light rail station. Lastly, Guideline CIRC.~~184~~<sup>7</sup> is to “work with the City of San Jose to provide safe and comfortable pedestrian and bicycle crossings at all intersections leading to the park.”

**The second paragraph under “7. Increase in Traffic Hazards to Pedestrians, Bicyclists, or Vehicles” on page 4.12-53 of the Draft EIR is hereby amended as follows:**

As discussed above in Section E.3, the Plan contains goals and guidelines aimed to reduce potential circulation hazards. The Plan’s Circulation and Access goal is to “provide safe and convenient access to the Park for a wide range of users.” Under this goal, several guidelines would help to provide safe circulation options for various users, and prevent conflicts between vehicular and non-vehicular visitors. In addition to the guidelines discussed above that address on-site safety, the Plan also includes Guidelines CIRC.~~8~~<sup>7</sup>, which is to “work with the City of San Jose and the Santa Clara Valley Transportation Authority (VTA) to provide safe and convenient pedestrian and bicycle connections from nearby transit nodes that include bus stops, light rail, and Caltrain stations to the park.” This guideline would help to ensure the safety of pedestrians and bicyclists traveling to the site from the nearby vicinity.

**The second paragraph under “8. Increases Demand for Existing On- or Off-Street Parking Because of Inadequate Project Parking” on page 4.12-54 of the Draft EIR is hereby amended as follows:**

In addition, the project contains several guidelines intended to ensure that on-site parking is adequate to accommodate visitors’ vehicles. In particular, Guideline CIRC.3 is to “provide adequate parking on-site to minimize parking on adjacent residential streets.” Guideline CIRC.4 is to “locate adequate visitor parking to reduce potential for circulation, parking, and visual impacts on adjacent neighborhoods.” Lastly, Guideline CIRC.~~194~~<sup>8</sup> is to “develop a

coordinated facilities use and parking strategy for special events that optimizes the beneficial use of parkland during non-event periods, avoids visual impacts associated with large parking lots, and minimizes parking impacts on adjacent residential neighborhoods.”

**Table 4.13-3 on page 4.13-11 of the Draft EIR is hereby amended as follows:**

TABLE 4.13-3 SCVWD ADOPTED POLICIES

Policy Number	Policy Content
<u>E-2</u>	<u>There is a reliable, clean water supply for current and future generations. Accordingly, the following goals and objectives are adopted:</u>
2.1	<del>There is a reliable supply of healthy, clean drinking water.</del> <u>Reliable water supply.</u>
2.1.1	<del>The water supply meets or exceeds all applicable water quality regulatory standards in a cost effective manner.</del> <u>Meet current and future water demands for municipalities, industries, agriculture and the environment.</u>
2.1.2	<del>The water supply is reliable to meet current demands.</del> <u>Maintain a diverse water supply including imported, local and recycled water.</u>
2.1.3	<del>The water supply is reliable to meet future demands in Santa Clara County, consistent with the County’s and cities’ General Plans and other appropriate regional and statewide projections.</del> <u>Maximize water use efficiency.</u>
2.1.4	<del>There are a variety of water supply sources.</del>
<u>2.2</u>	<u>High quality water supply.</u>
<u>2.2.1</u>	<u>Protect groundwater basins from contamination and the threat of contamination.</u>
<u>2.2.2</u>	<u>Protect and improve local surface water quality.</u>
<u>2.2.3</u>	<u>Protect imported water quality.</u>
<u>2.2.4</u>	<u>Meet or exceed all applicable treated water quality regulatory standards.</u>
<u>2.3</u>	<u>Reliable water utility infrastructure and protected assets.</u>
<u>2.3.1</u>	<u>Maintain water utility infrastructure integrity and minimize life-cycle costs.</u>

Policy Number	Policy Content
<del>2.3.2</del>	<del>Monitor to sustain and protect groundwater resources to minimize land subsidence.</del>
<del>E.2.1.5</del>	<del>Groundwater resources are sustained and protected for water supply reliability and to minimize land subsidence.</del>
<del>E.2.1.6</del>	<del>The groundwater basins are aggressively protected from contamination and the threat of contamination.</del>
<del>E.2.1.7</del>	<del>Water recycling is expanded within Santa Clara County in partnership with the community, consistent with the District's Integrated Water Resources Plan (IWRP), reflecting its comparative cost assessments and other Board policies.</del>

Source: ~~Integrated Water Resource Planning Study, 2003. SCVWD website, [http://www.valleywater.org/About/Board\\_of\\_Directors/Board\\_Policies/Ends.aspx](http://www.valleywater.org/About/Board_of_Directors/Board_Policies/Ends.aspx), accessed on November 30, 2010.~~

The last paragraph under “4. Impact Discussion” on page 4.13-25, continuing onto page 4.13-26, of the Draft EIR is hereby amended as follows:

The project would be expected to incorporate features to reduce solid waste generation, such as on-site composting and recycling of grass and yard clippings. The Plan includes a goal to maximize the amount of solid waste diverted to the landfill through reuse, composting, and recycling, as well as the following guidelines for achieving this goal. Guidelines UTIL.109 and UTIL.1140, for instance, encourage recycling service, on-site composting and mulching or reuse of plant debris, and the use of recyclable and/or compostable materials by concessionaires. Many agricultural and animal waste products could also be used on-site. Such features would reduce the project’s effect on the remaining capacity of the Newby Island Sanitary Landfill. The project is expected to generate approximately 2,657 CY of solid waste per year and 857 CY of recyclable materials per year.<sup>2</sup> Allied Waste and Newby Island Sanitary Landfill would have sufficient capacity to accommodate disposal of the project’s solid waste.<sup>3</sup> Therefore, the project would have a *less than significant* impact.

The last paragraph under “a. Increased Need for New Electricity or Natural Gas Systems or Supplies, or Substantial Alterations to Electricity or Natural

**Gas Utilities” on page 4.13-30, continuing onto page 4.13-31, of the Draft EIR is hereby amended as follows:**

Potential impacts to electricity and natural gas systems and supplies would be the same for Phase I and subsequent project phases. As such, project-level and program-level components are not distinguished below. At buildout, it is estimated that the project would demand 1,178,584 kilowatt hours (kWh) of electricity per year.<sup>2</sup> This estimate assumes that structures would require 3 to 36 kWh per square foot (SF) depending upon the type of building. Buildings that would be primarily dedicated to storage require only 3 kWh, classroom and kitchen buildings require approximately 10 kWh, and food sales and related uses are estimated to require 36 kWh. The estimate assumes energy demand for outdoor lighting, irrigation, and operation of the well. These figures assume the use of passive solar design and energy efficient technology. Natural gas demand could be used for some features, such as kitchen stoves in the café and pavilion and building heating, but would be minimal. In order to minimize energy demand, the project has sets a goal to “encourage use of self-sustaining energy systems for electricity and heating and cooling within all park structures and park use areas,” and includes several guidelines for meeting this goal (Guidelines UTIL.43, UTIL.65, and UTIL.76).

**The first full paragraph on page 4.13-31 under “a. Increased Need for New Electricity or Natural Gas Systems or Supplies, or Substantial Alterations to Electricity or Natural Gas Utilities” of the Draft EIR is hereby amended as follows:**

The Plan includes a policy to “maximize use of sustainable energy practices such as the use of solar, and wind, passive solar, and geothermal technologies” (UTIL.43). Therefore, it is anticipated that some energy would be generated on site through the use of solar and wind technology, and that the remaining energy demand would be met by natural gas and electricity provided by PG&E. As discussed above, existing PG&E infrastructure surrounds the project site, and a PG&E easement runs along the east side of the project site. Development of the project would require that connections between the developed portions of the project and existing PG&E infrastructure be established. Potential construction-related impacts would be associated with construction activities that are addressed in other sections of this EIR. Connec-

tion to existing PG&E utilities would not require substantial alterations to PG&E utilities, and the estimated demand of the project would not constitute a substantial demand. Therefore, impacts associate with new electricity utilities would be *less than significant*.

## 4 LIST OF COMMENTORS

Written comments were received from the following agencies, organizations, and individuals. Letters are arranged by category; within each category, letters are arranged by date received, and then alphabetically. Oral comments are summarized and included as Letter #MTG4.

### State Agencies

- SA1. Beth Thomas, Community Planning Branch Chief/Pedestrian Coordinator, Caltrans District 4. October 25, 2010.
- SA2. Scott Morgan, Director, State Clearinghouse. October 25, 2010.

### Regional and Local Agencies

- RLA1. Susan Stuart, County of Santa Clara Public Health Department, Chronic Disease and Injury Prevention. September 9, 2010.
- RLA2. Yves Zsutty, Trails Program Manager; City of San Jose Parks, Recreation and Neighborhood Services. October 12, 2010.
- RLA3. Rachel Santos, Santa Clara County Open Space Authority. October 21, 2010.
- RLA4. Dunia Noel, Local Agency Formation Commission of Santa Clara County. October 21, 2010.
- RLA5. Colleen Haggerty, Santa Clara Valley Water District. October 22, 2010.
- RLA6. Roy Molseed, Santa Clara Valley Transportation Authority. October 22, 2010.
- RLA7. Manuel Pineda, Acting Deputy Director, City of San Jose Department of Transportation. October 23, 2010.
- RLA8. Lawrence Johnmann, Guadalupe-Coyote Resource Conservation District. October 25, 2010.

### Non-Governmental Organizations

- ORG1. Libby Lucas, Santa Clara Valley Chapter of the California Native Plant Society. October 22, 2010.
- ORG2. Jennifer Williams, Santa Clara County Farm Bureau. October 22, 2010.
- ORG3. Jennifer Williams, Santa Clara County Farm Bureau. October 25, 2010.

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**Members of the Public**

- PUB1. Dorren "Reenie" Murotsune. September 14, 2010.
- PUB2. Prince Spiess. September 20, 2010.
- PUB3. Kathy S. Mulder. September 21, 2010.
- PUB4. Lawrence Boesch. September 21, 2010.
- PUB5. Dave Duarte. September 24, 2010.
- PUB6. Annette Levelle. September 24, 2010.
- PUB7. William H. Kremer. September 26, 2010.
- PUB8. Sue Swack. October 11, 2010.
- PUB9. Sue Swack. October 12, 2010.
- PUB10. Shani Kleinhaus, Santa Clara Valley Audubon Society. October 25, 2010.
- PUB11. Greg West, County of Santa Clara Parks and Recreation Commission. October 29, 2010.

**Comments Received at the Public Meeting on the Draft EIR (September 22, 2010)**

- MTG1. Judy Elrite.
- MTG2. Kitty Monahan.
- MTG3. Shani Kleinhaus.
- MTG4. Various commentors.

## 5 COMMENTS AND RESPONSES

This chapter includes a reproduction of, and responses to, comments received during the public review period. Written comments are presented in their original format in Appendix A, along with annotations that identify each comment letter. Responses to those individual comments are provided in Table 5-1, alongside the text of each corresponding comment. Comment letters in this chapter follow the same order as listed in Chapter 4 of this Final EIR and are categorized by:

- ◆ State Agencies
- ◆ Regional and Local Agencies
- ◆ Non-Governmental Organizations
- ◆ Members of the Public
- ◆ Comments Received at the Public Meeting

Within each category, comment letters are arranged in chronological order by the date sent. Letters received after the close of the comment period are listed at the end of their respective categories, in the order received.

Where the same comment has been made more than once, a response may direct the reader to another numbered comment and response. Where a response requires revisions to the Draft EIR, these revisions are explained and shown in Chapter 3 of this Final EIR document.

Two master responses have been prepared to allow for a more detailed response to issues of particular concern to the public. The first master response explains the distinction between the Phase 1 of the project and future phases, as they pertain to the environmental review contained in this EIR. The second master response pertains to the feasibility of design details and mitigation measures.

### *A. Master Response #1: Environmental Review and Future Phases*

Some comments received on the Draft EIR seek details regarding the project that have not yet been designed. Phase 1 components are evaluated in this EIR at the project level, as described in Section 15161 of the CEQA Guide-

lines. Design documents for the Phase 1 of the Park are expected be developed in 2011, with Park construction pending approved funding for capital improvements and for park operations and maintenance. The EIR identifies mitigation measures that the County will integrate into the detailed design phases and ensures that the Plan implementation conforms to the parameters set forth in the mitigation measures.

Subsequent phase components are evaluated in this EIR at the program level, as described in Section 15168 of the CEQA Guidelines. Detailed project-level analysis for subsequent development phases will be completed as future phases are planned and designed. Mitigation measures included in this EIR would apply to subsequent phases, including components that are initiated during Phase 1 and continue through subsequent phases.

*B. Master Response #2: Feasibility of Design Details and Mitigation Measures*

Some comments received on the Draft EIR question the feasibility of the design of project improvements or proposed mitigation measures. CEQA guidelines require project description detail at a level to demonstrate the project's potential for environmental impacts including "principal engineering proposals" supporting public service facilities. Feasibility is defined (in CEQA Guidelines Section 15364) to mean capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, legal, social, and technological factors. Final design and engineering details and design will be resolved at the time of design. Principal planning feasibility studies and conceptual design engineering proposals have been sufficiently identified to conclude the proposed project improvements are feasible.

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TABLE 5-1 COMMENTS AND RESPONSES

Comment Number	Comment	Response
<b>STATE AGENCIES</b>		
Letter #SA1	Beth Thomas, Community Planning Branch Chief/Pedestrian Coordinator, Caltrans District 4 October 25, 2010	
SA1-1	Caltrans did not submit a comment letter.	The comment is noted.
Letter #SA2	Scott Morgan, Director, State Clearinghouse October 25, 2010	
SA2-1	The State Clearinghouse submitted the above named Draft EIR to selected state agencies for review. The review period closed on October 22, 2010, and no state agencies submitted comments by that date. This letter acknowledges that you have complied with the State Clearinghouse review requirements for draft environmental documents, pursuant to the California Environmental Quality Act.  Please call the State Clearinghouse at (916) 445-0613 if you have any questions regarding the environmental review process. If you have a question about the above-named project, please refer to the ten-digit State Clearinghouse number when contacting this office.	The comment is noted.
<b>REGIONAL AND LOCAL AGENCIES</b>		
Letter #RLA1	Susan Stuart, County of Santa Clara Public Health Department, Chronic Disease and Injury Prevention September 9, 2010	
RLA1-1	Quick question. Is there a way that it can be written into the plans/policies of Martial Cottle that any future farmers market be required to accept food stamps? Just wondering because we are working to increase access to fruits and vegetables and are concerned that quite a few farmers markets in the county do not accept EBT/Food Stamps. Some of the folks who consulted with you on the agricultural part of Martial Cottle are very supportive of this issue (e.g. Brett Melone of ALBA and Reggie Knox of FarmLink), so it may happen in any case. I just thought it would be good to write it into the policies ahead of time if it were feasible. I've attached a brochure we recently produced promoting those markets that do accept EBT/Food Stamps.	The comment does not relate to an environmental issue relevant to CEQA. Therefore no further response is required.

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**TABLE 5-1 COMMENTS AND RESPONSES (CONTINUED)**

Comment Number	Comment	Response
<b>Letter #RLA2</b>  RLA2-1	<p><b>Yves Zsutty, Trails Program Manager, City of San Jose Parks, Recreation and Neighborhood Services</b>                      October 12, 2010</p> <p>Thank you for the opportunity to provide input on the Draft EIR for the Martial Cottle County Park Master Plan. The City of San Jose supports development of this important community resource.</p> <p>Figure 3-5 shows locations of anticipated bicycle and pedestrian entrances to the park. The figure shows a future connection to a future City of San Jose trail system (Canoas Creek Trail). However, the anticipated future alignment of the City's trail will follow the creek channel and not Chynoweth Avenue as the figure in the Draft EIR suggests. We request that the "Future Connection to City of San Jose Trail System" be shifted northward to accurately reflect the planned alignment along the Canoas Creek channel. Offering access to the neighborhood street as shown is beneficial so we requested that it be identified as "Future Connection to Chynoweth Avenue Bike Lanes."</p> <p>Thanks for providing this additional connection as part of the document.</p>	<p>The connection to the City of San Jose trail system has been shifted northward, as requested by the commenter. Figure 3-5 of the Draft EIR and Figure 4-2 of the Park Plan have been revised accordingly, as shown in Chapter 3 of the Final EIR and in the Final Park Plan.</p>
<b>Letter #RLA3</b>  RLA3-1	<p><b>Rachel Santos, Santa Clara County Open Space Authority</b>                      October 21, 2010</p> <p>The Martial Cottle Park Master Plan DEIR is consistent with the Santa Clara County Open Space Authority 20% Funding Agreement - Martial Cottle County Park Project. As conditioned in said agreement, funds will be used for trail and access improvements and agriculture and/or community garden improvements, which are included in MC DEIR Project Components.</p>	<p>The comment is noted.</p>
<b>Letter #RLA4</b>  RLA4-1	<p><b>Dunia Noel, Local Agency Formation Commission of Santa Clara County</b>                      October 21, 2010</p> <p>Thank you for your inquiry. We have completed our review of the environmental documents and have no comments at this time. In terms of sewer connection(s) or other city services, our assumption is that the City of San Jose will provide those services upon annexation.</p>	<p>The comment is noted and no further response is required.</p>

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TABLE 5-1 COMMENTS AND RESPONSES (CONTINUED)

Comment Number	Comment	Response
<b>Letter #RLA5</b>	<b>Colleen Haggerty, Santa Clara Valley Water District October 22, 2010</b>	
RLA5-1	<p>Given that the area in question is already within the City of San Jose's Urban Service Area Boundary, the City of San Jose would be responsible for processing and approving any future annexation to the City. Please keep us on your mailing list as this project moves forward, including any future annexation request. Thank you for your time and assistance.</p>	<p>The comment is noted.</p>
RLA5-2	<p>The District has the following comments regarding the DEIR:  1. As noted in our comments regarding the NOP, storm drainage from the site should be directed to the existing public storm drain system where possible to minimize construction of new outfalls into Canoas Creek and eliminate overbank drainage to the creek, which is not allowed as it contributes to bank erosion and sedimentation of the creek bed.</p>	<p>The proposed acreage of impervious surfaces is small relative to the total pervious area of the project, allowing for incorporation of BMPs to detain, retain, and infiltrate stormwater runoff on-site. No new outfalls to Canoas Creek are planned as part of this project.</p>
RLA5-3	<p>The DEIR states on page 4.13-21 the "project would not construct or connect to any stormwater drainage infrastructure" and runoff will continue to drain to Canoas Creek. The DEIR notes on Table 4.10-5, page 4.10-42, that the increase in runoff due to the project will be mitigated by the use of BMPs and the wetland for detention; however, the wetland will not be constructed until after Phase 1, when most of the</p>	<p>A new guideline, Guideline HYDRO.5, has been added to the Park Plan clarifying that stormwater BMPs designed to treat, detain, and infiltrate stormwater runoff shall be implemented in conjunction with or prior to the construction of the impervious surfaces from which they will be capturing runoff. Thus, Canoas Creek would not experience an increase in overbank drainage.</p>

TABLE 5-1 COMMENTS AND RESPONSES (CONTINUED)

Comment Number	Comment	Response
RLA5-4	<p>project elements that contribute to the increase in runoff will have been completed. Canoa Creek experiences significant erosion in part from overbank drainage along its length and the continuation of overbank drainage compounded with an increase in runoff quantity is a significant concern of the District. The DEIR should further evaluate the impacts associated with drainage of the site and include appropriate mitigation measure as necessary.</p> <p>2. As noted in our comments on the NOP for the project the District performs regular maintenance activities along Canoa Creek and has maintenance roads on both sides of the creek through the site. It is our understanding the proposed trail along Canoa Creek includes the use of the existing District maintenance road; however, the DEIR does not mention the shared use of the maintenance road. In addition, Figure 3-5 does not show the maintenance roads or note that the trail along the creek will be shared with the maintenance road.</p> <p>3. Canoa Creek is typically dry during most of the year making it appear deceptively safe to enter, though it fills and rises quickly during wet periods. Barriers to prevent the public from entering the creek will be needed, particularly at the access ramp to the channel bottom, since the creek is approximately 14 feet deep with steep side slopes and the ramp within the site is the only way to exit for a significant distance. Also, District maintenance activities occur on a regular basis and typically require the use of heavy equipment and large trucks. Provisions, such as fencing and a separate trail and maintenance road system, need to be investigated and the best methods for providing for the safety of District staff and the public during District maintenance activities need to be implemented. Measures to protect public safety need to also minimize impacts to the District's maintenance activities. The DEIR discussion does not address the above concerns. Please revise the DEIR to discussion to include these potential impacts on public safety and appropriate mitigation measure, as necessary.</p>	<p>Figure 3-5 is a conceptual diagram and therefore does not specify that the maintenance road will be shared. Since publication of the Draft EIR, the Park Plan has been revised to address this concern. Guideline CIRC.13 of the revised Plan is to, "Work with the Santa Clara Valley Water District and the City of San Jose to develop and connect trails along Canoa Creek."</p>
RLA5-5	<p>The Park Plan recommends Guideline REC.6, "Locate all trails outside of the Canoa Creek floodplain." This guideline would provide an opportunity to locate the trail away from the top of the SCVWD's levees and maintenance road. Some operational and Best Management Practices (BMPs) that County Parks would implement at the Park include:</p> <ul style="list-style-type: none"> <li>◆ Posting signage to restrict public access in the creek channel (i.e. no swimming in the creek) and signage that reminds public and trail users to remain on designated pathways and trails within the park.</li> <li>◆ If needed, the Director of the County Parks Department has the authority under Board-adopted County Ordinance Section B14.12 to temporarily establish closed areas if there are public safety issues or resource protection concerns (although not necessarily for District creek maintenance activities which take place a few times out of the year).</li> </ul>	<p>The Park Plan recommends Guideline REC.6, "Locate all trails outside of the Canoa Creek floodplain." This guideline would provide an opportunity to locate the trail away from the top of the SCVWD's levees and maintenance road. Some operational and Best Management Practices (BMPs) that County Parks would implement at the Park include:</p> <ul style="list-style-type: none"> <li>◆ Posting signage to restrict public access in the creek channel (i.e. no swimming in the creek) and signage that reminds public and trail users to remain on designated pathways and trails within the park.</li> <li>◆ If needed, the Director of the County Parks Department has the authority under Board-adopted County Ordinance Section B14.12 to temporarily establish closed areas if there are public safety issues or resource protection concerns (although not necessarily for District creek maintenance activities which take place a few times out of the year).</li> </ul>

TABLE 5-1 COMMENTS AND RESPONSES (CONTINUED)

Comment Number	Comment	Response
RLA5-6	4. The DEIR discussion regarding the proposed wetland does not include the source(s) of water for the wetland, i.e. runoff only or runoff with a supplemental water source; required maintenance; and any potential impacts to Canoas Creek including conveyance capacity, sedimentation, water quality and maintenance. The discussion should also address the need to define the roles and responsibilities of the District and County Parks regarding the wetland.	Proposed seasonal wetlands are a subsequent phase improvement. The source of water for the proposed wetland would be runoff from Canoas Creek; no supplemental water source would be established. The issue would be addressed in the specific environmental review for that phase of the project, once opportunities and constraints are better known. See Master Response #1.
RLA5-7	5. On page 3-34 under Santa Clara Valley District permits and approvals, please include that modification to any well also requires a permit.	Page 3-34 of the Draft EIR has been revised accordingly, as shown in Chapter 3 of the Final EIR.
RLA5-8	6. Item 4 on page 4.1-2, Guidelines and Standards for Land Use Near Streams, the discussion should note that this applies for areas outside of the District's right of way. For areas within District right of way the District's Water Resources Protection Ordinance (WRPO) and associated WRP Manual govern.	Page 4.1-2 of the Draft EIR has been revised accordingly, as shown in Chapter 3 of the Final EIR.
RLA5-9	7. On page 4.1-14 the discussion of the G & S states that "the Plan would not propose any new structures within the riparian area"; however, the project will include construction of two pedestrian bridges and replacement of a vehicular bridge over Canoas Creek and the riparian area.	The text in the Draft EIR has been revised to reflect this information. Impacts to riparian areas associated with new and improved creek crossings are evaluated in Chapter 4.5, Biological Resources, of the Draft EIR.
RLA5-10	8. The discussions regarding the wetland connection to Canoas Creek in the DEIR are not consistent or complete. Pages 4.5-42, 43, 46, 51, and 54 state impacts from the seasonal wetland on Canoas Creek would be temporary and that no work will occur in the creek. The statement that the wetland "will be in the flood zone of the creek and will therefore not alter the flow of the channel" on page 4.10-54 is unclear. The flood zone for the creek shown on the FEMA maps does not extend beyond the creek, so work in the flood zone would be in the creek and could impact creek hydraulics. The connection of the wetland to the creek will be a permanent alteration to the creek and the DEIR should include a discussion of permanent impacts and mitigation measures.	Impacts associated with connecting the proposed wetland to Canoas Creek are evaluated in Chapter 4.5, Biological Resources, and are mitigated by Mitigation Measures BIO-5 and BIO-6a through -6e. The seasonal wetland was erroneously characterized as a floodplain wetland in Chapter 10 of the Draft EIR. The wetland would, in fact, be located adjacent to the Canoas Creek channel and above the top of bank, as described in Chapters 3 and 4.5 of the Draft EIR. As such, the wetland would not affect flows within the Canoas Creek channel. Chapter 4.10 of the Draft EIR has been revised accordingly to correct this discrepancy.

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TABLE 5-1 COMMENTS AND RESPONSES (CONTINUED)

Comment Number	Comment	Response
RLA5-11	9. Under Flood Protection, pages 4.10-9 and 4.10-10, the DEIR states that although the site is located within the San Jose Urban Service Area since it is owned by the State and County the project is not subject to "City stream and floodplain policies." Though the project may not be subject to City stream and floodplain policies, it would be subject to County and State policies regarding streams and floodplains, including the G&S and the County's floodplain ordinance. The DEIR should note the relevant State and County policies related to floodplains.	Certain State and County ordinances would apply to the project. Though not specifically stated in the Draft EIR, this was implied. Additional language has been added to pages 4.10-9 and 4.10-10 of the Draft EIR to clarify this point.
RLA5-12	10. Page 4.10-13 states that Canoas Creek was converted to a trapezoidal channel with a concrete bottom in the 1960s and "this design is common in the urban areas of Santa Clara County, implemented to control flooding." It should be noted that this type of design was common during the 1960s; however, this is no longer the case.	The comment is noted. Page 4.10-13 of the Draft EIR has been revised accordingly, as shown in Chapter 3 of the Final EIR.
RLA5-13	11. Page 4.10 notes the top width of Canoas Creek is 30 feet; however, based on the as-built drawings for the creek and an aerial photo the top width is closer to 50 feet.	Page 4.10-13 of the Draft EIR has been revised accordingly, as shown in Chapter 3 of the Final EIR.
RLA5-14	12. The discussion of flow rates in Canoas Creek on page 4.10-13 states that "elevated levels in the creek occurred in the 1980s due to diversions from the IBM Corporations" altering the historical mean daily flow rates. For clarity, the DEIR should note the source of the water, which we presume was discharges from groundwater remediation activities, and the specific years this occurred.	Page 4.10-13 of the Draft EIR has been revised accordingly, as shown in Chapter 3 of the Final EIR.
RLA5-15	13. Data for the 1980s is not included in Figure 4.10-1, and there is no note on the figure indicating why this data is not shown.	Data between 1982 and 1989 was not included because it was not used in calculating the mean base flow. A footnote should have been added explaining this, but was mistakenly left off the graph. Figure 4.10-1 of the Draft EIR has been revised, as shown in Chapter 3 of the Final EIR.

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**TABLE 5-1 COMMENTS AND RESPONSES (CONTINUED)**

Comment Number	Comment	Response
RLA5-16	14. Page 4.10-14 states that "the lower segments of the creek convey high volumes of treated effluent from wastewater treatment facilities to the San Francisco Bay; the flow regime and quality of water in these segments is dominated by the treated effluent releases." None of the three wastewater treatment plants located in the northern part of the County discharge to the Guadalupe River or its tributaries.	This sentence has been deleted from page 4.10-14 of the Draft EIR, as shown in Chapter 3 of the Final EIR.
RLA5-17	15. Page 10.14 should note that the District augments dry season flows in the Guadalupe River and its tributaries for both groundwater recharge and fisheries.	Page 4.10-14 of the Draft EIR has been revised accordingly, as shown in Chapter 3 of the Final EIR.
RLA5-18	16. Page 4.10-17 states that the adjacent roadways are graded such that they will not overflow onto the project site and references Figure 4.10-2. It is not clear how this figure supports this statement as the figure does not have any drainage facilities or topography shown.	The reference to Figure 4.10-2 was intended simply to show the location of neighboring roads, not as specific evidence of grading and drainage. See Master Response #2.
RLA5-19	17. Item 14 on page 4.10-35 references the District's Ordinance 83-2, which has been superseded by WRPO. This item should state "Conflict with Water Resources Project Collaborative Guidelines and Standards for Land Uses Near Stream or the Santa Clara Valley Water District's Water Resources Protection Ordinance."	The text in the Draft EIR has been revised accordingly, as shown in Chapter 3 of the Final EIR.
RLA5-20	18. Page 4.10-37 states that according to the District, five wells were active on the property in 2000. Only one of the five wells is located within the project site; the other four are located on the Life Estate.	The text in the Draft EIR has been revised accordingly, as shown in Chapter 3 of the Final EIR.
RLA5-21	19. The DEIR finds that the potential for upstream dam failure and resulting down-stream inundation is a potentially significant impact, Impact HYDRO-1 page 4.10-47. Due to the remote likelihood of a dam failure the District does not consider the risk to park visitor to be potentially significant. If the County and State continue to consider this to be a potentially significant impact, the proposed mitigation measure (posting signs) will do little to reduce the risk from dam inundation to park visitors.	Impact HYDRO-1 and Mitigation Measure HYDRO-1 have been removed from the EIR, as shown in Chapters 2 and 3 of the Final EIR.
RLA5-22	20. It has been the District's understanding that the proposed creek enhancements will be limited to plantings located outside of the top of	Page 4.10-54 of the Draft EIR has been revised accordingly, as shown in Chapter 3 of the Final EIR.

TABLE 5-1 COMMENTS AND RESPONSES (CONTINUED)

Comment Number	Comment	Response
RLA5-23	<p>the creek bank, which is consistent with the description of this project element on pages 3-19, 4.5-42 and 4.554. However, page 4.10-54 states "part of the project goals is to re-vegetate, with native vegetation, the channel banks of Canoas Creek. The proposed enhancement plantings along Canoas Creek and the proposed wetland must not impact the District's operation and maintenance of Canoas Creek or the creek's flow conveyance capacity. Please revise the DEIR for consistency and completeness.</p> <p>21. Page 3-24 states that the existing vehicular bridge over Canoas Creek will be replaced and two new pedestrian bridges will be constructed; however page 4.5-42 states the existing bridge will be modified through the width of the bridge "is not expected to be significantly altered". The width of the existing bridge will need to be widened to accommodate pedestrian access at this location or a new bridge will be needed with adequate width to accommodate both pedestrians and vehicles. The DEIR should be revised for consistency and completeness regarding the existing bridge over the creek. The document should also clarify during which phase the bridges will be constructed.</p>	<p>The bridges would be constructed during Phase 1. Pages 1-5 and 3-30 of the Draft EIR have been revised, as shown in Chapter 3 of the Final EIR, to clarify this information. The existing bridge over Canoas Creek would be modified or upgraded to accommodate vehicular and non-vehicular access; it has not yet been determined whether the bridge would need to be replaced, but it is expected that the width of the bridge would not need to be significantly altered. Pages 3-24, 4.5-42, 4.5-43, and 4.5-51 of the Draft EIR have been revised accordingly to present this information consistently, as shown in Chapter 3 of the Final EIR.</p>
RLA5-24	<p>22. The DEIR discussion regarding the bridges over Canoas Creek needs to note that the bridges must be designed such that there are no impacts to channel capacity or District access along the top of bank.</p>	<p>Page 3-24 of the Draft EIR has been revised accordingly, as shown in Chapter 3 of the Final EIR.</p>
RLA5-25	<p>23. The District policies noted in Table 4.13-3 have been updated since the 2003 IWRP. The District's current policies regarding water supply are on the District's website and a copy is enclosed.</p>	<p>Chapter 4.13, Utilities and Infrastructure, of the Draft EIR has been revised accordingly, as shown in Chapter 3 of the Final EIR.</p>
RLA5-26	<p>24. The DEIR does not address whether any new utilities are to cross Canoas Creek or if any existing utilities crossing the creek will be relocated or modified, such as the existing water/irrigation line crossing over the creek near the existing vehicular bridge.</p>	<p>Specific details regarding the potential for utilities relocation or modification will be developed during the design phase.</p>
RLA5-27	<p>25. The proposed project includes improvements to Snell Avenue that may impact the District's Snell Pipeline that is located within an easement in/adjacent to Snell Avenue. The DEIR should discuss this po-</p>	<p>Snell Avenue improvements would be initiated during Phase One. The Snell Avenue easement is outside of the project site. See Master Response #2. In addition, a new guideline, LAND-6, has been added to the Park Plan to state</p>

TABLE 5-1 COMMENTS AND RESPONSES (CONTINUED)

Comment Number	Comment	Response
RLA5-28	<p>26. The project proposes pedestrian access to the VTA Blossom Hill Light Rail Station which requires crossing District owned property adjacent to the project site. The District's parcel is currently vacant, but used for drying sediment that has been removed from Canoas Creek. While we are interested in preserving this function, the incorporation of the parcel into the park for mutual use per a Joint Use Agreement or future property exchange can be considered.</p>	<p>The comment is noted.</p>
RLA5-29	<p>27. Modifications to the District's existing easement for Canoas Creek may be required if the District agrees to allow any re-alignment of the maintenance road outside of the existing easement to accommodate the trail, wetland, enhancement plantings, or any other site improvements along the creek.</p>	<p>The comment is noted.</p>
RLA5-30	<p>Please provide a copy of the Final EIR to the District for our files, when it becomes available. Reference District File Number 23602 on further correspondence regarding this project.</p>	<p>The comment is noted.</p>
<b>Letter #RLA6</b>	<b>Roy Molseed, Santa Clara Valley Transportation Authority</b>	<b>October 22, 2010</b>
RLA6-1	<p>Transportation and Circulation – General                      We would like to commend the County of Santa Clara for the thorough consideration of alternative modes of transportation in the DEIR and TIA. It is clear that the County has given serious consideration to pedestrian and bicycle circulation and access to transit in the Master Plan and environmental review process, which is consistent with the goals of the Santa Clara County Congestion Management Program managed by VTA. VTA also commends the County for including substantial pedestrian and bicycle improvements along the park's frontage on Branham Lane and Snell Avenue, as shown in Figure 3-4 of the DEIR.</p>	<p>The comment is noted.</p>

TABLE 5-1 COMMENTS AND RESPONSES (CONTINUED)

Comment Number	Comment	Response
RLA6-2	<p><u>Description of Existing Conditions</u>                      The discussion of existing bus service in the DEIR (page 4.12-8) mentions the existing bus stops for Local Route 66 at Snell Avenue/ Branham Lane and Snell Avenue/Chynoweth Avenue, but does not mention the existing bus stop at Snell Avenue / Obert Drive. The EIR should be revised to note the existing Snell Avenue / Obert Drive stop. In addition, the EIR should be revised to note that the Blossom Hill, Ohlone/Chynoweth, and Snell light rail stations in the vicinity of the project also have bicycle lockers and racks (in addition to the Curtner, Capitol and Branham Stations).</p>	<p>Pages 4.12-8 and 4.12-9 of the Draft EIR have been revised accordingly, as shown in Chapter 3 of the Final EIR.</p>
RLA6-3	<p>In addition to showing the location of the surrounding light rail stations on the Existing Transit Service Figure in the DEIR (Figure 4.12-2), we suggest that all maps that show the surrounding land uses, bike lanes and/or pedestrian infrastructure (such as DEIR Figure 4-3 and 4.12-3 and Master Plan Figure 1-2) should indicate the surrounding light rail stations.</p>	<p>The comment is noted.</p>
RLA6-4	<p><u>Access to Blossom Hill Light Rail Station</u>                      VTA appreciates the attention given to providing access to the Blossom Hill light rail station in the draft Master Plan and DEIR, including the new pedestrian/bicycle crossing over Canoas Creek to the station. Given that light rail service is provided late at night and early in the morning, it is important that this trail and bridge be open 24/7. Due to the size of the park and the fact that considerable investment is being made to construct the trail system, it would be prudent to make some route through the park available for use 24/7 to increase the neighborhood's transportation options, and to facilitate access to the light rail system. Night-time access to trails for transportation purposes has been shown to increase the mode share of biking, walking and transit use. These measures would help reduce the project's significant Climate Change impact identified in the DEIR (Impact CC-1).</p>	<p>The comment is noted.</p>

TABLE 5-1 COMMENTS AND RESPONSES (CONTINUED)

Comment Number	Comment	Response
RLA6-5	<p><u>Bus Service and Accommodations</u></p> <p>The DEIR and draft Master Plan do not appear to discuss how the bus stops along the Snell Avenue frontage will be reconstructed as part of the park project or the adjacent City of San Jose roadway improvement project. These documents should be revised to include a discussion of how these bus stops will be reconstructed. In order to provide convenient access to transit service and accommodate the likely increase in demand from park users, VTA recommends that the existing stops on Snell Avenue be retained, and recommends the following improvements for the existing bus stops:</p> <ul style="list-style-type: none"> <li>◆ Provide a 22-foot curb lane or bus duckout per VTA design standards.</li> <li>◆ Provide a 10' X 55' PCC concrete pad if a 22-foot curb lane is provided.</li> <li>◆ Provide an 8' X 40' boarding/deboarding area (sidewalk) adjacent to the bus stop.</li> <li>◆ Provide curb ramps at pedestrian crossings leading to the bus stop if currently not available.</li> <li>◆ Provide pedestrian-scale bus stop lighting.</li> <li>◆ Place all trees and landscaping outside of the bus stop zone.</li> </ul> <p>These bus stop improvements should be provided as part of Mitigation Measure CC-1b, to help reduce the project's significant Climate Change impact identified in the DEIR (pages 1-20 through 1-23).</p>	<p>See Master Response #2.</p>
RLA6-6	<p>In addition, consideration should be given in the EIR and Master Plan to measures to provide a safe pedestrian crossing of Snell Avenue near the proposed park entrance and the Snell Avenue/ Obert Drive bus stop. These documents should discuss what measures will be taken to ensure safe pedestrian crossings in the short term before a signal is installed at the park entrance.</p>	<p>Pedestrian safety at the Park entrance crossing is addressed in the Plan by Guideline CIRC.19: "Work with the City of San José to provide safe and comfortable pedestrian and bicycle crossings at all intersections leading to the park." Please see response to Comment RLA6-5; the Park Plan has been revised to include an additional statement that crosswalks will be established in coordination with the City of San Jose.</p>
RLA6-7	<p><u>Trail System.</u> The lower cross section depicted on Fig 3-4 of the DEIR, titled "TYPICAL WESTSIDE RESIDENTIAL TRAIL AND</p>	<p>As described in Chapter 3, Project Description, of the Draft EIR, all Park trails will be designed to be consistent with the Countywide Trails Master Plan Up-</p>

TABLE 5-1 COMMENTS AND RESPONSES (CONTINUED)

Comment Number	Comment	Response
RLA6-8	<p>BUFFER", shows a 12-foot shared use path with a 3-foot buffer next to a residential road. We support the 12-foot width on the shared use path but it should be noted that the Caltrans Highway Design Manual Chapter 1000 specifies a minimum 5-foot buffer between a path and a roadway. (If the buffer is less than 5 feet, a "barrier" must be provided, which is not recommended for aesthetic and circulation reasons.)</p> <p>Instead of a 12-foot wide single material surface for bikes and pedestrians, successful shared use paths use design features to help separate the faster bicycle traffic from the slower pedestrian traffic, such as 8-9 foot asphalt centers for bikes and brick or decomposed granite shoulders for pedestrians.</p>	<p>The comment is noted.</p>
<b>Letter #RLA7</b>	<p><b>Manuel Pineda, Acting Deputy Director, City of San Jose Department of Transportation</b>  <b>October 23, 2010</b></p>	
RLA7-1	<p>Page 4-12-3 - Clarifications - The 12' sidewalk includes tree wells per CSJ standards. For a multi-use path the standard design calls for a 12' clear path or 16' with tree wells.</p>	<p>Sidewalks constructed would be consistent with the City of San Jose's standards. Sidewalks at the Park are not intended to serve as multi-use paths because multi-use paths would be provided within the interior of the Park, parallel to the sidewalk, to serve this purpose. Please see response to Comment RLA6-5; the Park Plan has been revised to clarify that sidewalks will be established in coordination with the City of San Jose. No revision to the Draft EIR is necessary.</p>
RLA7-2	<p>The report should show both interim and ultimate conceptual layouts for the Snell Avenue corridor and access</p>	<p>See Master Response #2.</p>
RLA7-3	<p>The report should show conceptual layouts of all proposed mitigations to determine feasibility.</p>	<p>Proposed traffic improvements are included as part of the Project Description and that no traffic impacts have been found; traffic improvements are not included in the Draft EIR as mitigation measures. See Master Response #2.</p>
<b>Letter #RLA8</b>	<p><b>Lawrence Johann, Guadalupe-Coyote Resource Conservation District</b>  <b>October 25, 2010</b></p>	
RLA8-1	<p>We are pleased to be able to respond to the State Park General Plan and Santa Clara County Master Plan EIR for Martial Cottle Park. This is a most impressive undertaking to preserve 256.64 agricultural acres in a park preserve setting in the midst of our highly suburbanized Santa Clara Valley.</p>	<p>The comment is noted.</p>

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TABLE 5-1 COMMENTS AND RESPONSES (CONTINUED)

Comment Number	Comment	Response
RLA8-2	Having attended your recent workshops we are aware of the keen public interest as to how this land will be conserved and utilized, and of the many interest groups that you intend to accommodate. We would however like to address one aspect of the park plan that seems deficient, and with which we strongly identify, and that is Canoas Creek's natural stream and wildlife corridor that runs through the south western portion of the site.	The comment is noted.
RLA8-3	Canoas Creek needs evaluation as to the extent of its historic tule marsh and willow thickets that provided lush wetlands habitat for migratory waterfowl and for the extensive species of wildlife that used the Canoas Creek corridor in traveling from the Coyote Creek watershed to the Guadalupe River.	The comment is noted. The EIR evaluates the existing conditions of Canoas Creek at the project site, not the historic conditions.
RLA8-4	We were disappointed that Appendix F (Page 7) which was a submittal by the Muwekma Ohlone Tribe was blacked out in the EIR. Is there some way to see the map?	Under federal law, information regarding the location of archaeological resources is confidential. Locational information and maps contained in Appendix F have been blacked out to protect sensitive resources.
RLA8-5	These tules were used by the Ohlones to navigate the streams and fish. There have been nearby findings of salmonid bones discarded by the Ohlones.	The comment is noted.
RLA8-6	We disagree that the Canoas channel be kept in concrete. Proper design using geomorphology can, and should be used to restore the channel. Concrete channels are obsolete and should not be allowed in a new state and county park. Please reconsider this decision. We believe there is bond money that can be utilized. The educational and conservation value of this area could be a model of park design.	Hydrological modifications to Canoas Creek are not a part of the project.
RLA8-7	We believe it is important to develop an educational unit that illustrates the wildlife that roamed this part of Santa Clara Valley in general and Canoas Creek in particular because of its rich history. We believe the park should have public information on pre-history, geology, the creeks, wildlife, and the soils of Santa Clara Valley which gave rise to the agriculture in the valley. We would like to be involved in this educational endeavor.	The comment is noted.

TABLE 5-1 COMMENTS AND RESPONSES (CONTINUED)

Comment Number	Comment	Response
RLA8-8	<p>We believe it is important to assure the creek would provide a continuing habitat for migratory birds with an incorporation of a tule marsh and soft banks in which the western pond turtle could overwinter and thrive. We believe the red-legged frog would find permanent habitat in this restored area as well. In wet years, there might be a native fishery of some caliber. The fencing incorporated with the Santa Clara Valley Water District's facility should be engineered to accommodate passage by significant species of concern. We disagree that the adult female western pond turtle be excluded from the creek. All western pond turtles leave the creeks for high ground in storms and to nest, and return to creeks after the winter. What is the recommendation from Fish &amp; Game? The method described in the EIR seems to lead to eventual elimination of the western pond turtle. The EIR is incomplete in its information on the impacts to the western pond turtle given the fact that both the young and adult turtles need high ground in winter and the creek in the summer. It states that the fencing may be removed. What guidelines are in place? Who will oversee this project? When will this project be completed and who will decide to keep the fencing or eliminate the barrier to the turtles? The western pond turtle information in this EIR is inadequate.</p>	<p>The Plan does not propose to modify the banks of the creek. Additionally, Mitigation Measure BIO-2 ensures that adult female western pond turtles will not be excluded from the creek; a temporary fence will be placed prior to grading to ensure that pond turtles do not nest in areas that will be graded; fencing would not be installed to the other areas and temporary fencing would be removed after completion of the Park. The fence would be in place prior to April 1 and grading within the fenced-off areas would be delayed until July 1.</p> <p>After the first year of grading, construction within the fenced areas could be conducted throughout the year because nesting females would have been excluded from these areas and nests would not be present. After project construction is complete, the turtle exclusion fence may be removed. This method would protect nesting pond turtles, if present, not eliminate them from the Park.</p>
RLA8-9	<p>It would also be highly beneficial if a burrowing owl preserve could coexist with some agricultural usage of the land just west of Canoas Creek which seems to be cut off from routine public recreation circulation.</p>	<p>The California Department of Fish and Game did not submit comments or recommendations on the Park Plan or EIR.</p> <p>No burrowing owls were observed on the site during LSA's survey and no occurrences of burrowing owls have been recorded at the site.<sup>1</sup> Future introduction of burrowing owl to the site would be dependent on a reduced population of predators (e.g. foxes, domestic animals, and feral animals) and the presence of a food source. To the extent possible, the County Parks Department would support the conservation strategies for Western Burrowing Owl in the Santa Clara Valley Habitat Plan (HCP/NCCP), if approved. The Santa Clara Valley Habitat Plan focuses burrowing owl conservation strategies and actions</p>

<sup>1</sup> California Department of Fish and Game, 2010, California Natural Diversity Data Base Computer printout of recorded occurrences of special-status species within 5 miles of the project site [computer program]. Sacramento: California Department of Fish and Game.

TABLE 5-1 COMMENTS AND RESPONSES (CONTINUED)

Comment Number	Comment	Response
		<p>in the Baylands, San Benito County, Morgan Hill, and Gilroy as initial priorities, where the South San Jose area is designated as the lowest priority for the Santa Clara Valley Habitat Plan's burrowing owl conservation strategies.</p>
		<p>Although the Plan does not include the creation of a preserve for burrowing owl, mitigation measures in the Draft EIR would improve habitat for birds, including the burrowing owl, in the Park. Mitigation Measure BIO-1a requires pre-construction surveys for nesting birds. As shown in Chapter 3 of the Final EIR, Mitigation Measure BIO-1a has been revised to require that California Department of Fish and Game (CDFG) protocols be followed. If birds are observed, construction buffers shall be established.</p>
		<p>Mitigation Measure BIO-1a requires that if construction occurs during the breeding season, a pre-construction survey for burrowing owls shall be completed no more than two days prior to construction activities, and a qualified biologist or qualified Natural Resources Management Program staff must conduct surveys for the presence of nesting birds no more than 14 days prior to initiation of construction. Mitigation Measure BIO-1b requires annual monitoring for nesting activity. If nesting activity is observed, human exclusion zones around active nests shall be established. Mitigation BIO-3a requires that an agricultural management plan be developed to promote foraging habitat for wildlife through crop rotation, harvesting techniques, and the establishment of cover strips. Mitigation Measure BIO-3b requires that the use of rodenticides be reduced to increase prey abundance at the Park and to allow ground squirrels to create burrows and potential nest sites for burrowing owls.</p>
		<p>These mitigation measures would be sufficient to reduce identified impacts. No further change to the Park Plan is necessary.</p>
RLA8-10	Please do eliminate the application of rodenticides.	<p>Martial Cottle Park would be subject to the County's Integrated Pest Management (IPM) Ordinance, which would require the use of natural biological cycles and controls, and other sustainable practices. The IPM method uses the</p>

TABLE 5-1 COMMENTS AND RESPONSES (CONTINUED)

Comment Number	Comment	Response
RLA8-11	<p>In the same resource conservative manner we would request that coast live oak and valley oak habitat for migratory and nesting birds not be removed or degraded but that strips of natural grasslands be retained under the oaks. We also believe it important to keep the native California black walnut for wildlife foraging, and coast redwood standing for shade and wildlife habitat. Grading should be avoided in natural areas as it compacts the soil and machinery often brings in invasive species.</p>	<p>Chapter 4.5, Biological Resources, of the Draft EIR states that the Santa Clara County Guidelines for Tree Protection and Preservation for Land Use Applications (revised March 8, 2010) would be implemented to avoid impacts to these oak trees. These guidelines include protecting the ground and vegetation below the oaks' dripline. Preserving the native California black walnut and coast redwood would improve wildlife habitat.</p>
RLA8-12	<p>As a conservation district in the northern portion of Santa Clara County we are delighted to see there are classrooms in the plan. We have sponsored educational programs through the years and would like to utilize either a classroom and/or have an opportunity for using an outdoor area for public education at times. We have displays regarding conservation aimed at both adults and children. Additionally, we have a USDA Natural Resource Conservation Service Conservationist available through our district. People needing conservation help or information are able to utilize the NRCS through our district. Depending on the project, they may be able to obtain cost share funds from the federal government for conservation problems or projects. We would like this information to be made available to the public at the park.</p>	<p>The comment is noted.</p>
RLA8-13	<p>We would like to meet with staff to discuss these aspects of their educational outreach program of Martial Cottle Park. Thank you for this opportunity to attend your public workshops and to comment on this EIR.</p>	<p>The comment is noted.</p>

TABLE 5-1 COMMENTS AND RESPONSES (CONTINUED)

Comment Number	Comment	Response
<b>NON-GOVERNMENTAL ORGANIZATIONS</b>		
<b>Letter #ORG1</b>	<b>Libby Lucas, Santa Clara Valley Chapter of the California Native Plant Society October 22, 2010</b>	
ORG1-1	In regards to the State Park General Plan and Santa Clara County Park Master Plan EIR for Martial Cottle Park, staff's enthusiasm for the opportunity to preserve 256.64 acres of Santa Clara Valley farmland is to be commended. The park is in a prime location for educational outreach to this suburban community with its numerous neighborhood schools, especially in consideration of the recent introduction of the living classroom unit to the State's elementary school curriculum.	The comment is noted.
ORG1-2	In view of past and present agricultural practices on this farmland we understand that the EIR did not expect the species of native plants mentioned on page 4.5-21 likely to occur: bent-flowered fiddleneck, big scale balsam root, round-leaved filaree, robust spine-flower, Mt. Hamilton thistle, San Francisco Collinsia, Santa Clara Valley dudleya, fragrant fritillary, showy madia, Hall's bush mallow, Metcalf Canyon jewel-flower or Congdon's tarplant. However these species might be reintroduced to park buffer lands or into an area allocated especially for a native species garden.	The comment does not relate to an environmental issue relevant to CEQA. The Plan would provide opportunities for the reestablishment of native plantings at the project site within designated areas of the Park and Recreation Zone, Western Use Area, and buffer landscaping areas along the Park edges. The Plan includes a planting plan that emphasizes native, regionally appropriate plants that are significant to the region's history.
ORG1-3	Recently our CNPS Santa Clara Valley Chapter President, Kevin Bryant, has given a talk on gardening for wildlife in gardens and natural areas and the plants most helpful for such habitat. (4.5-23) This use of native species should be major consideration in design of buffer swales and trail plantings. Also the park plan will recommend that species native to the Canoas Creek watershed be cultivated for this purpose?	The comment does not relate to an environmental issue relevant to CEQA and therefore no further response is required.
ORG1-4	The critically important area of conservation throughout site is the vista of ordnance size Valley Oaks. These oaks should stand clear and unencumbered to view from all surrounding lands, with a backdrop of mountains to both sides of the valley floor. Also a management regimen might be incorporated into the master plan that would regulate intrusion into the oaks' drip line for watering or grading and which	Chapter 4.5, Biological Resources, of the Draft EIR states that the Santa Clara County Guidelines for Tree Protection and Preservation for Land Use Applications (revised March 8, 2010) would be implemented to avoid impacts to these oak trees. These guidelines include protecting the oaks' dripline.

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Comment Number	Comment	Response
ORG1-5	<p>would reestablish grasslands indigenous to oaks on valley floor under-story.</p> <p>To ensure the Martial Cottle Park is a model of water conservation, native plant species would be the preferred choice of vegetation and dry farming might be a consideration for part of agricultural component. It is noted that this site has hydric soils and a high water table so seasonal wetlands should occur naturally? If this is the case then it would seem practical to encourage the site's historic species of wetlands vegetation which were tules and willows in Canoas Creek's corridor.</p>	<p>The comment pertains to a component of the Plan and does not address an environmental issue relevant to CEQA. The Plan states that water-efficient, native plants should be emphasized at the Park. All plants used in the Canoas Creek enhancement area would be watershed specific native plants.</p>
ORG1-6	<p>The riparian planing guide of trees and shrubs that is proposed in master plan might not be ideal in consideration of a high water table. It could be preferable to see if tule vegetation volunteers on Canoas Creek banks and floodplain, given some control of mentioned invasives of Italian thistle, yellow star thistle, and Himalayan blackberry. If the present Canoas Creek cement channel were restored in this reach to a natural stream corridor by Santa Clara Valley Water District it might provide wildlife habitat of a far more interesting and educational calibre.</p>	<p>The comment does not relate to an environmental issue relevant to CEQA and therefore no further response is required.</p>
ORG1-7	<p>In consideration of the length of time for implementation of this master park plan our local chapter is unable to commit to a definite contribution of volunteer labor in regards a plant nursery but we would certainly be supportive of staff's efforts in general planning of the natural landscape and in gardening with native species lectures and classes.</p>	<p>The comment is noted.</p>
<p><b>Letter #ORG2-1</b>  <b>Jennifer Williams, Santa Clara County Farm Bureau</b>  <b>October 22, 2010</b></p>		
ORG2-1	<p>Thank you for the opportunity to review the Draft Environmental Impact Report (DEIR) for the Martial Cottle Park Master Plan and to provide feedback on the Plan. We are delighted the County of Santa Clara Department of Parks and Recreation and the California Department of Parks and Recreation are developing a park to serve as a public historical agricultural park. We applaud this goal as well as your efforts to "incorporate recreational, educational, interpretive and agricultural</p>	<p>The comment is noted.</p>

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Comment Number	Comment	Response
ORG2-2	<p>uses in a single park unit.” For generations to come, the park will provide an experiential learning experience and serve as a reminder of Santa Clara County’s rich agricultural history.</p> <p>The Farm Bureau of Santa Clara County is a non-profit organization dedicated to promoting and defending farming and ranching in Santa Clara Valley, recognizing that agriculture provides economic and environmental benefits for all residents of Santa Clara County. We have been involved in the Martial Cottle Park planning process since its beginning stages, offering extensive input and expertise, hosting multiple meetings, and working with county staff to incorporate components to ensure the park’s agricultural viability.</p>	<p>The comment is noted.</p>
ORG2-3	<p>We are pleased to see that the DEIR reflects a number of concerns previously raised by the agricultural community. As a result, the Draft Environmental Impact Report for the Martial Cottle Park Master Plan demonstrates an awareness of the needs of commerce crop production. Necessary agriculture infrastructure like produce storage facilities and on-site marketing opportunities are accounted for throughout the Martial Cottle Park DEIR, reflecting the Donor’s Vision and recognizing the direct link between agricultural infrastructure and agriculture’s long-term economic viability. Barns, shops, equipment storage facilities, farm corporation yards, service roads, packing and processing facilities, etc. are all essential to a modern, efficient agriculture operation and are provided for in this document. Marketing facilities such as a farmers’ market area, a produce stand, a farm café, and catering facilities perform several functions including ensuring outlets for agriculture production, attracting visitors, and providing an important link between local farmers and consumers. In addition, by maintaining large, contiguous blocks of agricultural land the plan allows for maximum flexibility for future uses.</p>	<p>The comment is noted.</p>
ORG2-4	<p>Although there has been great consideration for the needs of agricultural activities at Martial Cottle Park, a few small deficiencies exist in the DEIR. Row crops and orchards are an important part of Santa</p>	<p>The parking areas in the Plan are sufficient to accommodate employee parking for the agricultural uses at the Park. The comment does not relate to an environmental issue relevant to CEQA and therefore no further response is re-</p>

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ORG2-5	<p>Clara County's agricultural heritage. They also require large amounts of hand labor and represent crops sensitive to food safety concerns. During picking seasons, space sufficient to load bins onto trucks for shipment will be necessary as will parking for picking crews. In light of the cost for parking in state parks, the Martial Cottle Park Master Plan may want to consider providing adequate parking to accommodate picking crews and other field employees.</p> <p>Fences are recognized in the DEIR as an important aspect of agricultural fields and formidable fences must be erected quickly at this highly visible and accessible site. Theft of agricultural commodities is all too common and every attempt to prohibit access to produce must be made. Food safety issues are another serious concern that requires sufficient barriers to prevent park users and domestic animals from coming into contact with fresh produce. The plan recognizes the potential for conflicts between commercial agricultural production and the estimated 2,600 to 4,600 daily visitors and provides mitigation measures such as vegetated buffers to account for noise and dust concerns. Nonetheless, there are likely to be complaints about these issues and it will be necessary to have a procedure in place to handle complaints.</p>	<p>The comment does not relate to an environmental issue relevant to CEQA and therefore no further response is required.</p>
ORG2-6	<p>A significant concern is the limitations of the County Integrated Pest Management and Pesticide Use Ordinance. This ordinance may not provide an agricultural lessee with the flexibility necessary to adequately farm the property. The agriculture industry follows rigorous application guidelines and incorporates a lengthy approval process for crop protection tools that considers public and employee health and safety, the environment, air and water quality, and efficacy. Growers make every attempt to combat pests using cultural practices and biological controls when possible. When these techniques do not adequately address pest and disease pressures, it may be very difficult for</p>	<p>The comment does not relate to an environmental issue relevant to CEQA and therefore no further response is required.</p>

TABLE 5-1 COMMENTS AND RESPONSES (CONTINUED)

Comment Number	Comment	Response
ORG2-7	<p>lessees to control pests using the County's limited list of approved pesticides. Many crop protection tools are developed solely for agricultural use and the County is not likely to have considered and listed these products for other uses.</p> <p>Of utmost concern, is our perception that the Donor's Vision has not been given adequate weight in the development of the Martial Cottle Park Master Plan. One of the fundamental parkwide goals as enumerated is as follows: "The Park's focus will be education and commemoration of Santa Clara County's agricultural history. Portions of the Park will be under agricultural use, and portions under educational and cultural uses, all for the promotion of local agriculture. Research and commercial agricultural uses will be limited to those that are reasonably related to the history of farming in the Santa Clara Valley." However, elsewhere in the DEIR, it states "The agricultural uses planned at the Park would be subordinate to the Park's recreational and educational uses."</p> <p>This seems to contradict the Donor's Vision and the parkwide goal of a primarily agricultural park. Moreover, opportunities for passive recreation are abundant in Santa Clara County and in South San Jose while opportunities to see agriculture up close without trespassing are nearly impossible to find. Preserving and showcasing agriculture should be the primary focus of the park, not recreational facilities and parking lots.</p>	<p>The comment does not relate to an environmental issue relevant to CEQA and therefore no further response is required.</p>
ORG2-8	<p>As such, agricultural production should take place on the most fertile soils, those distinguished as Prime Farmland. Facilities to support recreation such as restrooms and parking area are currently planned on significant portions of prime farmland along the eastern edge of the park. Soil quality should be one of the primary characteristics used to determine placement of the park's features, preserving the best lands for agricultural use.</p>	<p>The distribution of land uses proposed in the Plan was developed through an extensive public planning process. Master Plan alternatives were considered during the planning process that included a different entrance location so that a maximum amount of Prime Farmland could be preserved. However, such Master Plan alternatives resulted in other planning issues, such as concerns regarding potential Park entrance locations, and were not selected as the preferred alternative that became the proposed Plan that was evaluated in the Draft EIR. The Draft EIR evaluates the conversion of Prime Farmland and</p>

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ORG2-9	The Martial Cottle Park presents a rare and exciting opportunity for urban residents to interact with agriculture. Thank you for your diligent work on this project and for allowing us to relay some of our concerns with the Draft Environmental Impact Report. We look forward to working with you to address our outstanding concerns. Please call me to discuss further at (408) 776-1684.	finds that, although some Prime Farmland would be converted to recreational uses, overall the project would not result in a significant impact due to the greater amount of land that would be preserved, in perpetuity, for agricultural uses. Furthermore, the Draft EIR finds that future non-agricultural uses on Prime Farmland would directly support the long-term viability of the Park as an agricultural preserve. The comment is noted.
<b>Letter #ORG3-1</b>	<b>Jennifer Williams, Santa Clara County Farm Bureau October 25, 2010</b>	
ORG3-1	Thanks for your call Friday afternoon, sorry I wasn't able to get our comments in any sooner. The biggest things we want to communicate are:	The comment does not relate to an environmental issue relevant to CEQA and therefore no response is necessary apart from the responses provided to the comments below.
ORG3-2	...the importance of strong fences that are established before the park is open to visitors;	The comment does not relate to an environmental issue relevant to CEQA and therefore no further response is required.
ORG3-3	...county IPM will be too restrictive;	The comment does not relate to an environmental issue relevant to CEQA and therefore no further response is required.
ORG3-4	...park focus should be on agriculture not recreation.	The comment does not relate to an environmental issue relevant to CEQA and therefore no further response is required.
ORG3-5	Thanks for all your work on this and for your openness to public input, beyond the requirements of the EIR. We appreciate it!	The comment is noted.
<b>MEMBERS OF THE PUBLIC</b>		
<b>Letter #PUB1</b>	<b>Dorren "Reenie" Murotsune September 14, 2010</b>	
PUB1-1	We just moved to South San Jose from the Campbell area 2 months ago. We've always lived in San Jose, but never this far south as we are now. I grew up in the Cambrian area. After getting married, lived in	The comment does not relate to an environmental issue relevant to CEQA and therefore no further response is required.

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Comment Number	Comment	Response
	<p>San Jose's Japantown and then 14 years later, moved to the West side of San Jose, just minutes from the City of Campbell. We now live on Colony Crest, cross street to Chynoweth. I read there are plans for a park to be developed across the street on Chynoweth and the surrounding streets. Do you have any update as to when it will be completed? Is the ground breaking to commence anytime in the near future or distant future? I'm just curious as to when we can expect to see a park here and be able to walk in it.</p> <p>We frequent the Santa Clara County Park system frequently. I walk my dog daily at Vasona County Park in Los Gatos; such a beautiful park.</p>	
<b>Letter #PUB2</b>	<p>Thank you for any update or information you could provide.</p> <p><b>Prince Spiess</b>  <b>September 20, 2010</b></p>	
PUB2-1	<p>I am the Owner of BAVARIA BRATWURST Comp. an Original Bratwurst Family Recipe since 1866 made here in San Jose and is only available @ local Events and Festivals, just find out about the development in my Neighborhood, my Address 5414 DUESENBERG DR., CA 95123 very close by. Would like to get opportunity to be a part of the development in form of a Kiosk, Product sale or Concession Stand. Please give me a chance to prosper in this lovely community. Look forward hearing from you.</p>	<p>The comment is noted.</p>
<b>Letter #PUB3</b>	<p><b>Kathy S. Mulder</b>  <b>October 21, 2010</b></p>	
PUB3-1	<p>As a long time customer of Terminix, I wanted to keep you posted of future environmental impact.</p> <p>This will seriously effect the surrounding areas of our neighborhood. I wanted to keep you posted public meeting times. Hopefully you could attempt to make these meetings to inform Parks and Recreation and neighborhood of the possible infestations plowing up the field could have throughout surrounding areas. Such as field mice and sub-termites</p>	<p>Potential impacts associated with infestations are addressed in Chapter 4.9, Hazards and Hazardous Materials, of the Draft EIR. The agriculture at the Park would be surrounded by buffer zones, which may provide harborage for rodents and thus increase the potential for rodent damage to the agricultural crops. In addition, Mitigation Measure HAZ-1 would require the County of Santa Clara Parks Department to consult with the County Vector Control District in measures to prevent vector displacement: "Prior to ground distur-</p>

TABLE 5-1 COMMENTS AND RESPONSES (CONTINUED)

Comment Number	Comment	Response
	<p>etc...</p> <p>I feel Terminix should be contracted to solve any problem before it arises and that California State Parks and Recreation should be fully accountable for any and all expense.</p> <p>PS. Hopefully, Terminix would be willing to survey the land at no cost to S.C. Parks and Recreation to determine the above statements.</p>	<p>bance, a representative from the County of Santa Clara Vector Control District shall be contacted to survey the property and make recommendations for pest control at the site. Additionally, if vector displacement is noted during any phase of the project, the Vector Control District shall be contacted to provide recommendations.</p> <p>Mitigations to the Park property would involve the installation of buried welded wire extending below and above ground, and along the perimeter of the project site in areas adjacent to existing residential development to provide a barrier to movement by rodents. The fence shall be maintained until all vegetation is removed from the areas to be developed on the project site.</p> <p>Ground clearing and vegetation removal shall be started adjacent to the existing residences and move toward the preserved open spaces on-site. By moving from the existing development toward the open space, suitable cover in which rodents may seek shelter would be located away from the residences. Animals seeking such cover could then move to vegetated areas instead of to adjacent residences. The specific design of this mitigation, such as the size, height, and depth of the mesh, shall be determined in consultation with the Vector Control District.”</p>
PUB3-2	<p>Thank you for listening to my opinion on environmental impact concerning the new Martial Cottle Park.</p> <p>I spoke with a Susan at Terminix, she is Bob Keefe's secretary, I gather by speaking with her. They do not survey the land for pest before a structure. Deal only on an individual base for pest situations with standing buildings.</p> <p>I gather by speaking with Susan any kind of environmental impact when a natural environment is disturbed could cause a situation on a large or small scale.</p> <p>So the question is, "How do we contain the issue of pests?"</p> <p>I suppose that's up to Santa Clara Parks and Recreation. I have no remedy. No quick fix. Nor, I gather does Terminix. A park would be</p>	<p>Please see response to Comment PUB3-1.</p>

TABLE 5-1 COMMENTS AND RESPONSES (CONTINUED)

Comment Number	Comment	Response
<b>Letter #PUB4</b>	<b>Lawrence Boesch September 21, 2010</b>	
PUB4-1	<p>Water Supply Assessment (“WSA”), EIR Appendix G – The contracts and agreements mentioned in Secs. 3.3.1 through 3.3.4i are unspecified as to length, remaining duration, and projected conditions for renewal. As such, they are just a snapshot in time, which is compared (perhaps unreasonably) with durations from 2011-2019 (Phase 1), 2020-2030 (Phase 2), and beyond (2030+). A more reliable comparison would sketch out the known lengths and remaining durations of the contracts, with endpoints to indicate when the assumptions of renewal or continuation of status quo may affect the long-term evaluation of availability.</p>	<p>The Water Supply Assessment (WSA) for the project relies on the analyses completed for the Urban Water Management Plans (UWMPs) of the SCVWD and the San Jose Water Company, as discussed and cited in the WSA. The SCVWD’s UWMP assumes that contracts will continue, and the project WSA therefore contains the same assumptions.</p>
PUB4-2	<p>The figures for water availability from outside sources (Appendix G, Sec. 3.3) apply to the Santa Clara Valley Water District (SCVWD), not just to San Jose. How much of the water from these contracts would actually be available for use for the Project?</p> <ol style="list-style-type: none"> <li>State Water Project (SWP) provides 59,000 acre feet annually (“af/y”);</li> <li>Central Valley Project (CVP) delivers 114,700 af/y;</li> <li>Hetch Hetchy, delivered by the San Francisco Public Utilities Commission (SFPUC) accounts for just under 60,000 af/y; and</li> <li>Semitropic Water Storage District (SWSD, southern Central Valley) can divert “excess” imported water in wet years to Semitropic to provide, in lieu recharge (direct irrigation supply to offset agricultural pumping); when “banked” water is needed, SCVWD receives a portion of SWSD’s SWP deliveries that is offset by SWSD by increased groundwater pumping in that basin; the current total storage agreement with SWSD is for 350,000 af; as of 2005, SCVWD had a “balance” of 283,000 af.</li> </ol>	<p>As stated in Section 3.3 of the WSA, the imported water is “used for treated water, groundwater recharge, and groundwater banking—the percentages of which vary depending on the rainfall characteristics, supply amounts, and other conditions particular to that year.” Given these variables, and the fact that State Water Project, Central Valley Project, and Semitropic Water Storage District water is managed as a whole by the SCVWD, it is difficult to state how much of each particular contract is available specifically to the project. The imported water, along with local runoff, is used by the SCVWD to proactively manage the groundwater basin from which the majority of the project’s supply would be drawn. Thus, describing specific allocations to the project from the various imported water sources is not appropriate for the WSA.</p>

TABLE 5-1 COMMENTS AND RESPONSES (CONTINUED)

Comment Number	Comment	Response
PUB4-3	<p>Figure 9 in Appendix G shows that the imported water from the combined sources of SWP, CVP and SFPUC makes less than 100% of the “mean annual precipitation” from 2007 to 2009 (fluctuating between 75% and 85%), although from 2003 to 2006 it made more than 100% of the mean annual precipitation (reaching almost 175% in 2005), but how much of the mean annual precipitation is recoverable and useable water?</p>	<p>The intent of Figure 9 is to show the trends in imported water supply relative to precipitation conditions. “Percent of mean annual precipitation” (right axis of the graph) represents a particular year’s total rainfall relative to the long-term mean rainfall, not the amount of imported water supplies relative to mean annual precipitation, as the commentor suggests. Figure 7 shows the total amount of natural and managed recharge for the Santa Clara sub-basin. The amount of precipitation available for recharge varies significantly from year to year based on total rainfall amounts as well as rainfall patterns and intensities.</p>
PUB4-4	<p>Tables 5-7 in Appendix G estimate the groundwater demands for the Project at 365 af/y from 2015 on. Table 8 has the Project’s demands at 128 af in 2015 and at 132 af from then on (2020, 2025 and 2030). Are the figures in Table 8 to be added to those in Tables 5-7, to get the total estimated water consumption for the Project?</p>	<p>Total estimated water demand for the project is calculated to be approximately 561 acre feet per year, as summarized in Table 1 (Appendix G of Volume II of the Draft EIR) and discussed in Chapter 4.10 of the Draft EIR. Tables 5 through 7 summarize the portion of the demand that would come from on-site groundwater pumping (adjusted to account for infiltration of irrigation water). Table 8 summarizes the portion of demand that would be supplied by the San Jose Water Company.</p>
PUB4-5	<p>“An LSA noise technician conducted short-term ambient noise monitoring on the project site on Tuesday, August 21, 2007 between the hours of 10:30 a.m. and 1:00 p.m. at three separate locations within the vicinity of the project site. The purpose of this noise monitoring was to document the existing noise environment and capture the noise levels associated with operations and activities in the project vicinity.” (EIR, p. 4.11-6) This is notoriously one of the quietest times of the year, the third week of August being the last few days of vacation season when families are out of town and school has not yet started. This is not a fair benchmark to use when determining ambient noise (background) levels.</p>	<p>As noted by the commentor, as well as it being noted on page 4.11-6 of the Draft EIR, the ambient noise measurements were taken in order to document the existing noise environment and capture the noise levels associated with operations and activities in the project vicinity on the stated date and at the stated times. These measured ambient noise levels, documented on page 4.11-7 of the Draft EIR, are not used to establish a baseline to determine the significance of impacts of the project, but only represent an accurate documentation of the ambient noise environment on that date. The measurements were performed following Best Management Practices, including such aspects as the time of day (daytime between the hours of 7:00 a.m. and 10:00 p.m.) and location (5 feet above ground level and more than 10 feet from any obstructive or reflective surface).</p>

TABLE 5-1 COMMENTS AND RESPONSES (CONTINUED)

Comment Number	Comment	Response
PUB46	<p>In comparison, the readings on the noise levels measured and recorded in Appendix H were taken on May 14, 2010, although in different locations for the most part (i.e., along Branham from Vista Park to Safeway, along Branham from Safeway to Snell, by Highway 85 no. of Blossom Hill, and along Snell from Branham to Chynoweth – in comparison with the three locations [SW corner, SE corner, and NW corner of the Project, per Figure 4.11-1 on pg. 4.11-8] used for measurements in 8/07). These choices of different dates/seasons and different locations make the projections and conclusions across the board for the entire year suspect.</p>	<p>In addition, while noise measurements taken on other days throughout the year could result in higher background noise levels, a comparison of project-related noise levels to the lowest measured background noise levels would provide the most conservative estimate of the project-related impacts.</p> <p>As noted in the response to Comment PUB4-5 and as noted on page 4.11-6 of the Draft EIR, measured ambient noise levels were taken only to document the existing noise environment and capture the noise levels associated with operations and activities in the project vicinity at the time of the noise measurements. The EIR does not make any projections or conclusions based on these noise measurements.</p>
PUB47	<p>The discussion following Table 4.11-10ii is inadequate. Part of the reason Snell Ave. is being expanded to six (6) lanes is because of the Project. To say that the noise impacts associated with this change should not be attributed or allocated to the Project defeats the purpose and effect of CEQA.</p>	<p>The commentator is not correct that the reason Snell Avenue is being expanded to six lanes is because of the project; the City's proposed roadway widening project is independent of the Park project. Off-site transportation improvements required to accommodate the project are described in Chapter 3 of the Draft EIR. The analysis on page 4.11-21 of the Draft EIR provides a full analysis of the future traffic noise conditions that would occur with implementation of the Park Plan. Following CEQA guidelines, the noise impact analysis takes into account the future roadway conditions that will, in fact, move vehicular travel lanes closer to adjacent receptors. The modeled input values showing the analysis of the future roadway alignment are included, as indicated on page 4.11-20, in Appendix I of the Draft EIR. The analysis properly concludes that even under this condition, no off-site sensitive receptor would be exposed to a significant increase in traffic noise levels under with the project conditions, nor would on-site land uses be exposed to traffic noise levels in excess of the County's "satisfactory" land use compatibility standards.</p>
PUB48	<p>At least 80% of the noise analysis has to do with the evaluation of the noise levels on site at the Project. In comparison, the only comment about the impact of the Project's noise on the noise levels in the</p>	<p>The Draft EIR accurately concludes that the project would not result in traffic noise impacts on off-site sensitive land uses. The Draft EIR also concludes, as noted on pages 4.11-26 and 4.11-29, that with implementation of Mitigation</p>

TABLE 5-1 COMMENTS AND RESPONSES (CONTINUED)

Comment Number	Comment	Response
PUB49	<p>neighboring areas (described as “The project site is bordered on all sides by medium density, single- and multi-family residential land uses,” pg. 4.11-12) is in the form of Table 4.11-11, which is used to support the conclusion that the Project “would not generate enough traffic to create a perceptible change (at least 3 dBA) in traffic noise in the vicinity of the project site, and a substantial long-term increase in ambient noise levels is not expected as a result of project implementation.”</p>	<p>Measure NOISE-1, construction noise impacts to both on- and off-site receptors would be reduced to a less-than-significant level. The Draft EIR further concludes, as noted on page 4.11-28, that implementation of the project would not result in groundborne noise or vibration impacts on off-site receptors, nor, as noted on page 4.11-29, would the project result in a significant increase in operational noise levels at off-site receptors. The cumulative discussion on page 4.11-29 also addresses impacts to off-site receptors and concludes that project-related traffic and operational noise levels would be less than significant.</p>
	<p>The mitigation measure described on pg. 4.11-27/iii are inadequate for a variety of reasons:</p>	<p>See Master Response #2.</p>
	<p>a. There is nothing said about where on the construction site this notice of a telephone number to call the Noise Disturbance Coordinator is to be posted, so that the community surrounding the Project can be aware of the telephone number;</p>	
	<p>b. Nothing is said about the Applicant maintaining the sign posted with the Coordinator’s phone number continuously throughout the duration of the construction phase;</p>	
	<p>c. Nothing is said about what happens if the Noise Disturbance Coordinator does not respond to the complaint;</p>	
	<p>d. Nothing is said about the Coordinator’s discretion not to require the Applicant to take measures to address the complaint;</p>	
	<p>e. Nothing is said about repercussions (e.g., fine, red-tagging, etc.) if the Applicant ignores or takes inadequate steps to address the Complaint, even if asked to take remedial steps;</p>	
	<p>f. Nothing is said about an appeal by an interested party (whether it be Applicant or complaining neighbor), if they do not like the Coordinator’s action or lack of action;</p>	
	<p>g. Nothing is said about how the Coordinator is chosen.</p>	

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TABLE 5-1 COMMENTS AND RESPONSES (CONTINUED)

Comment Number	Comment	Response
Letter #PUB5	Dave Duarte September 24, 2010	
PUB5-1	I am writing to you to find out a little more about the Martial Cottle park, and the possibility of utilizing it for production agriculture. I am an Agriculture Education Teacher for a local High School, and also a second generation cattle rancher. I would like to see the possibility of putting some cattle on the property. This I believe would be beneficial to both parties. The land would have something on it and it would stop people from continually complaining that the state has this ground and isn't doing anything with it. The cow's will eat down the field(which would be a benefit for me as well) , this will also keep down the weeds and eliminate the need for tractor discing which causes, erosion, and can be a huge nuisance to surrounding neighbors (dust clouds, and rodents vacating the fields to surrounding neighborhoods, and is an expense for the state. Cattle are also very low impact on the land, so Cattle are considered "green" . Also with my background of being an educator I would love to put together an educational display if the Park would like, so that people that are passing by can learn a little about the joint project that the state is working with a local rancher to continue the purpose behind the Martial Cottle Park, "highlighting the agricultural heritage of Santa Clara Valley." Please feel free to contact me either by email or via phone 408-221-4362	The comment pertains to a component of Martial Cottle Park that does not address an environmental issue relevant to CEQA. Therefore, no further response is required.
Letter #PUB6	Annette Levelle September 24, 2010	
PUB6-1	This is great news! I love these beautiful acres in San Jose. I was not able to attend the other night due to a class. Can we have some of the land dedicated to the burrowing owl? Can anyone get involved in this?	Please see response to Comment RLA8-9.
Letter #PUB7	William H. Kremer September 26, 2010	
PUB7-1	My visit to the information meeting about the planned Martial Cottle Park left me aghast. With the last good chance for San Jose to show that its citizens truly love this community, I found nothing has	The comment does not relate to an environmental issue relevant to CEQA and therefore no further response is required.

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TABLE 5-1 COMMENTS AND RESPONSES (CONTINUED)

Comment Number	Comment	Response
PUB7-2	<p>changed. The same sodden, befuddled people seem to be creating yet another garish abomination, rather than something to beautify and enhance the daily lives of San Jose Citizens. Lacking the very first of necessary elements of a park, beauty, the plan goes on to create utterly useless and off-putting exhibits of nothing desirable. Your park plan is incredibly bad.</p>	<p>The comment does not relate to an environmental issue relevant to CEQA and therefore no further response is required.</p>
PUB7-3	<p>I ask you to look around San Jose, then look at the park system of almost any city in America. The differences will scream at you immediately. Unlike a playground, a park is above all, a place of beauty. That is the function and purpose of a park. If playground equipment is added to a park, the purpose of it should be to enhance the beauty, not the utility. We have playgrounds everywhere, at every school site and every small neighborhood play space. A park is something entirely different.</p>	<p>The comment does not relate to an environmental issue relevant to CEQA and therefore no further response is required.</p>
PUB7-4	<p>Look at Golden Gate Park in San Francisco. On a smaller scale, look at Central Park in Santa Clara. Both are multi-use parks, but there is no question the fundamental accomplishment of the park is to be a place of beauty, within the city core and in the view of citizens and passersby as they wend their daily comings and goings. It is a secondary added attraction that folks can gambol through the park and feel, smell and taste the natural ambience.</p>	<p>The comment does not relate to an environmental issue relevant to CEQA and therefore no further response is required.</p>
PUB7-5	<p>Why is it that the lake and park on Almaden is hidden from the view of San Jose's general public? Do they not pay for it? If beauty is any part of what is done there, who has ever seen it? I have lived close by since before it was created and I have not seen it to this day. It simply is not in the public view. For an example of something similar, done well, see MacArthur park in Los Angeles.</p>	<p>The comment does not relate to an environmental issue relevant to CEQA and therefore no further response is required.</p>
PUB7-5	<p>Paul Moore Park, near my home, is an example of a playground; not a park at all. I have passed it multiple times each day for nearly 50 years, finding very little beauty in the place. It is, of course, quite utilitarian, just as are the many school grounds in the city, but it represents beauty only insofar as it is the only green open space in our neighborhood.</p>	<p>The comment does not relate to an environmental issue relevant to CEQA and therefore no further response is required.</p>

TABLE 5-1 COMMENTS AND RESPONSES (CONTINUED)

Comment Number	Comment	Response
	<p>now that the San Jose Unified School District has chosen to move the Broadway High School out of Willow Glen and onto the green expanse next to John Muir Middle School. That used to be the other half of the green open space in our neighborhood. Actually, there was a bit more. Both Reed and Valley View Elementary (Hacienda) schools used to have uncluttered green open space, but they have been consumed with buildings and girded with chain link fencing, too.</p> <p>Willow Glen, of course, obtained a cute little new park, sitting on Curtner a couple of blocks from Raoul Wallenberg Park down the street. Residents there have unobstructed views of the greenery in their daily travels down Curtner Ave. The former site would have been ideal for the Broadway High School, because of its proximity to better transportation, but Willow Glen had the pull to get what they wanted. Our little neighborhood raised \$40,000 to try to preserve out little green spot, to no avail against the governmental juggernaut.</p>	
PUB7-6	<p>Why not take a look at Willow Street Park? It is an example of a park built back when the citizens loved this city. Its beauty has been diminished by the infernal playground crowd who love chain link fencing and little used ball diamonds. Still, its size and accessibility bring a modicum of natural beauty to the Willow Glen neighborhood, and it is in the view of nearby residents in their daily passages. That park represents a little bit of what a park should be.</p>	<p>The comment does not relate to an environmental issue relevant to CEQA and therefore no further response is required.</p>
PUB7-7	<p>Regarding the Cottle property: I understand the Cottles wanted some form of agricultural use to be promulgated there. I see no reason why that ought to be the focal point of the park. After all, this is no longer a farming community. Natural beauty should fill that function. Since horticulture is an agricultural pursuit, why not build an attractive hot-house, along the line of the Conservatory of Flowers in Golden Gate Park's Strybing Arboretum? Did you know that was originally intended for San Jose, but City Fathers scotched the deal? Lovely Irises and Cyclamin are raised in it and they're among the prettiest things I</p>	<p>The comment does not relate to an environmental issue relevant to CEQA and therefore no further response is required.</p>

TABLE 5-1 COMMENTS AND RESPONSES (CONTINUED)

Comment Number	Comment	Response
PUB7-8	<p>have ever seen. Why not have a master gardener breed Orchids and have a San Jose Gardening Club ply their trade there, in a facility worthy of their aesthetic endeavor? Who knows, admissions fees could defray the expenses? Parking! Hide the damned parking. Leave open view of green and foliage for passing traffic. Let the community look with pride upon what they have wrought. Allow them to view children gamboling across the green expanse and between the trees. Make it look a bit more like Kelly Park, but let it be seen. Avoid chain link fencing like the plague.</p>	<p>The comment does not relate to an environmental issue relevant to CEQA and therefore no further response is required.</p>
<b>Letter #PUB8</b>	<p>San Jose and let me design it.</p>	
	<p><b>Sue Swack</b>  <b>October 11, 2010</b></p>	
PUB8-1	<p>I am impressed with the planning and progress of the Martial Cottle Park. However, I'm concerned about water usage. In light of the fact that water supplies will be insufficient in 2020, the Park should plan to use recycled water now wherever possible. I realize it is mentioned in the mitigations CC-1, but I want to make sure the importance is emphasized.</p>	<p>The comment is noted. As stated in Chapter 3, Project Description, of the Draft EIR, "Although no recycled water lines are within a feasible distance for use at the project site at this time, the project would prepare for potential connection in the future, by 'double plumbing' the project site and installing the infrastructure needed to appropriately distribute recycled water within the site if a proximal supply line is constructed in the future." The potential for use of recycled water is also discussed in the project WSA (Appendix G of Volume II of the Draft EIR, Sections 3.4 and 4.1.3). As stated in the WSA, extending the recycled water lines solely for this project is not economically feasible. Mitigation Measure CC-1b (also discussed in the WSA) requires the Park to prepare for potential recycled water supply by pre-installing an on-site distribution network for recycled water, to be activated once the recycled water system is available at the site.</p>
PUB8-2	<p>Section 4.13-14 states "Insufficient Water Supplies Available to Serve the Project" and that "it is anticipated that groundwater pumping would be necessary by 2020 and that additional supplies of approximately 14,000 AFY will be needed in addition to groundwater pumping by 2030."</p>	<p>The following text in the Draft EIR, on page 4.13-15, describes project conditions: "The approximately 133 AFY municipal water demand associated with the project would account for only 0.2 percent of the projected increase in district-wide demand. Although projected district-wide demand will require additional supplies to be secured by SCVWD, this would be necessary regardless of the project. It is anticipated that SCVWD's planning efforts to ensure</p>

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Comment Number	Comment	Response
PUB8-3	Section 4.10-5 (p. 22) states that prior ground water levels at the Park were between 12 and 22 feet. However, in 2009 it was down to 25 feet.	adequate provision of water supplies would enable adequate water supply to be provided to the project site.” The comment is noted.
PUB8-4	See <a href="http://www.sanjooseca.gov/SBWR/uses.htm">http://www.sanjooseca.gov/SBWR/uses.htm</a> for specific areas where recycled water can be used. The San Jose Ordinance map shows the recycling pipeline to be less than 2 miles away. <a href="http://www.sanjooseca.gov/clerk/Agenda/20100622/20100622_0702.pdf">http://www.sanjooseca.gov/clerk/Agenda/20100622/20100622_0702.pdf</a> Perhaps this more clear: <a href="http://www.sanjooseca.gov/sbwr/PDFs/RecycledWaterOrdinanceFactsheet.pdf">http://www.sanjooseca.gov/sbwr/PDFs/RecycledWaterOrdinanceFactsheet.pdf</a>	The comment is noted. As described in response to Comment PUB8-1, the project would be “double plumbed” to allow for future connection to recycled water lines; no recycled water lines currently exist in proximity to the project site.
PUB8-5	Santa Clara Valley Water District adopted policy # E.2.1.5 (4.13-11) states “Groundwater resources are sustained and protected for water supply reliability and to minimize land subsidence.”	The comment is noted.
PUB8-6	4.10-19 states that in 2003 Santa Clara county groundwater supplied nearly half of Santa Clara County’s total water supply. Approximately 146,900 acre-feet of groundwater were extracted for beneficial use, with almost 70 percent pumped from the Santa Clara sub-basin. ... In 2003, about 118,100 acre-feet of water was recharged through artificial recharge operations.	The comment is noted.
PUB8-7	I’m concerned about runoff. The paved parking and paved trails should be made of a permeable material, small cinder blocks, or other acceptable materials.	Pervious pavement would be considered for portions of the project, as feasible. However, due to the relatively small increase in impervious surfaces, the slight increase in runoff could be successfully controlled by stormwater BMPs that encourage flow detention and infiltration. Pervious pavement is not necessary to provide these stormwater controls.
PUB8-8	I must be missing something. After looking at the ESTIMATE OF VISITOR USE at buildout, I cannot see the need for over 600 parking spaces. Can the nearby Park and Ride lot on Blossom Hill be used for some of the spaces? It’s always mostly empty.	Parking capacity for the Park was designed to accommodate expected vehicle trips to the Park. As described in Chapter 4.12, Transportation and Circulation, of the Draft EIR, trip generation calculations were based on land use and visitor assumptions. The Park is expected to generate 308 AM peak hour

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TABLE 5-1 COMMENTS AND RESPONSES (CONTINUED)

Comment Number	Comment	Response
<b>Letter #PUB9</b>	<b>Sue Swack</b> <b>October 12, 2010</b>	
PUB9-1	There don't seem to be many bird species in the Park, even though there are many open areas. I'd like to see bird nesting boxes for several species, including owls.	Please see response to Comment RLA8-9.
PUB9-2	Have any of you driven down Snell Avenue? Snell has enough stop-lights.  How about moving the main entrance to the existing spotlight on Branham Lane across from Safeway? Chynoweth could provide a second entrance.	The comment pertains to a component of the Plan and does not address an environmental issue relevant to CEQA. Therefore, no further response is required.
<b>Letter #PUB10</b>	<b>Shani Kleinhaus, Santa Clara Valley Audubon Society</b> <b>October 25, 2010</b>	
PUB10-1	<u>I. Burrowing Owls</u> The Burrowing Owl ( <i>Athene cucularia</i> ) is a California Species of Special Concern and is on the brink of extinction in Santa Clara County. Once ubiquitous, only small remnant populations survive in our county. The DEIR acknowledges that burrowing owls could forage on the site and could use the on-site burrows as breeding and/or non-breeding habitat (page 4.5-31). California Department of Fish and Game, 2010, California Natural Diversity Database reports burrowing owls approximately 1.9 miles from the site.	The comment is noted.
PUB10-2	The Santa Clara County General Plan ( <a href="http://www.sccgov.org/portal/site/dpdp/">http://www.sccgov.org/portal/site/dpdp/</a> ) includes a number of policies that are relevant to conservation of burrowing owls and restoration of their habitat. Table 4.5-1 of the DEIR lists these policies, including Resource Conservation Chapter policies C-RC 1- 4 and Habitat & Biodiversity Chapter policies C-RC 27-34. The burrowing owl is a target species for the Santa Clara County Habitat Conservation Plan.	The comment is noted.
PUB10-3	I.1. SCVAS wishes to impress upon the planners of Martial Cottle Park the precarious status of burrowing owls in Santa Clara County and the	The comment is noted.

TABLE 5-1 COMMENTS AND RESPONSES (CONTINUED)

Comment Number	Comment	Response
PUB10-4	<p>Bay Area and requests that proactive action be taken to incorporate nesting, wintering and foraging habitats for burrowing owls in their plan, as well as efforts to educate the public on the history of this species in the South Bay and beyond. We believe that with limited effort and minimal financial burden, habitat can be restored at Martial Cottle Park that would attract burrowing owls to the site, protect the species there, and provide the public with opportunities to view and learn about this charismatic species.</p>	<p>The comment is noted. Please see response to Comment RLA8-9.</p>
PUB10-5	<p>I.2. Impact Bio-3 (page 4.5-40) identifies the loss of 250 acres of foraging habitat within the fallow as significant. We believe the proposed mitigation measures are insufficient to compensate for the direct and cumulative impacts of the project on burrowing owls in Santa Clara Valley and propose the following modifications and additional measures:</p> <ul style="list-style-type: none"> <li>◆ Mitigation Measure Bio-3a would create an Agriculture Management Plan. Since the Agriculture Management Plan is not available in the DEIR, we cannot assess its adequacy in mitigating impacts to burrowing owls and their habitat. Furthermore, performance standards and success criteria should be incorporated into the plan, and the plan should be available for public review prior to implementation.</li> <li>◆ We propose that the Agriculture Management Plan incorporate a Burrowing Owl Rehabilitation Plan. A comprehensive Agriculture and Burrowing Owl Plan can, for example, designate fallow acreage as an integral component with a stipulation that crop rotation practices should include fallow fields every year. The plan can also designate and improve areas for burrowing owl nesting and overwintering sites. Such strategy would maintain and enhance foraging grounds for burrowing owls and other raptors.</li> </ul> <p>Mitigation Measure Bio-3b does not prohibit the use of rodenticides. We argue that use of rodenticides should be absolutely prohibited. Installation of perches for raptors, and nest boxes for barn owls and kestrels can help reduce rodent populations without risk of eliminating prey resources or risk of predator secondary poisoning. This method</p>	<p>Please see response to Comments RLA8-10 regarding the use of rodenticides and RLA8-9 regarding owl habitat.</p>

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TABLE 5-1 COMMENTS AND RESPONSES (CONTINUED)

Comment Number	Comment	Response
PUB10-6	<p>has been implemented successfully in the Middle East and should be attempted prior to the use of poison (see video <a href="http://watch.discoverychannel.ca/daily-planet/october-2009/daily-planet-october-19-2009/#clip225645">http://watch.discoverychannel.ca/daily-planet/october-2009/daily-planet-october-19-2009/#clip225645</a>). Attached is the 2009 Environmental Bulletin of the Israeli Ministry of Environment describing the methodology.</p> <p>We believe that, as proposed, mitigation measure Bio-3a and are Bio-3b are insufficient to provide in-kind mitigation for the direct and cumulative loss of foraging grounds for burrowing owls and increase the cumulative risk to the survival of this species in our county. We propose an additional mitigation measure be added to the plan: the creation of a Burrowing Owl Rehabilitation Plan to be incorporated into the proposed Agriculture Management Plan.</p>	<p>The agricultural management plan would include measures to reduce impacts to raptor habitat at the Park, including habitat for burrowing owls. No burrowing owls have been observed on the site and, as described in response to Comment RLA8-9, Mitigation Measures BIO-1a, BIO-1b, BIO-3a, and BIO-3b would improve habitat for the burrowing owl.</p>
PUB10-7	<p>The Burrowing Owl Rehabilitation Plan can work in concert with the burrowing owl strategy for the nearly complete Santa Clara Valley Habitat Conservation Plan/Natural Community Conservation Plan (HCP/NCCP). The HCP/NCCP is yet to be adopted. One of the barriers to its acceptance and implementation is the lack of available, inexpensive, suitable habitat in our county. The HCP/NCCP relies, in part, on cooperation from landowners (the County, cities, golf courses, landfill operators, San Jose-Santa Clara water pollution control plant and others) to provide land and/or manage land resources for burrowing owl preservation. We propose that the plan for Martial Cottle Park incorporate the provision of land resources and management efforts to enhance the likelihood that burrowing owls will continue to inhabit our county.</p>	<p>Please see response to Comment RLA8-9 for how the Park Plan would improve habitat for the burrowing owl.</p>
PUB10-8	<p>A soon-to-be-published document produced by the California Department of Fish and Game (Guidance for Burrowing Owl Conservation 14 April 2008, attached) warns that unless proactive preservation actions are taken immediately, burrowing owls may soon require listing as a threatened or endangered species in California. Among other recommendations, the report states, "Projects impacting owls and owl habitat should mitigate all project-specific and cumulative impacts to nesting,</p>	<p>The comment is noted.</p>

TABLE 5-1 COMMENTS AND RESPONSES (CONTINUED)

Comment Number	Comment	Response
PUB10-9	<p>foraging, wintering, dispersal, and migration habitat (i.e., breeding and non-breeding season) under CEQA, to below a level of significance.... Mitigation requirements will be based on the acreage of any suitable habitat disturbed or destroyed, with consideration of number of owls present and significance of the area for all burrowing owl life history stages.”</p> <p>Furthermore, the recommendations propose “Case-by-case impact analyses for CEQA and any other purpose should consider the full extent of owl habitat use (home range) on and off the project site, as well as demographic connectivity among local and regional populations.” The report stipulates: “Any project impacting burrowing owls or owl habitat should provide compensation, based on the best available scientific information provided above, that is roughly proportional to the impacts of the project (CEQA Guidelines 15126.4(a)(4)(B)).”</p>	<p>Please see responses to Comments RLA8-9 and PUB10-6.</p>
PUB10-10	<p>II. Nesting</p> <p>The DEIR identifies Impact BIO-1: potential disturbance of active white-tailed kite nests, red-tailed hawk nests, and other native bird nests. The DEIR proposes that such disturbances would be a significant</p>	<p>The comment is noted.</p>

TABLE 5-1 COMMENTS AND RESPONSES (CONTINUED)

Comment Number	Comment	Response
PUB10-11	<p>Mitigation Measure BIO-1a is correct in recommending that project-related construction activities shall ideally occur during the non-breeding season. However, the mitigation measure proposes, "During the breeding season (February to August), surveys to determine the presence of nesting birds shall be conducted by a qualified wildlife biologist (i.e. approved by CDFG) no more than 30 days prior to the initiation of any construction activities." This mitigation is inadequate as it will not avoid or minimize disturbance to nesting birds. Mr. David Johnston, Senior Biologist with the California Department of Fish and Game, states, "Since almost every bird species can build a nest in much less than 14 days, a two week [or longer] preconstruction survey is almost meaningless. If the ostensible purpose of the surveys is to protect birds, then the survey period should be based on the minimally known nest-building period for the species in question.... What is really odd to me is how ubiquitous the 14 day [or longer] standard is... even though there is absolutely no biological basis for it at all...."</p>	<p>Please see response to Comment RLA8-9.</p>
PUB10-12	<p>Mr. Johnston's recommendations have recently been implemented by PG&amp;E in their vegetation management activities in TJ Martin and Fontana Parks in San Jose, adopted as mitigation by the City of San Jose planners for the Brookside development, and incorporated by the City of Mountain View for a Google development near burrowing owl habitat. For these projects, a two-day preconstruction nesting bird survey was required as mitigation during the nesting season. The City of Mountain View further stipulated that a burrowing owl survey is required and that any interruption of construction activity for a week or more would require a new burrowing owl survey, no more than two days prior to initiating or reinitiating any construction. We propose that similar requirement for pre-construction surveys should be implemented for construction at Martial Cottle Park.</p>	<p>Please see response to Comment RLA8-9.</p>

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TABLE 5-1 COMMENTS AND RESPONSES (CONTINUED)

Comment Number	Comment	Response
Letter #PUB11	Greg West, County of Santa Clara Parks and Recreation Commission October 29, 2010	
PUB11-1	Per my comments at the meeting on 9/22 and our phone call this afternoon, here is a summary of my comments on the EIR:  Page 3-25: There is no mention of the widening of Branham Lane, only the extension of the left turn pocket from Branham onto Snell. (I did find mention of the widening of Branham much later in the EIR on page 4-12.53)	The widening of Snell Avenue is addressed on page 3-25 of the Draft EIR.
PUB11-2	Page 3-29: Will the building of trails be delayed by Williamson Act constraints?	The County Parks Department has completed a Williamson Act Compatible Land Use Determination that shows the project's compliance with State law and the County of Santa Clara's Williamson Act Program Guidelines. Therefore, trail construction would not be delayed by Williamson Act requirements.
PUB11-3	Page 4.1-12: I want to be sure that the intent of roadways is automobile access to the park and not automobile transit through the park - for instance, if a parking lot were to connect the eastern end of Chynoweth on the west side of the park with the western end of Chynoweth on the east side of the park, people may use that as a Chynoweth thoroughfare.	The comment pertains to a component of the Plan and does not address an environmental issue relevant to CEQA. Therefore no further response is required.
PUB11-4	Page 4.5-10: Would the "Protection of Foliage" ordinance prevent farmers from harvesting their crops?	The ordinance referenced by the commentator applies to natural resources within a County park. Therefore, future harvesting activities would not be restricted.
PUB11-5	Page 4.6-20: The estimated visitors or 2683 on weekdays and 4610 on weekend days sounds extremely ambitious.	The comment pertains to a component of the Plan and does not address an environmental issue relevant to CEQA. Therefore no further response is required.
PUB11-6	Page 4.6-21: This section talks about traffic impacts. Is it valid to subtract the impact of what people would otherwise be doing from these impacts?	As described in Chapter 4.6, Climate Change, of the Draft EIR, the emissions of the project were calculated consistent with the methodology recommended in the Bay Area Air Quality Management District's (BAAQMD's) CEQA Air Quality Guidelines. It would be speculative to try to quantify the emissions of the activities that Park visitors would otherwise be doing if the Park did not exist. Therefore, this type of analysis cannot be conducted.

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**TABLE 5-1 COMMENTS AND RESPONSES (CONTINUED)**

Comment Number	Comment	Response
PUB11-7	Page 4.6.24: 86 County and non-county staff employed at the project site also sounds extremely ambitious.	The comment pertains to a component of the Plan and does not address an environmental issue relevant to CEQA. Therefore no further response is required.
PUB11-8	Page 4.6-32: Will any of the mitigations need to be re-evaluated if Prop 32 passes?	The comment is not applicable and does not address an environmental issue relevant to CEQA. Therefore no further response is required.
PUB11-9	Page 4.7-19: Were any archaeological deposits found during the construction of the adjacent neighborhoods? This may give some insight to the probability of finds on the site.	Archaeological deposits and human remains have been found during construction of infrastructure in adjacent neighborhoods.
PUB11-10	Page 4.12-35: Weekday and weekend day trip estimates seem consistent with visitor estimates.	The comment is noted.
<b>COMMENTS RECEIVED AT THE PUBLIC COMMENT MEETING</b>		
Letter #MTG1	Judy Eirite September 22, 2010	
MTG1-1	Our property (HOA) borders Canoas Creek -- so we already have some issues with the creek and are concerned that 'enhancing' the creek along our property without "shoring' up the bank along our area/border will cause more problems. (Ground movement and/or erosion).	Enhancements to Canoas Creek under the Plan would be limited to landscaping in the upland habitat above the top of the creek banks. These enhancements would allow for enhanced habitat and scenic values, but would not include improvements to the sides of the existing creek channel. Therefore, these enhancements would not affect erosion or the flow of the creek, and would not be expected to affect or exacerbate existing problems.
Letter #MTG2	Kitty Monahan September 22, 2010	
MTG2-1	Indian Grounds during construction - How responding to the impact? What will you do?	Mitigation Measures CULT-1a, CULT-1b, and CULT-2 address potential impacts to Native American archaeological deposits and human remains. These mitigation measures outline procedures to be followed in the event that cultural resources are discovered. Native American prehistory and ethnography relevant to the vicinity are described in Chapter 4.7, Cultural, Historic, and Archaeological Resources, of the Draft EIR.
MTG2-2	Horses - animals - not mentioned - as requested by Mr. Lester. Impact on environment? "Donors Vision for MCP:" Mr. Lester requested horses on the property! I can't find reference to this!	The comment pertains to a component of the Plan and does not address an environmental issue relevant to CEQA. Therefore no further response is required.

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**TABLE 5-1 COMMENTS AND RESPONSES (CONTINUED)**

Comment Number	Comment	Response
	"Specific Interests:" Equestrian use. "Specific Management Concerns:" Providing animal staging and protection.	
<b>Letter #MTG3</b>	<b>Shani Kleinhaus September 22, 2010</b>	
MTG3-1	1. Habitat enhancement for avian species: cavity nesting (bluebird boxes), burrowing owls, perches for raptors.	Please see response to Comment RLA8-9.
MTG3-2	2. Mitigation for rodents: by owls/day raptors.	Please see response to Comment RLA8-9.
<b>Letter #MTG4</b>	<b>Various Commentors September 22, 2010</b>	
MTG4-1	Will there be a sewer connection to the Park? And would that sewer system be sufficient to address the future Park needs?	As described in Chapter 3, Project Description, of the Draft EIR, wastewater generated by the project would be collected by the San Jose Sewer Collection System and treated at the San Jose/Santa Clara Wastewater Pollution Control Plant.
MTG4-2	Will the buildings be developed with solar and other green building techniques?	The comment pertains to a component of the Plan and does not address an environmental issue relevant to CEQA. Therefore no further response is required.
MTG4-3	Did an ISA certified arborist help to prepare the Draft EIR?	An ISA certified arborist with LSA Associates did help to prepare the Draft EIR, although an arborist report was not used in preparation of the Draft EIR.
MTG4-4	Why does the Park Plan discuss urban forestry rather than urban horticulture?	The comment pertains to a component of the Plan and does not address an environmental issue relevant to CEQA. Therefore no further response is required.
MTG4-5	Does the plan address rainwater harvesting?	The comment pertains to a component of the Plan and does not address an environmental issue relevant to CEQA. Therefore no further response is required.
MTG4-6	Concern with too many community gardens in San Jose and whether there would be a unique type of gardens that could be developed at the Park.	The comment pertains to a component of the Plan that does not address an environmental issue relevant to CEQA. Therefore no further response is required.
MTG4-7	What type of crops will be grown on the property?	The comment pertains to a component of the Plan that does not address an environmental issue relevant to CEQA. Therefore no further response is required.

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TABLE 5-1 COMMENTS AND RESPONSES (CONTINUED)

Comment Number	Comment	Response
MTG4-8	Concern with rodents traveling across the street to nearby neighborhoods. Is there a plan in place to control subterranean termites, rats, and mice?	Please see response to Comment PUB3-1.
MTG4-9	How does the EIR address horses and other animals on the property?	Please see response to Comment MTG2-2.
MTG4-10	What if Native American burial grounds are discovered, and how is Native American history in the vicinity of the Park addressed? Where in the EIR are these issues addressed?	Please see response to Comment MTG2-1.
MTG4-11	Branham Lane improvements are of concern, including the future build-out of Branham Lane to four lanes and the City's plans for Branham Lane.	Traffic improvements that will be completed to accommodate future Park traffic are described in Chapter 3, Project Description, in the Draft EIR. The Draft EIR did not identify any transportation or circulation impacts due to the project. The comment expresses concerns regarding future roadway improvements but does not address the adequacy of the EIR; therefore, no further response is required.
MTG4-12	Will the Williamson Act delay the construction of trails and access roads due to issues regarding compatible uses?	Please see response to Comment PUB11-2.
MTG4-13	Page 108 of the Draft EIR refers to vehicular access <i>through</i> the Park – this seems to be mis-stated and a through road would be against community interests.	Please see response to Comment PUB11-3. Public vehicular circulation would be limited to internal circulation in the Park, accessed through a single public vehicular entrance. Other secondary vehicular access points would be limited to service and emergency vehicles. Visitors would have non-vehicular access throughout and across the site with several access points along the perimeter of the Park.
MTG4-14	Page 192 refers to flowers and foliage – will farmers be required to obtain permits prior to harvesting?	Please see response to Comment PUB11-4.
MTG4-15	Creek enhancement is of concern, due to bank stabilization issues along Canoas Creek near the Colony Green residential complex located near the southwestern portion of the Park. Colony Green resident expressed concern with any modifications to the creek channel, regarding potential flooding, erosion, building movement, and increased traffic in the neighborhood.	Please see response to Comment MTG1-1.

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TABLE 5-1 COMMENTS AND RESPONSES (CONTINUED)

Comment Number	Comment	Response
MTG4-16	The traffic pattern on Snell Avenue is of concern for a resident living directly across from the future Park entrance. Will southbound traffic be permitted to turn left off of Snell Avenue at the Park entrance location? Concern if a signalized intersection is not installed at the Park entrance to facilitate traffic and circulation.	Future traffic improvements to Snell Avenue are described on page 3-25 of the Draft EIR. As described on page 3-25, the County would monitor traffic volumes at the Park entrance and coordinate with the City of San Jose to install a new signal when signal warrants indicate the need for signalization at the Park entrance location.
MTG4-17	Will there be parking along Snell Avenue? Will parking at the Park be free? Concern that Park visitors may not want to pay vehicular entrance fee and would park in the neighborhoods.	The Plan considers vehicle fees as a means to collect revenue. However, the Plan acknowledges potential impacts to surrounding neighborhoods if Park visitors do not park on-site. The Plan includes sufficient parking to accommodate expected visitor use, which will reduce the need for Park users to park off-site. The Plan also accommodates non-vehicular travel to and from the Park as a means to reduce parking demand. Park Plan Guideline CIRC.19 would address this issue: "Develop a coordinated facilities use and parking strategy for special events that optimizes the beneficial use of parkland during non-event periods, avoids visual impacts associated with large parking lots, and minimizes parking impacts on adjacent residential neighborhoods." Please see response to Comment RLA8-9.
MTG4-18	There is a desire for enhancements for avian species/raptors/ burrowing owls, such as providing perches, attracting a pair, and promoting cultural heritage. Suggest leaving some fields fallow and using crop rotation.	
MTG4-19	Birds can provide rodent control, especially if they are on-site prior to ground-disturbing activities.	The comment is noted. No response is necessary.
MTG4-20	Will organic farming practices be required? There is concern regarding standard farming practices and a preference for organic practices.	The Park will utilize sustainable farming practices, which the Plan defines as farming practices that, "integrate natural biological cycles and controls; protect and conserve water, air, soil, and energy resources; and minimize adverse impacts on health, safety, wildlife, water quality and the environment." In addition, farming at the Park would be required to adhere to the County IPM Ordinance and guidelines for the use of fertilizers and pesticides.
MTG4-21	Does the Draft EIR address soil health and biology? Abundant soil health is important.	Soil health is addressed in Chapter 4.9, Hazards and Hazardous Materials, of the Draft EIR, which evaluates potential impacts associated with aboveground and underground hazardous materials, pesticide use, animal operations, and runoff. The Plan addresses soil health through several guidelines under the

TABLE 5-1 COMMENTS AND RESPONSES (CONTINUED)

Comment Number	Comment	Response
MTG4-22	Organic composting should be considered.	Soil and Geological Resources Goal to, "Maintain and enhance agricultural soils and minimize erosion." The comment pertains to a component of the Plan and does not address an environmental issue relevant to CEQA. Therefore no further response is required.
MTG4-23	Maintenance is important, not just the building process. Long-lasting, durable materials are preferable to wood.	The comment pertains to a component of the Plan and does not address an environmental issue relevant to CEQA. Therefore no further response is required.
MTG4-24	What are the impacts of facilities for farming equipment and maintenance of equipment?	Impacts associated with facilities for farming equipment and equipment maintenance are evaluated in Chapter 4.2, Aesthetics and Visual Quality, Chapter 4.6, Climate Change, and Chapter 4.10, Hydrology, Floodplains, and Water Quality, of the Draft EIR. Chapter 4.2 finds that equipment structures would be designed and screened to avoid aesthetic impacts, and Chapter 4.10 finds that adherence to regulations and implementation of BMPs would avoid impacts associated with runoff from Park uses. As stated on page 4.6-23 of the Draft EIR, GHG emissions associated with off-road equipment emissions were not estimated for the Draft EIR, because the equipment necessary for harvesting and crop schedules are not yet known. It is expected that GHG emissions from off-road equipment would contribute a minimal amount of emissions toward the significant and unavoidable climate change impacts identified in the Draft EIR.
MTG4-25	Several questions regarding the development of the future program for the production agricultural uses at the Park: who will the County Parks Department work with for the development of technical criteria to address the type of crops that would be grown at the Park? When will the County Parks Department release the RFP and the technical criteria for crop recommendations? Will there be sufficient time between the development of the technical criteria for crop selection and the submittal of the RFP proposals?	The comment pertains to a component of the Park that does not address an environmental issue relevant to CEQA. Therefore no further response is required.

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TABLE 5-1 COMMENTS AND RESPONSES (CONTINUED)

Comment Number	Comment	Response
MTG4-26	What are the time frames and dates for the remainder steps of the project?	The comment pertains to a component of the Plan and does not address an environmental issue relevant to CEQA. Therefore no further response is required.
MTG4-27	Will there be additional public meetings to engage the community following this meeting?	The comment pertains to a component of the Plan and does not address an environmental issue relevant to CEQA. Therefore no further response is required.

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A P P E N D I X A

COMMENTS RECEIVED ON THE  
DRAFT EIR

.....



**LETTER #SAI****Alexis Lynch**

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**Subject:** FW: Additional Feedback from CALTRANS, RE: Draft EIR for Martial Cottle Park State Park General Plan/ County Park Master Plan Project for Public Review & Comments**From:** Beth Thomas [mailto:beth\_thomas@dot.ca.gov]**Sent:** Monday, October 25, 2010 5:02 PM**To:** Mark, Jane**Cc:** Aprile Smith; Becky Frank**Subject:** RE: Availability of Draft EIR for Martial Cottle Park State Park General Plan/ County Park Master Plan Project for Public Review & Comments

I should have also included in my message below that we were happy to see the inclusion of a pedestrian (and bike I think) connection to the VTA light rail stop.

Beth

-----"Mark, Jane" <Jane.Mark@PRK.SCCGOV.ORG> wrote: -----

To: Beth Thomas <beth\_thomas@dot.ca.gov>

From: "Mark, Jane" <Jane.Mark@PRK.SCCGOV.ORG>

Date: 10/25/2010 04:47PM

Cc: Aprile Smith <aprile\_smith@dot.ca.gov>, Becky Frank <becky\_frank@dot.ca.gov>

Subject: RE: Availability of Draft EIR for Martial Cottle Park State Park General Plan/ County Park Master Plan Project for Public Review & Comments

Hi, Beth:

Thank you for communicating this status to County Parks.

Jane

*From the desk of:*

**Jane F. Mark, AICP**  
**Senior Planner**

County of Santa Clara Parks & Recreation Department

298 Garden Hill Drive

Los Gatos, CA 95032

(408) 355-2237 Direct

(408) 355-2290 Fax

[Jane.mark@prk.sccgov.org](mailto:Jane.mark@prk.sccgov.org)

 Please consider your environmental responsibility before printing this e-mail.

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**From:** Beth Thomas [mailto:beth\_thomas@dot.ca.gov]**Sent:** Monday, October 25, 2010 4:46 PM**To:** Mark, Jane**Cc:** Aprile Smith; Becky Frank**Subject:** Re: Availability of Draft EIR for Martial Cottle Park State Park General Plan/ County Park Master Plan Project for Public Review & Comments

Hi Jane,

Caltrans did not submit a comment letter.

10/26/2010

Beth Thomas  
 Community Planning Branch Chief/Pedestrian Coordinator  
 Caltrans District 4  
 510-286-7227

-----"Mark, Jane" <Jane.Mark@PRK.SCCGOV.ORG> wrote: -----

To: Aprile Smith <aprile\_smith@dot.ca.gov>, "Beth Thomas (Beth\_thomas@dot.ca.gov)" <Beth\_thomas@dot.ca.gov>  
 From: "Mark, Jane" <Jane.Mark@PRK.SCCGOV.ORG>  
 Date: 10/21/2010 10:16AM  
 Subject: Availability of Draft EIR for Martial Cottle Park State Park General Plan/ County Park Master Plan Project for Public Review & Comments

Aprile and Beth:

Will the County Parks Department be expecting written comments from Caltrans on the Draft EIR for the Martial Cottle Park Plan Project? If you have any questions about the project, please feel free to call me at (408) 355-2237, or Kimberly Brosseau at (408) 355-2230.

Thank you,

Jane

*From the desk of:*  
**Jane F. Mark, AICP**  
**Senior Planner**

County of Santa Clara Parks & Recreation Department  
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 Please consider your environmental responsibility before printing this e-mail.

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**From:** Mark, Jane

**Sent:** Tuesday, September 07, 2010 4:46 PM

**To:** (aprile\_smith@dot.ca.gov); (chatamour7@yahoo.com); (pshowalter@valleywater.org); (sstansbury@conexions.org); Alex Pearson (alex.pearson@sanjoseca.gov); Alida J. Bray (abray@historysanjose.org); Aminah Ramezany; anita\_parsons@sccoe.org; Aziz Baameur (Azbaameur@ucdavis.edu); Barbara Manning (barbara1710@juno.com); Beau Goldie (bgoldie@valleywater.org); Beth Thomas (Beth\_thomas@dot.ca.gov); Bill.Shoe@pln.sccgov.org; Bob Rhode (Bob.rohde@ca.usda.gov); CHaggerty@valleywater.org; Chris.Augenstein@vta.org; Craig Giordano (craig\_kim@comcast.net); Dana.peak@pln.sccgov.org; Darcie.L.Green@kp.org; Dave.mitchell@sanjoseca.gov; Elizabeth Sills (Elizabeth.Sills@kp.org); Fe Moncloa (fxmoncloa@ucdavis.edu); Frank Giordano; Frank Giordano (frank.giordano@sbcglobal.net); Hans Toensfeldt (HansToensfeldt@Gmail.com); ibletz@ebparks.org; isabelle@dceplanning.com; Jennifer Williams (sccfb@sccfarmbureau.org); jingols@valleywater.org; john.brazil@sanjoseca.gov; ken.schreiber@pln.sccgov.org; Kevin O'Day (Kevin.O'Day@aem.sccgov.org); Kristin Reynolds (kareynolds@ucdavis.edu); Libby Lucas (Jlucas1099@aol.com); Linden Skjeie (linden.skjeie@sanjoseca.gov); Manuel Pineda (Manuel.Pineda@sanjoseca.gov); Maria de la Fuente (medelafuente@ucdavis.edu); Marybeth Harasz (marybeth.harasz@sanjoseca.gov); Matt.Cano@sanjoseca.gov; mbeasley@greenbelt.org; Michael Brilliot (michael.brilliot@sanjoseca.gov); Michael Kent (mike\_kent@sbcglobal.net); Michelle Mount (Michelle\_Mount@sccoe.org); Michelle.DeRobertis@vta.org; mllef@sbcglobal.net; Naresh Duggal (Naresh.Duggal@ceo.sccgov.org); neelima.palacherla@ceo.sccgov.org; Patrick Love (pat.love@sbcglobal.net); pcongdon@openspaceauthority.org; ptmiller@aol.com; Reggie Knox

10/26/2010

(reggie@californiafarmlink.org); Rhonda Berry (rberry@ourcityforest.org); robin@sfei.org; Sarah Sutton (sarah@dceplanning.com); Sheila Barry (Sbarry@ucdavis.edu); sibella@sagecenter.org; Stippets@valleywater.org; Susan Karlins (Susan.Karlins@hhs.sccgov.org) (KARLISUS); Susan M. Stuart (Susan.Stuart@hhs.sccgov.org); Timm.Borden@sanjoseca.gov; YProvaznik@ebparks.org

**Cc:** Mark, Julie; O'Connor, Jim; Brosseau, Kimberly; Mark, Jane

**Subject:** Availability of Draft EIR for Martial Cottle Park State Park General Plan/ County Park Master Plan Project for Public Review & Comments

### **Dear Interested Members of the Public and Agency Representatives:**

The County of Santa Clara Parks and Recreation Department is pleased to announce the release of the Draft Environmental Impact Report (EIR) for the Martial Cottle Park State Park General Plan/ County Park Master Plan (Park Plan) project. In collaboration with California State Parks and the DC&E Consultant Team, the County Parks Department has completed a Draft EIR which includes a Water Supply Assessment (WSA) that the County of Santa Clara Board of Supervisors approved on August 10, 2010 for inclusion in the Draft EIR.

Attached is a public Notice of Availability (NOA) and Intent to Adopt an EIR and a project newsletter with announcements for upcoming public meetings. As part of the department's continual community outreach, the NOAs and newsletters have been mailed to over 4,000 property owners residing within approximately one-mile radius of Martial Cottle Park.

The Draft EIR is being circulated for public review and comments for a period of 45 days, beginning on **September 8, 2010** and ending on **October 22, 2010**. During the 45-day public comment period, the County Parks Department will hold a public meeting to provide the community and agency representatives with an overview of the EIR and the key findings of the report. The public meeting has been scheduled for Wednesday, **September 22, 2010** at Gunderson High School, 622 Gaundabert Lane, San Jose, from 6:30 pm to 8:30 pm.

The Draft EIR, NOA and newsletter will be available on-line at the County Parks Department's website at <http://www.parkhere.org> by clicking on "Martial Cottle Park Master Plan" on September 8, 2010. We hope that you would be able to attend the September 22<sup>nd</sup> EIR Public Meeting.

If you have questions about the Draft EIR or the project, please contact me at (408) 355-2237 or Kimberly Brosseau at (408) 355-2230.

Thank you,

Jane

*From the desk of:*  
**Jane F. Mark, AICP**  
**Senior Planner**

County of Santa Clara Parks & Recreation Department  
 298 Garden Hill Drive  
 Los Gatos, CA 95032  
 (408) 355-2237 Direct  
 (408) 355-2290 Fax  
[Jane.mark@prk.sccgov.org](mailto:Jane.mark@prk.sccgov.org)

 Please consider your environmental responsibility before printing this e-mail.

[attachment "NOA\_MartialCottlePark\_FinalCleanVersion.pdf" removed by Beth Thomas/D04/Caltrans/CAGov]

[attachment "Fall 2010 Martial Cottle Park NewsletterFinalpdf.pdf" removed by Beth Thomas/D04/Caltrans/CAGov]



Arnold Schwarzenegger  
Governor

STATE OF CALIFORNIA  
Governor's Office of Planning and Research  
State Clearinghouse and Planning Unit



Cathleen Cox  
Acting Director

**RECEIVED**

OCT 26 2010

SCC Parks & Recreation

October 25, 2010

Jane Mark  
Santa Clara County Parks and Recreation Department  
298 Garden Hill Drive  
Los Gatos, CA 95032

Subject: Martial Cottle Park State Park General Plan/County Park Master Plan  
SCH#: 2010022006

Dear Jane Mark:

The State Clearinghouse submitted the above named Draft EIR to selected state agencies for review. The review period closed on October 22, 2010, and no state agencies submitted comments by that date. This letter acknowledges that you have complied with the State Clearinghouse review requirements for draft environmental documents, pursuant to the California Environmental Quality Act.

Please call the State Clearinghouse at (916) 445-0613 if you have any questions regarding the environmental review process. If you have a question about the above-named project, please refer to the ten-digit State Clearinghouse number when contacting this office.

Sincerely,

A handwritten signature in black ink, appearing to read "Scott Morgan".

Scott Morgan  
Director, State Clearinghouse

**Document Details Report  
State Clearinghouse Data Base**

**SCH#** 2010022006  
**Project Title** Martial Cottle Park State Park General Plan/County Park Master Plan  
**Lead Agency** Santa Clara County

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**Type** EIR Draft EIR

**Description** The Martial Cottle Park State Park General Plan/County Park Master Plan (the Plan) contains goals, guidelines, and objectives to guide the creation of the Park. The Plan also includes design guidelines for the design and construction of the following Park components: entrances and gates, architecture, fencing, roads, parking areas, trails and buffers, planning, landscape components, and signage. The establishment of the Park is intended to protect a piece of Santa Clara Valley's history and provide an agricultural, recreational, and educational resource. The main uses of the Park would include agricultural production, habitat enhancement, visitor-serving and recreational facilities and trails, and educational and interpretive programming related to the site's cultural and natural resources.

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**Lead Agency Contact**

**Name** Jane Mark  
**Agency** Santa Clara County Parks and Recreation Department  
**Phone** 408-355-2237 **Fax**  
**email**  
**Address** 298 Garden Hill Drive  
**City** Los Gatos **State** CA **Zip** 95032

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**Project Location**

**County** Santa Clara  
**City** San Jose  
**Region**  
**Lat / Long** 37° 26' 25" N / 121° 8.3' 9.0" W  
**Cross Streets** Branham Ln/Snell Ave/Chynoweth Ave  
**Parcel No.**  

<b>Township</b>	<b>Range</b>	<b>Section</b>	<b>Base</b>
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**Proximity to:**

**Highways** SR-85, 82, 87  
**Airports** No  
**Railways** VTA, Caltrain  
**Waterways** Canoas Creek  
**Schools** SJUSD  
**Land Use** Zoning: Exclusive Agriculture; General Plan Designation: Urban Service Area

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**Project Issues** Agricultural Land; Forest Land/Fire Hazard; Air Quality; Biological Resources; Archaeologic-Historic; Other Issues; Geologic/Seismic; Soil Erosion/Compaction/Grading; Public Services; Recreation/Parks; Traffic/Circulation; Aesthetic/Visual; Drainage/Absorption; Flood Plain/Flooding; Noise; Sewer Capacity; Solid Waste; Toxic/Hazardous; Vegetation; Water Quality; Water Supply; Wetland/Riparian; Cumulative Effects; Landuse

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**Reviewing Agencies** Resources Agency; Department of Conservation; Department of Fish and Game, Region 3; Cal Fire; Office of Historic Preservation; Department of Parks and Recreation; Department of Water Resources; California Highway Patrol; Caltrans, District 4; Regional Water Quality Control Board, Region 2; Native American Heritage Commission; State Lands Commission

---

**Date Received** 09/08/2010 **Start of Review** 09/08/2010 **End of Review** 10/22/2010

# LETTER #RLAI

**From:** [Stuart, Susan](#)  
**To:** [Mark, Jane](#)  
**Subject:** RE: Availability of Draft EIR for Martial Cottle Park State Park General Plan/ County Park Master Plan Project for Public Review & Comments  
**Date:** Thursday, September 09, 2010 5:04:31 PM  
**Attachments:** [Brochure.pdf](#)

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Hi Jane,

Quick question. Is there a way that it can be written into the plans/policies of Martial Cottle that any future farmers market be required to accept food stamps?

Just wondering because we are working to increase access to fruits and vegetables and are concerned that quite a few farmers markets in the county do not accept EBT/Food Stamps. Some of the folks who consulted with you on the agricultural part of Martial Cottle are very supportive of this issue (e.g. Brett Melone of ALBA and Reggie Knox of FarmLink), so it may happen in any case. I just thought it would be good to write it into the policies ahead of time if it were feasible.

I've attached a brochure we recently produced promoting those markets that do accept EBT/Food Stamps.

Thanks,

Susan

Susan Stuart, MA, MPH  
Health Planner  
Chronic Disease & Injury Prevention  
Santa Clara County Public Health Department  
Sobrato Center for Non-Profits-San Jose  
1400 Parkmoor Avenue, **Suite 120B**  
San Jose, CA 95126  
Phone: (408) 793-2721  
Fax: (408) 793-2731  
[susan.stuart@phd.sccgov.org](mailto:susan.stuart@phd.sccgov.org)

---

**From:** Mark, Jane

**Sent:** Tuesday, September 07, 2010 4:46 PM

**To:** (aprile\_smith@dot.ca.gov); (chatamour7@yahoo.com); (pshowalter@valleywater.org); (sstansbury@conexions.org); Alex Pearson (alex.pearson@sanjoseca.gov); Alida J. Bray (abray@historysanjose.org); Aminah Ramezany; anita\_parsons@sccoe.org; Baameur, Aziz; Barbara Manning (barbara1710@juno.com); Beau Goldie (bgoldie@valleywater.org); Beth Thomas (Beth\_thomas@dot.ca.gov); Bill.Shoe@pln.sccgov.org; Bob Rhode (Bob.rohde@ca.usda.gov); CHaggerty@valleywater.org; Chris.Augenstein@vta.org; Craig Giordano (craig\_kim@comcast.net); Dana.peak@pln.sccgov.org; Darcie.L.Green@kp.org; Dave.mitchell@sanjoseca.gov; Elizabeth Sills (Elizabeth.Sills@kp.org); Moncloa, Fe; Giordano, Frank; Frank Giordano (frank.giordano@sbcglobal.net); Hans Toensfeldt (HansToensfeldt@Gmail.com); ibletz@ebparks.org; isabelle@dceplanning.com; Jennifer Williams (sccfb@sccfarmbureau.org); jingols@valleywater.org; john.brazil@sanjoseca.gov; ken.schreiber@pln.sccgov.org; O'Day, Kevin; Kristin Reynolds (kareynolds@ucdavis.edu); Libby Lucas (Jlucas1099@aol.com); Linden Skjeie (linden.skjeie@sanjoseca.gov); Manuel Pineda (Manuel.Pineda@sanjoseca.gov); Maria de la Fuente; Marybeth Harasz (marybeth.harasz@sanjoseca.gov); Matt.Cano@sanjoseca.gov; mbeasley@greenbelt.org; Michael Brilliot (michael.brilliot@sanjoseca.gov); Michael Kent (mike\_kent@sbcglobal.net); Michelle Mount (Michelle\_Mount@sccoe.org); Michelle.DeRobertis@vta.org; mlef@sbcglobal.net; Duggal, Naresh; Palacherla, Neelima; Patrick Love (pat.love@sbcglobal.net); pcongdon@openspaceauthority.org; ptmiller@aol.com; Reggie Knox (reggie@californiafarmlink.org); Rhonda Berry (rberry@ourcityforest.org); robin@sfei.org; Sarah Sutton (sarah@dceplanning.com); Barry, Sheila; sibella@sagecenter.org; Stippets@valleywater.org; Karlins, Susan; Stuart, Susan; Timm.Borden@sanjoseca.gov; YProvaznik@ebparks.org

**Cc:** Mark, Julie; O'Connor, Jim; Brosseau, Kimberly; Mark, Jane

**Subject:** Availability of Draft EIR for Martial Cottle Park State Park General Plan/ County Park Master Plan Project for Public Review & Comments

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Thank you,

Jane

*From the desk of:*  
**Jane F. Mark, AICP**  
**Senior Planner**

County of Santa Clara Parks & Recreation Department  
298 Garden Hill Drive  
Los Gatos, CA 95032  
(408) 355-2237 Direct  
(408) 355-2290 Fax  
[Jane.mark@prk.sccgov.org](mailto:Jane.mark@prk.sccgov.org)

 Please consider your environmental responsibility before printing this e-mail.

# Use Your Card!

Shop your local farmers market for fresh foods and vegetables. Enjoy good prices, convenience, and a great selection! List of farmers markets inside! Questions? Call 1-877-847-3663



## ¡Utilice Su Tarjeta!

En su mercado farmers local para comprar frutas y verduras frescas. ¡Disfrute de los buenos precios, conveniencia, y de la gran selección! Encuentre la lista de mercados farmers adentro de este folleto. ¿Preguntas? Llame al 1-877-847-3663



## Sử Dụng Thẻ Của Bạn!

Đi chợ trời nông dân tại địa phương để mua được thực phẩm và rau quả tươi. Tận hưởng giá hạ, thuận tiện, và một lựa chọn tuyệt vời! Danh sách các thị trường nông dân ở bên trong! Có Câu Hỏi? Gọi 1-877-847-3663



## Shop With Your EBT Card At Your Local Farmers Market!

Bring home fresh fruits and vegetables. Questions? Call 1-877-847-3663



## ¡Compre Con Su Tarjeta EBT En Su Mercado Farmers Local!

Lleve a casa frutas y verduras frescas. ¿Preguntas? Llame al 1-877-847-3663



## Dùng Thẻ EBT Của Bạn Để Đi Chợ Trời Nông Dân Tại Địa Phương!

Mang về nhà những rau quả tươi. Có Câu Hỏi? Gọi 1-877-847-3663



# Use Your Card!

It's easy to get fresh fruits and vegetables at your local farmers market!



## ¡Utilice Su Tarjeta!

¡Es fácil conseguir frutas y verduras frescas en su mercado farmers local!

## Sử Dụng Thẻ Của Bạn!

Nó rất là dễ dàng để mua được trái cây và rau quả tươi ở chợ trời nông dân tại địa phương!





## Your Card Is Welcome At These Local Farmers Markets!

- |   |   |   |   |
|---|---|---|---|
|   |   |   |   |
| <b>ALUM ROCK VILLAGE</b><br>James Lick High School<br>Between N. White Rd.<br>& Alum Rock Ave.<br>Sundays, 9 am - 1 pm  | <b>ALUM ROCK VILLAGE</b><br>James Lick High School<br>Entre N. White Rd. y<br>Domingos, 9 am - 1 pm                   | <b>ALUM ROCK VILLAGE</b><br>James Lick High School<br>Entre N. White Rd. y<br>Domingos, 9 am - 1 pm | <b>ALUM ROCK VILLAGE</b><br>James Lick High School<br>Entre N. White Rd. y<br>Domingos, 9 am - 1 pm |
| <b>BERRYESSA</b><br>1376 Piedmont Rd.<br>Saturdays, 9 am - 1 pm   | <b>BERRYESSA</b><br>1376 Piedmont Rd.<br>Sábados, 9 am - 1 pm   | <b>BERRYESSA</b><br>1376 Piedmont Rd.<br>Sábados, 9 am - 1 pm                                       | <b>BERRYESSA</b><br>1376 Piedmont Rd.<br>Sábados, 9 am - 1 pm                                       |
| <b>CUPERTINO SQUARE</b><br>10123 Wolfe Rd.<br>Fridays, 9 am - 1 pm  | <b>CUPERTINO SQUARE</b><br>10123 Wolfe Rd.<br>Viernes, 9 am - 1 pm  | <b>CUPERTINO SQUARE</b><br>10123 Wolfe Rd.<br>Viernes, 9 am - 1 pm                                  | <b>CUPERTINO SQUARE</b><br>10123 Wolfe Rd.<br>Viernes, 9 am - 1 pm                                  |
| <b>EVERGREEN</b><br>Evergreen Village Square<br>Ruby St. at Classico Ave.<br>Sundays, 9 am - 1 pm                       | <b>EVERGREEN</b><br>Evergreen Village Square<br>Calle Ruby y Classico Ave.<br>Domingos, 9 am - 1 pm                   | <b>EVERGREEN</b><br>Evergreen Village Square<br>Calle Ruby y Classico Ave.<br>Domingos, 9 am - 1 pm | <b>EVERGREEN</b><br>Evergreen Village Square<br>Calle Ruby y Classico Ave.<br>Domingos, 9 am - 1 pm |
| <b>HOLLISTER</b><br>400 San Benito St.<br>Wednesdays, 3 pm - 7 pm<br>(from May - September)                             | <b>HOLLISTER</b><br>400 San Benito St.<br>Miércoles, 3 pm - 7 pm<br>(en Mayo - Septiembre)                            | <b>HOLLISTER</b><br>400 San Benito St.<br>Miércoles, 3 pm - 7 pm                                    | <b>HOLLISTER</b><br>400 San Benito St.<br>Miércoles, 3 pm - 7 pm                                    |
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| <b>SAN JOSE - DOWNTOWN</b><br>San Pedro Square<br>Fridays, 10 am - 2 pm   | <b>SAN JOSE KAISER</b><br>Kaiser San Jose<br>280 International Blvd.<br>Fridays, 10 am - 2 pm                         | <b>SAN JOSE KAISER</b><br>Kaiser San Jose<br>280 International Blvd.<br>Viernes, 10 am - 2 pm       | <b>SAN JOSE KAISER</b><br>Kaiser San Jose<br>280 International Blvd.<br>Viernes, 10 am - 2 pm       |
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| <b>VA PALO ALTO</b><br>3801 Miranda Ave.<br>Wednesdays, 10am-2pm<br>(from May - October)                                | <b>VA PALO ALTO</b><br>3801 Miranda Ave.<br>Miércoles, 10am-2pm<br>(en Mayo - Octubre)                                | <b>VA PALO ALTO</b><br>3801 Miranda Ave.<br>Miércoles, 10am-2pm                                     | <b>VA PALO ALTO</b><br>3801 Miranda Ave.<br>Miércoles, 10am-2pm                                     |

## ¡Su Tarjeta Es Bienvenida En Estos Mercados Farmers!



- |   |   |   |   |
|---|---|---|---|
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## Thẻ Của Bạn Rất Được Hoan Nghênh Tại Những Chợ Trời Nồng Dân!



- |  |  |   |   |
|--|--|---|---|
|  |  |   |   |
| <b>ALUM ROCK VILLAGE</b><br>James Lick High School<br>Giữa N. White Rd. và Alum Rock Ave.<br>Chủ Nhật, 9 sáng - 1 chiều        | <b>ALUM ROCK VILLAGE</b><br>James Lick High School<br>Giữa N. White Rd. và Alum Rock Ave.<br>Chủ Nhật, 9 sáng - 1 chiều        | <b>ALUM ROCK VILLAGE</b><br>James Lick High School<br>Giữa N. White Rd. và Alum Rock Ave.<br>Chủ Nhật, 9 sáng - 1 chiều | <b>ALUM ROCK VILLAGE</b><br>James Lick High School<br>Giữa N. White Rd. và Alum Rock Ave.<br>Chủ Nhật, 9 sáng - 1 chiều |
| <b>BERRYESSA</b><br>1376 Piedmont Rd.<br>Thứ Bảy, 9 sáng - 1 chiều   | <b>BERRYESSA</b><br>1376 Piedmont Rd.<br>Thứ Bảy, 9 sáng - 1 chiều   | <b>BERRYESSA</b><br>1376 Piedmont Rd.<br>Thứ Bảy, 9 sáng - 1 chiều  | <b>BERRYESSA</b><br>1376 Piedmont Rd.<br>Thứ Bảy, 9 sáng - 1 chiều  |
| <b>CUPERTINO SQUARE</b><br>10123 Wolfe Rd.<br>Thứ Sáu, 9 sáng - 1 chiều  | <b>CUPERTINO SQUARE</b><br>10123 Wolfe Rd.<br>Thứ Sáu, 9 sáng - 1 chiều  | <b>CUPERTINO SQUARE</b><br>10123 Wolfe Rd.<br>Thứ Sáu, 9 sáng - 1 chiều   | <b>CUPERTINO SQUARE</b><br>10123 Wolfe Rd.<br>Thứ Sáu, 9 sáng - 1 chiều   |
| <b>EVERGREEN</b><br>Evergreen Village Square<br>Ruby St. tại Classico Ave.<br>Chủ Nhật, 9 sáng - 1 chiều                       | <b>EVERGREEN</b><br>Evergreen Village Square<br>Ruby St. tại Classico Ave.<br>Chủ Nhật, 9 sáng - 1 chiều                       | <b>EVERGREEN</b><br>Evergreen Village Square<br>Ruby St. tại Classico Ave.<br>Chủ Nhật, 9 sáng - 1 chiều                | <b>EVERGREEN</b><br>Evergreen Village Square<br>Ruby St. tại Classico Ave.<br>Chủ Nhật, 9 sáng - 1 chiều                |
| <b>HOLLISTER</b><br>400 San Benito St.<br>Thứ TƯ, 3 - 7 giờ chiều<br>(Tháng Năm - Chín)  | <b>HOLLISTER</b><br>400 San Benito St.<br>Thứ TƯ, 3 - 7 giờ chiều<br>(Tháng Năm - Chín)  | <b>HOLLISTER</b><br>400 San Benito St.<br>Thứ TƯ, 3 - 7 giờ chiều   | <b>HOLLISTER</b><br>400 San Benito St.<br>Thứ TƯ, 3 - 7 giờ chiều   |
| <b>MILPITAS</b><br>525 Los Coches<br>Chủ Nhật, 8 sáng - 1 chiều  | <b>MILPITAS</b><br>525 Los Coches<br>Chủ Nhật, 8 sáng - 1 chiều  | <b>MILPITAS</b><br>525 Los Coches<br>Chủ Nhật, 8 sáng - 1 chiều   | <b>MILPITAS</b><br>525 Los Coches<br>Chủ Nhật, 8 sáng - 1 chiều   |
| <b>SAN JOSE - DOWNTOWN</b><br>San Pedro Square<br>Thứ Sáu, 10 sáng - 2 chiều   | <b>SAN JOSE KAISER</b><br>Kaiser San Jose<br>280 International Blvd.<br>Thứ Sáu, 10 sáng - 2 chiều                             | <b>SAN JOSE KAISER</b><br>Kaiser San Jose<br>280 International Blvd.<br>Thứ Sáu, 10 sáng - 2 chiều                      | <b>SAN JOSE KAISER</b><br>Kaiser San Jose<br>280 International Blvd.<br>Thứ Sáu, 10 sáng - 2 chiều                      |
| <b>SAN JOSE KAISER</b><br>Kaiser San Jose<br>280 International Blvd.<br>Thứ Sáu, 10 sáng - 2 chiều                             | <b>SAN JOSE KAISER</b><br>Kaiser San Jose<br>280 International Blvd.<br>Thứ Sáu, 10 sáng - 2 chiều                             | <b>SAN JOSE KAISER</b><br>Kaiser San Jose<br>280 International Blvd.<br>Thứ Sáu, 10 sáng - 2 chiều                      | <b>SAN JOSE KAISER</b><br>Kaiser San Jose<br>280 International Blvd.<br>Thứ Sáu, 10 sáng - 2 chiều                      |
| <b>SANTA TERESA</b><br>Kaiser San Jose<br>Santa Teresa tại Camino Verde<br>Thứ Bảy, 9 sáng - 1 chiều<br>(Tháng Năm - Mười Một) | <b>SANTA TERESA</b><br>Kaiser San Jose<br>Santa Teresa tại Camino Verde<br>Thứ Bảy, 9 sáng - 1 chiều<br>(Tháng Năm - Mười Một) | <b>SANTA TERESA</b><br>Kaiser San Jose<br>Santa Teresa tại Camino Verde<br>Thứ Bảy, 9 sáng - 1 chiều                    | <b>SANTA TERESA</b><br>Kaiser San Jose<br>Santa Teresa tại Camino Verde<br>Thứ Bảy, 9 sáng - 1 chiều                    |
| <b>SANTANA ROW</b><br>Stevens Creek Blvd.<br>& Winchester Blvd.<br>Chủ Nhật, 11 sáng - 3 chiều                                 | <b>SANTANA ROW</b><br>Stevens Creek Blvd.<br>& Winchester Blvd.<br>Chủ Nhật, 11 sáng - 3 chiều                                 | <b>SANTANA ROW</b><br>Stevens Creek Blvd.<br>& Winchester Blvd.<br>Chủ Nhật, 11 sáng - 3 chiều                          | <b>SANTANA ROW</b><br>Stevens Creek Blvd.<br>& Winchester Blvd.<br>Chủ Nhật, 11 sáng - 3 chiều                          |
| <b>SANTA CLARA KAISER</b><br>Kaiser Hospital<br>710 Lawrence Expressway<br>Thứ Năm, 10 sáng - 2 chiều                          | <b>SANTA CLARA KAISER</b><br>Kaiser Hospital<br>710 Lawrence Expressway<br>Thứ Năm, 10 sáng - 2 chiều                          | <b>SANTA CLARA KAISER</b><br>Kaiser Hospital<br>710 Lawrence Expressway<br>Thứ Năm, 10 sáng - 2 chiều                   | <b>SANTA CLARA KAISER</b><br>Kaiser Hospital<br>710 Lawrence Expressway<br>Thứ Năm, 10 sáng - 2 chiều                   |
| <b>VA PALO ALTO</b><br>3801 Miranda Ave<br>Thứ TƯ, 10 sáng - 2 chiều<br>(Tháng Năm - Mười)                                     | <b>VA PALO ALTO</b><br>3801 Miranda Ave<br>Thứ TƯ, 10 sáng - 2 chiều<br>(Tháng Năm - Mười)                                     | <b>VA PALO ALTO</b><br>3801 Miranda Ave<br>Thứ TƯ, 10 sáng - 2 chiều  | <b>VA PALO ALTO</b><br>3801 Miranda Ave<br>Thứ TƯ, 10 sáng - 2 chiều  |

## Eat Healthy By Shopping At Your Local Farmers Market

- What are Farmers Markets?**
- Outdoor markets where local farmers sell their food.
  - They are open for a few hours each week.
- Can I afford to buy fresh fruits and vegetables?**
- Yes! Fresh food in season often costs less than at a supermarket.
- Can I use my food stamps and EBT card at farmers markets?**
- Yes! Bring your EBT card and ask how to use it at the market information booth.
  - All markets listed above accept food stamps or EBT cards.
- How do I get food stamps or an EBT card?**
- You can apply for food stamps even if you're working.
  - If you have family they may also apply for food stamps.
  - With an EBT card you can get more healthy food at local grocery stores and farmers markets.
  - Call 1-877-847-3663 to learn how to apply.



## Coma Sano Haciendo Compras En Su Mercado Farmers Local

- ¿Qué son los mercados farmers?**
- Los mercados farmers son donde los agricultores locales venden sus alimentos.
  - Están abiertos durante horas específicas cada semana.
- ¿Es más caro comprar frutas y verduras frescas en los mercados farmers?**
- No! Muchas veces las frutas y verduras en temporada cuestan menos que en los supermercados.
- ¿Puedo usar mis estampillas de comida y la tarjeta EBT en los mercados farmers?**
- ¡Sí! Lleve su tarjeta de EBT y pregúntele al personal en la mesa de información cómo usar la tarjeta.
  - Todos los mercados en la lista aceptan estampillas de comida o tarjetas de EBT.
- ¿Cómo puedo obtener estampillas de comida o una tarjeta de EBT?**
- Si usted está trabajando, usted puede solicitar estampillas de comida
  - Si usted tiene familiares ellos también pueden solicitar estampillas de comida.
  - Con una tarjeta de EBT usted puede obtener alimentos más saludables en las tiendas locales y los mercados farmers.
  - Llame al 1-877-847-3663 para más información sobre como aplicar para estampillas de comida o para una tarjeta de EBT.



## Ăn Lành Mạnh Bằng Cách Đi Chợ Trời Nồng Dân Tại Địa Phương

- Chợ Trời Nồng Dân Là Gì?**
- Là chợ ở ngoài trời, là nơi mà các nông dân bày bán thực phẩm của mình.
  - Chợ được mở trong vài giờ mỗi tuần.
- Tôi Có Thể Mua Được Trái Cây Và Rau Quả Tươi Không?**
- Vâng! Thông thường thực phẩm tươi được bày bán theo mùa với giá rẻ hơn ở ngoài cửa tiệm.
- Tôi Có Thể Sử Dụng Food Stamps và Thẻ EBT Tại Chợ Trời Nồng Dân Không?**
- Vâng! Hãy đem thẻ EBT của bạn và hỏi cách làm sao sử dụng tại những địa điểm cung cấp thông tin trong chợ trời.
  - Tất cả những chợ trời được liệt kê ở phần trên đều nhận food stamp và thẻ EBT.
- Làm Thế Nào Để Tôi Có Được Food Stamps Hoặc Thẻ EBT?**
- Bạn đang đi làm mà vẫn có thể xin được food stamp.
  - Nếu bạn có gia đình, họ cũng có thể xin được food stamps.
  - Khi có thẻ EBT thì bạn có thể mua được thực phẩm lành mạnh tại các cửa tiệm tạp hóa cũng như trong chợ trời nhà nông.
  - Hãy gọi 1-877-847-3663 để biết cách thức ra sao.



# LETTER #RLA2

**From:** [Zsutty, Yves](#)  
**To:** [Mark, Jane](#)  
**Cc:** [McBain, Darren](#)  
**Subject:** Martial Cottle EIR  
**Date:** Tuesday, October 12, 2010 3:59:24 PM

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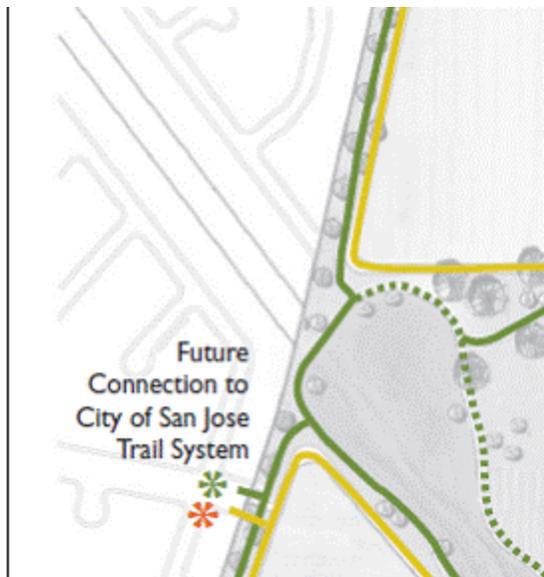
Jane,

Thank you for the opportunity to provide input on the Draft EIR for the Martial Cottle County Park Master Plan. The City of San Jose supports development of this important community resource.

Figure 3-5 shows locations of anticipated bicycle and pedestrian entrances to the park. The figure shows a future connection to a future City of San Jose trail system (Canoas Creek Trail). However, the anticipated future alignment of the City's trail will follow the creek channel and not Chynoweth Avenue as the figure in the Draft EIR suggests. We request that the "Future Connection to City of San Jose Trail System" be shifted northward to accurately reflect the planned alignment along the Canoas Creek channel. Offering access to the neighborhood street as shown is beneficial so we requested that it be identified as "Future Connection to Chynoweth Avenue Bike Lanes."

Thanks for providing this additional connection as part of the document.

- Yves



# LETTER #RLA3

**From:** [Santos, Rachel](#)  
**To:** [Mark, Jane](#)  
**Subject:** MC DEIR  
**Date:** Thursday, October 21, 2010 1:42:39 PM

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Hello Jane,  
Thank you for the follow up email.

The Martial Cottle Park Master Plan DEIR is consistent with the Santa Clara County Open Space Authority 20% Funding Agreement - Martial Cottle County Park Project. As conditioned in said agreement, funds will be used for trail and access improvements and agriculture and/or community garden improvements, which are included in MC DEIR Project Components.

*Rachel Santos  
Open Space Planner  
Santa Clara County Open Space Authority  
408-224-7476 ext. 26*

# LETTER #RLA4

**From:** [Noel, Dunia](#)  
**To:** [Mark, Jane](#)  
**Subject:** RE: LAFCO Comments, RE: Draft EIR for Martial Cottle Park State Park General Plan/ County Park Master Plan Project  
**Date:** Thursday, October 21, 2010 4:37:19 PM

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**Ms. Mark:**

Thank you for your inquiry. We have completed our review of the environmental documents and have no comments at this time. In terms of sewer connection(s) or other city services, our assumption is that the City of San Jose will provide those services upon annexation. Given that the area in question is already within the City of San Jose's Urban Service Area Boundary, the City of San Jose would be responsible for processing and approving any future annexation to the City. Please keep us on your mailing list as this project moves forward, including any future annexation request. Thank you for your time and assistance.

---

**Dunia Noel**  
LAFCO Analyst  
Local Agency Formation Commission of Santa Clara County  
[www.santaclara.lafco.ca.gov](http://www.santaclara.lafco.ca.gov)

70 W. Hedding St.  
East Wing, 11th Floor  
San Jose, CA 95110  
T (408) 299-5148  
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**From:** Mark, Jane  
**Sent:** Thursday, October 21, 2010 10:46 AM  
**To:** Palacherla, Neelima; Noel, Dunia  
**Cc:** Brosseau, Kimberly  
**Subject:** LAFCOComments, RE: Draft EIR for Martial Cottle Park State Park General Plan/ County Park Master Plan Project

Neelima and Dunia:

Will the County Parks Department be expecting written comments from LAFCO on the Draft EIR for Martial Cottle Park Plan project? If you have any questions, please call either me (355-2237) or Kimberly (344-2230).

Thank you,

Jane

*From the desk of:*  
**Jane F. Mark, AICP**

## Senior Planner

County of Santa Clara Parks & Recreation Department  
298 Garden Hill Drive  
Los Gatos, CA 95032  
(408) 355-2237 Direct  
(408) 355-2290 Fax  
[Jane.mark@prk.sccgov.org](mailto:Jane.mark@prk.sccgov.org)

 Please consider your environmental responsibility before printing this e-mail.

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**From:** Mark, Jane

**Sent:** Tuesday, September 07, 2010 4:46 PM

**To:** (aprile\_smith@dot.ca.gov); (chatamour7@yahoo.com); (pshowalter@valleywater.org); (sstansbury@conexions.org); Alex Pearson (alex.pearson@sanjoseca.gov); Alida J. Bray (abray@historysanjose.org); Aminah Ramezany; anita\_parsons@sccoe.org; Aziz Baameur (Azbaameur@ucdavis.edu); Barbara Manning (barbara1710@juno.com); Beau Goldie (bgoldie@valleywater.org); Beth Thomas (Beth\_thomas@dot.ca.gov); Bill.Shoe@pln.sccgov.org; Bob Rhode (Bob.rohde@ca.usda.gov); CHaggerty@valleywater.org; Chris.Augenstein@vta.org; Craig Giordano (craig\_kim@comcast.net); Dana.peak@pln.sccgov.org; Darcie.L.Green@kp.org; Dave.mitchell@sanjoseca.gov; Elizabeth Sills (Elizabeth.Sills@kp.org); Fe Moncloa (fxmoncloa@ucdavis.edu); Frank Giordano; Frank Giordano (frank.giordano@sbcglobal.net); Hans Toensfeldt (HansToensfeldt@Gmail.com); ibletz@ebparks.org; isabelle@dceplanning.com; Jennifer Williams (sccfb@sccfarmbureau.org); jingols@valleywater.org; john.brazil@sanjoseca.gov; ken.schreiber@pln.sccgov.org; Kevin O'Day (Kevin.O'Day@aem.sccgov.org); Kristin Reynolds (kareynolds@ucdavis.edu); Libby Lucas (Jlucas1099@aol.com); Linden Skjeie (linden.skjeie@sanjoseca.gov); Manuel Pineda (Manuel.Pineda@sanjoseca.gov); Maria de la Fuente (medelafuente@ucdavis.edu); Marybeth Harasz (marybeth.harasz@sanjoseca.gov); Matt.Cano@sanjoseca.gov; mbeasley@greenbelt.org; Michael Brilliot (michael.brilliot@sanjoseca.gov); Michael Kent (mike\_kent@sbcglobal.net); Michelle Mount (Michelle\_Mount@sccoe.org); Michelle.DeRobertis@vta.org; mléf@sbcglobal.net; Naresh Duggal (Naresh.Duggal@ceo.sccgov.org); neelima.palacherla@ceo.sccgov.org; Patrick Love (pat.love@sbcglobal.net); pcongdon@openspaceauthority.org; ptmiller@aol.com; Reggie Knox (reggie@californiarfarmlink.org); Rhonda Berry (rberry@ourcityforest.org); robin@sfei.org; Sarah Sutton (sarah@dceplanning.com); Sheila Barry (Sbarry@ucdavis.edu); sibella@sagecenter.org; Stippets@valleywater.org; Susan Karlins (Susan.Karlins@hhs.sccgov.org) (KARLISUS); Susan M. Stuart (Susan.Stuart@hhs.sccgov.org); Timm.Borden@sanjoseca.gov; YProvaznik@ebparks.org

**Cc:** Mark, Julie; O'Connor, Jim; Brosseau, Kimberly; Mark, Jane

**Subject:** Availability of Draft EIR for Martial Cottle Park State Park General Plan/ County Park Master Plan Project for Public Review & Comments

### Dear Interested Members of the Public and Agency Representatives:

The County of Santa Clara Parks and Recreation Department is pleased to announce the release of the Draft Environmental Impact Report (EIR) for the Martial Cottle Park State Park General Plan/ County Park Master Plan (Park Plan) project. In collaboration with California State Parks and the DC&E Consultant Team, the County Parks Department has completed a Draft EIR which includes a Water Supply Assessment (WSA) that the County of Santa Clara Board of Supervisors approved on August 10, 2010 for inclusion in the Draft EIR.

Attached is a public Notice of Availability (NOA) and Intent to Adopt an EIR and a project newsletter with announcements for upcoming public meetings. As part of the department's continual community outreach, the NOAs and newsletters have been mailed to over 4,000 property owners residing within approximately one-mile radius of Martial Cottle Park.

The Draft EIR is being circulated for public review and comments for a period of 45 days, beginning on **September 8, 2010** and ending on **October 22, 2010**. During the 45-day public comment period, the County Parks Department will hold a public meeting to provide the community and agency representatives with an overview of the EIR and the key findings of the report. The public meeting has been scheduled for Wednesday, **September 22, 2010** at Gunderson High School, 622 Gaundabert Lane, San Jose, from 6:30 pm to 8:30 pm.

The Draft EIR, NOA and newsletter will be available on-line at the County Parks Department's website at <http://www.parkhere.org> by clicking on "Martial Cottle Park Master Plan" on September 8, 2010. We hope that you would be able to attend the September 22<sup>nd</sup> EIR Public Meeting.

If you have questions about the Draft EIR or the project, please contact me at (408) 355-2237 or Kimberly Brosseau at (408) 355-2230.

Thank you,

Jane

*From the desk of:*  
**Jane F. Mark, AICP**  
**Senior Planner**

County of Santa Clara Parks & Recreation Department  
298 Garden Hill Drive  
Los Gatos, CA 95032  
(408) 355-2237 Direct  
(408) 355-2290 Fax  
[Jane.mark@prk.sccgov.org](mailto:Jane.mark@prk.sccgov.org)

 Please consider your environmental responsibility before printing this e-mail.

File: 23602  
Canoas Creek  
X-Fac: Snell Pipeline

October 22, 2010

Ms. Jane Mark  
Project Manager  
Santa Clara County Parks and Recreation Department  
298 Garden Hill Drive  
Los Gatos, CA 95032

Subject: Martial Cottle Park State Park General Plan and County Park Master Plan Draft  
Environmental Impact Report (DEIR)

Dear Ms. Mark:

The Santa Clara Valley Water District (District) has reviewed the Martial Cottle Park State Park General Plan and County Park Master Plan Draft Environmental Impact Report (DEIR) dated September 8, 2010 and received by the District on September 8, 2010.

As noted in the DEIR, the District is a responsible agency under CEQA for this project as the project proposes work on the District's right of way and will cross and modify District facilities. In accordance with the District's Water Resources Protection Ordinance a District permit will be required for modification of District facilities and encroachment onto District right of way.

The District has the following comments regarding the DEIR:

1. As noted in our comments regarding the NOP, storm drainage from the site should be directed to the existing public storm drain system where possible to minimize construction of new outfalls into Canoas Creek and eliminate overbank drainage to the creek, which is not allowed as it contributes to bank erosion and sedimentation of the creek bed.

The DEIR states on page 4.13-21 the "project would not construct or connect to any stormwater drainage infrastructure" and runoff will continue to drain to Canoas Creek. The DEIR notes on Table 4.10-5, page 4.10-42, that the increase in runoff due to the project will be mitigated by the use of BMPs and the wetland for detention; however, the wetland will not be constructed until after Phase 1, when most of the project elements that contribute to the increase in runoff will have been completed. Canoas Creek experiences significant erosion in part from overbank drainage along its length and the continuation of overbank drainage compounded with an increase in

runoff quantity is a significant concern of the District. The DEIR should further evaluate the impacts associated with drainage of the site and include appropriate mitigation measure as necessary.

2. As noted in our comments on the NOP for the project the District performs regular maintenance activities along Canoas Creek and has maintenance roads on both sides of the creek through the site. It is our understanding the proposed trail along Canoas Creek includes the use of the existing District maintenance road; however, the DEIR does not mention the shared use of the maintenance road. In addition, Figure 3-5 does not show the maintenance roads or note that the trail along the creek will be shared with the maintenance road.
3. Canoas Creek is typically dry during most of the year making it appear deceptively safe to enter, though it fills and rises quickly during wet periods. Barriers to prevent the public from entering the creek will be needed, particularly at the access ramp to the channel bottom, since the creek is approximately 14 feet deep with steep side slopes and the ramp within the site is the only way to exit for a significant distance. Also, District maintenance activities occur on a regular basis and typically require the use of heavy equipment and large trucks. Provisions, such as fencing and a separate trail and maintenance road system, need to be investigated and the best methods for providing for the safety of District staff and the public during District maintenance activities need to be implemented. Measures to protect public safety need to also minimize impacts to the District's maintenance activities. The DEIR discussion does not address the above concerns. Please revise the DEIR to discussion to include these potential impacts on public safety and appropriate mitigation measure, as necessary.
4. The DEIR discussion regarding the proposed wetland does not include the source(s) of water for the wetland, *i.e.* runoff only or runoff with a supplemental water source; required maintenance; and any potential impacts to Canoas Creek including conveyance capacity, sedimentation, water quality and maintenance. The discussion should also address the need to define the roles and responsibilities of the District and County Parks regarding the wetland.
5. On page 3-34 under Santa Clara Valley District permits and approvals, please include that modification to any well also requires a permit.
6. Item 4 on page 4.1-2, Guidelines and Standards for Land Use Near Streams, the discussion should note that this applies for areas outside of the District's right of way. For areas within District right of way the District's Water Resources Protection Ordinance (WRPO) and associated WRP Manual govern.
7. On page 4.1-14 the discussion of the G & S states that "the Plan would not propose any new structures within the riparian area"; however, the project will include construction of two pedestrian bridges and replacement of a vehicular bridge over Canoas Creek and the riparian area.
8. The discussions regarding the wetland connection to Canoas Creek in the DEIR are not consistent or complete. Pages 4.5-42, 43, 46, 51, and 54 state impacts from the seasonal wetland on Canoas Creek would be temporary and that no work will occur in the creek. The statement that the wetland "will be in the flood zone of the creek and will therefore not alter the flow of the channel" on page 4.10-54 is unclear. The flood zone for the creek shown on the FEMA maps does not extend beyond the creek, so work in the flood zone would be in the creek and could impact creek

hydraulics. The connection of the wetland to the creek will be a permanent alteration to the creek and the DEIR should include a discussion of permanent impacts and mitigation measures.

9. Under Flood Protection, pages 4.10-9 and 4.10-10, the DEIR states that although the site is located within the San Jose Urban Service Area since it is owned by the State and County the project is not subject to "City stream and floodplain policies." Though the project may not be subject to City stream and floodplain policies, it would be subject to County and State policies regarding streams and floodplains, including the G & S and the County's floodplain ordinance. The DEIR should note the relevant State and County policies related to floodplains.
10. Page 4.10-13 states that Canoas Creek was converted to a trapezoidal channel with a concrete bottom in the 1960s and "this design is common in the urban areas of Santa Clara County, implemented to control flooding." It should be noted that this type of design was common during the 1960s; however, this is no longer the case.
11. Page 4.10 notes the top width of Canoas Creek is 30 feet; however, based on the as-built drawings for the creek and an aerial photo the top width is closer to 50 feet.
12. The discussion of flow rates in Canoas Creek on page 4.10-13 states that "elevated levels in the creek occurred in the 1980s due to diversions from the IBM Corporations" altering the historical mean daily flow rates. For clarity, the DEIR should note the source of the water, which we presume was discharges from groundwater remediation activities, and the specific years this occurred.
13. Data for the 1980s is not included in Figure 4.10-1, and there is no note on the figure indicating why this data is not shown.
14. Page 4.10-14 states that "the lower segments of the creek convey high volumes of treated effluent from wastewater treatment facilities to the San Francisco Bay; the flow regime and quality of water in these segments is dominated by the treated effluent releases." None of the three wastewater treatment plants located in the northern part of the County discharge to the Guadalupe River or its tributaries.
15. Page 10.14 should note that the District augments dry season flows in the Guadalupe River and its tributaries for both groundwater recharge and fisheries.
16. Page 4.10-17 states that the adjacent roadways are graded such that they will not overflow onto the project site and references Figure 4.10-2. It is not clear how this figure supports this statement as the figure does not have any drainage facilities or topography shown.
17. Item 14 on page 4.10-35 references the District's Ordinance 83-2, which has been superseded by WRPO. This item should state "Conflict with Water Resources Project Collaborative Guidelines and Standards for Land Uses Near Stream or the Santa Clara Valley Water District's Water Resources Protection Ordinance."
18. Page 4.10-37 states that according to the District, five wells were active on the property in 2000. Only one of the five wells is located within the project site; the other four are located on the Life Estate.
19. The DEIR finds that the potential for upstream dam failure and resulting down-stream inundation is a potentially significant impact, Impact HYDRO-1 page 4.10-47. Due to the remote likelihood of a dam failure the District does not consider the risk to park visitor to be potentially significant. If the County and State continue to consider this to be a potentially significant impact, the proposed mitigation measure (posting signs) will do little to reduce the risk from dam inundation to park visitors.

20. It has been the District's understanding that the proposed creek enhancements will be limited to plantings located outside of the top of the creek bank, which is consistent with the description of this project element on pages 3-19, 4.5-42 and 4.5-54. However, page 4.10-54 states "part of the project goals is to re-vegetate, with native vegetation, the channel banks of Canoas Creek. The proposed enhancement plantings along Canoas Creek and the proposed wetland must not impact the District's operation and maintenance of Canoas Creek or the creek's flow conveyance capacity. Please revise the DEIR for consistency and completeness.
21. Page 3-24 states that the existing vehicular bridge over Canoas Creek will be replaced and two new pedestrian bridges will be constructed; however page 4.5-42 states the existing bridge will be modified though the width of the bridge "is not expected to be significantly altered". The width of the existing bridge will need to be widened to accommodate pedestrian access at this location or a new bridge will be needed with adequate width to accommodate both pedestrians and vehicles. The DEIR should be revised for consistency and completeness regarding the existing bridge over the creek. The document should also clarify during which phase the bridges will be constructed.
22. The DEIR discussion regarding the bridges over Canoas Creek needs to note that the bridges must be designed such that there are no impacts to channel capacity or District access along the top of bank.
23. The District policies noted in Table 4.13-3 have been updated since the 2003 IWRP. The District's current policies regarding water supply are on the District's website and a copy is enclosed.
24. The DEIR does not address whether any new utilities are to cross Canoas Creek or if any existing utilities crossing the creek will be relocated or modified, such as the existing water/irrigation line crossing over the creek near the existing vehicular bridge.
25. The proposed project includes improvements to Snell Avenue that may impact the District's Snell Pipeline that is located within an easement in/adjacent to Snell Avenue. The DEIR should discuss this potential impact in the Utilities section and include mitigation measure, if necessary, to ensure the District's pipeline and operations are not impacted. Also, it is not clear in the DEIR during which phase the Snell Avenue improvements are proposed to occur.
26. The project proposes pedestrian access to the VTA Blossom Hill Light Rail Station which requires crossing District owned property adjacent to the project site. The District's parcel is currently vacant, but used for drying sediment that has been removed from Canoas Creek. While we are interested in preserving this function, the incorporation of the parcel into the park for mutual use per a Joint Use Agreement or future property exchange can be considered.
27. Modifications to the District's existing easement for Canoas Creek may be required if the District agrees to allow any re-alignment of the maintenance road outside of the existing easement to accommodate the trail, wetland, enhancement plantings, or any other site improvements along the creek.

Ms. Jane Mark  
Page 5  
October 22, 2010

Please provide a copy of the Final EIR to the District for our files, when it becomes available. Reference District File Number 23602 on further correspondence regarding this project.

If you have any questions or need further information, you can reach me at (408) 265-2607, extension 2322.

Sincerely,



Colleen Haggerty, P.E.  
Associate Civil Engineer  
Community Projects Review Unit

Enclosure: SCVWD Governance Policies of the Board- Water Supply last revised  
12/15/09

cc: S. Tippetts, C. Elias, R. Narsim, C. Fredrickson, J. Ingols, D. Honda, C. Haggerty, M. Martin, T. Hemmeter, B. Judd, J. Ingols, M. Silva, J. De La Piedra, B. Ahmadi, File

23602\_53474ch10-21

# Governance Policies of the Board

**Title:** Board Direction to the BAOs

**Category:** Ends – Water Supply (WS)

**Policy No. E-2**     **Date of Adoption: January 18, 2005**  
*Original signed by: Richard P. Santos, Chair*

**Date of Latest Revision: December 15, 2009**  
*Original signed by: Sig Sanchez, Chair*

**Board Officer's affirmation of official Board action adopting this policy.**

There is a reliable, clean water supply for current and future generations. Accordingly, the following goals and objectives are adopted:

## **WS Goal**

### 2.1 Reliable water supply

#### **WS Objective**

- 2.1.1 Meet current and future water demands for municipalities, industries, agriculture and the environment.
- 2.1.2 Maintain a diverse water supply including imported, local and recycled water.
- 2.1.3 Maximize water use efficiency.

## **WS Goal**

### 2.2 High quality water supply

#### **WS Objective**

- 2.2.1 Protect groundwater basins from contamination and the threat of contamination.
- 2.2.2 Protect and improve local surface water quality.
- 2.2.3 Protect imported water quality.
- 2.2.4 Meet or exceed all applicable treated water quality regulatory standards.

## **WS Goal**

### 2.3 Reliable water utility infrastructure and protected assets

#### **WS Objective**

- 2.3.1 Maintain water utility infrastructure integrity and minimize life-cycle costs.
- 2.3.2 Monitor to sustain and protect groundwater resources to minimize land subsidence.

# LETTER #RLA6

**From:** [Molseed, Roy](#)  
**To:** [Mark, Jane](#)  
**Cc:** [Brosseau, Kimberly](#)  
**Subject:** Martial Cottle Park Draft EIR  
**Date:** Friday, October 22, 2010 3:24:01 PM  
**Attachments:** [CO1001\\_cottlepark\\_DEIR\\_10-22-10.pdf](#)

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Jane,

Attached are comments from VTA on the Martial Cottle Park Draft EIR.

If possible, please confirm receipt of our comments.

Please contact me if any questions. Thanks for the opportunity to review.

Roy Molseed  
Senior Environmental Planner  
VTA  
(408) 321-5784  
[Roy.molseed@vta.org](mailto:Roy.molseed@vta.org)



October 22, 2010

County of Santa Clara  
Planning Office  
70 West Hedding Street  
San Jose, CA 95112

Attention: Jane Mark

Subject: Martial Cottle Park State Park State Park General Plan/County Park Master Plan

Dear Ms. Mark:

Santa Clara Valley Transportation Authority (VTA) staff have reviewed the Draft EIR for a master plan for a park on 256.64 acres for the area bounded by SR 85, Chynoweth Avenue, Snell Avenue, and Branham Lane. We have the following comments.

Transportation and Circulation – General:

We would like to commend the County of Santa Clara for the thorough consideration of alternative modes of transportation in the DEIR and TIA. It is clear that the County has given serious consideration to pedestrian and bicycle circulation and access to transit in the Master Plan and environmental review process, which is consistent with the goals of the Santa Clara County Congestion Management Program managed by VTA. VTA also commends the County for including substantial pedestrian and bicycle improvements along the park's frontage on Branham Lane and Snell Avenue, as shown in Figure 3-4 of the DEIR.

Description of Existing Conditions

The discussion of existing bus service in the DEIR (page 4.12-8) mentions the existing bus stops for Local Route 66 at Snell Avenue / Branham Lane and Snell Avenue / Chynoweth Avenue, but does not mention the existing bus stop at Snell Avenue / Obert Drive. The EIR should be revised to note the existing Snell Avenue / Obert Drive stop. In addition, the EIR should be revised to note that the Blossom Hill, Ohlone/Chynoweth, and Snell light rail stations in the vicinity of the project also have bicycle lockers and racks (in addition to the Curtner, Capitol and Branham Stations).

In addition to showing the location of the surrounding light rail stations on the Existing Transit Service Figure in the DEIR (Figure 4.12-2), we suggest that all maps that show the surrounding land uses, bike lanes and/or pedestrian infrastructure (such as DEIR Figure 4-3 and 4.12-3 and Master Plan Figure 1-2) should indicate the surrounding light rail stations.

#### Access to Blossom Hill Light Rail Station

VTA appreciates the attention given to providing access to the Blossom Hill light rail station in the draft Master Plan and DEIR, including the new pedestrian/bicycle crossing over Canoas Creek to the station. Given that light rail service is provided late at night and early in the morning, it is important that this trail and bridge be open 24/7. Due to the size of the park and the fact that considerable investment is being made to construct the trail system, it would be prudent to make some route through the park available for use 24/7 to increase the neighborhood's transportation options, and to facilitate access to the light rail system. Night-time access to trails for transportation purposes has been shown to increase the mode share of biking, walking and transit use. These measures would help reduce the project's significant Climate Change impact identified in the DEIR (Impact CC-1).

#### Bus Service and Accommodations

The DEIR and draft Master Plan do not appear to discuss how the bus stops along the Snell Avenue frontage will be reconstructed as part of the park project or the adjacent City of San Jose roadway improvement project. These documents should be revised to include a discussion of how these bus stops will be reconstructed. In order to provide convenient access to transit service and accommodate the likely increase in demand from park users, VTA recommends that the existing stops on Snell Avenue be retained, and recommends the following improvements for the existing bus stops:

- Provide a 22-foot curb lane or bus duckout per VTA design standards.
- Provide a 10' X 55' PCC concrete pad if a 22-foot curb lane is provided.
- Provide an 8' X 40' boarding/deboarding area (sidewalk) adjacent to the bus stop.
- Provide curb ramps at pedestrian crossings leading to the bus stop if currently not available.
- Provide pedestrian-scale bus stop lighting
- Place all trees and landscaping outside of the bus stop zone

These bus stop improvements should be provided as part of Mitigation Measure CC-1b, to help reduce the project's significant Climate Change impact identified in the DEIR (pages 1-20 through 1-23).

In addition, consideration should be given in the EIR and Master Plan to measures to provide a safe pedestrian crossing of Snell Avenue near the proposed park entrance and the Snell Avenue / Obert Drive bus stop. These documents should discuss what measures will be taken to ensure safe pedestrian crossings in the short term before a signal is installed at the park entrance.

#### Trail System

The lower cross section depicted on Fig 3-4 of the DEIR, titled "TYPICAL WESTSIDE RESIDENTIAL TRAIL AND BUFFER", shows a 12-foot shared use path with a 3-foot buffer

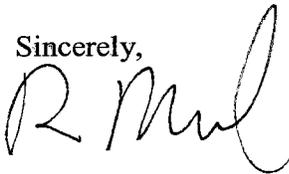
County of Santa Clara  
October 22, 2010  
Page 3

next to a residential road. We support the 12-foot width on the shared use path but it should be noted that the Caltrans Highway Design Manual Chapter 1000 specifies a minimum 5-foot buffer between a path and a roadway. (If the buffer is less than 5 feet, a "barrier" must be provided, which is not recommended for aesthetic and circulation reasons.)

Instead of a 12-foot wide single material surface for bikes and pedestrians, successful shared use paths use design features to help separate the faster bicycle traffic from the slower pedestrian traffic, such as 8-9 foot asphalt centers for bikes and brick or decomposed granite shoulders for pedestrians.

Thank you for the opportunity to review this project. If you have any questions, please call me at (408) 321-5784.

Sincerely,

A handwritten signature in black ink, appearing to read "R Molseed". The signature is fluid and cursive, with the first letter "R" being particularly large and stylized.

Roy Molseed  
Senior Environmental Planner

RM:kh

CO1001

# LETTER #RLA7

**From:** [Borden, Timm \(PW\)](#)  
**To:** [Mark, Jane](#)  
**Cc:** [Pineda, Manuel](#)  
**Subject:** RE: Availability of Draft EIR for Martial Cottle Park State Park General Plan/ County Park Master Plan Project for Public Review & Comments  
**Date:** Saturday, October 23, 2010 5:16:37 PM  
**Attachments:** [Martial Cottle Park.msg](#)

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Jane,  
See attached comments from our DOT. I also support these comments.

Timm Borden

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**From:** Mark, Jane [mailto:Jane.Mark@PRK.SCCGOV.ORG]  
**Sent:** Tuesday, September 07, 2010 4:46 PM  
**To:** (aprile\_smith@dot.ca.gov); (chatamour7@yahoo.com); (pshowalter@valleywater.org); (sstansbury@conexions.org); Pearson, Alex; Alida J. Bray (abray@historysanjose.org); Aminah Ramezany; anita\_parsons@sccoe.org; Baameur, Aziz; Barbara Manning (barbara1710@juno.com); Beau Goldie (bgoldie@valleywater.org); Beth Thomas (Beth\_thomas@dot.ca.gov); Bill.Shoe@pln.sccgov.org; Bob Rhode (Bob.rohde@ca.usda.gov); CHaggerty@valleywater.org; Chris.Augenstein@vta.org; Craig Giordano (craig\_kim@comcast.net); Dana.peak@pln.sccgov.org; Darcie.L.Green@kp.org; Mitchell, Dave; Elizabeth Sills (Elizabeth.Sills@kp.org); Moncloa, Fe; Giordano, Frank; Frank Giordano (frank.giordano@sbcglobal.net); Hans Toensfeldt (HansToensfeldt@Gmail.com); ibletz@ebparks.org; isabelle@dceplanning.com; Jennifer Williams (sccfb@sccfarmbureau.org); jingols@valleywater.org; Brazil, John; ken.schreiber@pln.sccgov.org; O'Day, Kevin; Kristin Reynolds (kareynolds@ucdavis.edu); Libby Lucas (Jlucas1099@aol.com); Skjeie, Linden; Pineda, Manuel; Maria de la Fuente; Harasz, Marybeth; Cano, Matt; mbeasley@greenbelt.org; Brilliot, Michael; Michael Kent (mike\_kent@sbcglobal.net); Michelle Mount (Michelle\_Mount@sccoe.org); Michelle.DeRobertis@vta.org; mléf@sbcglobal.net; Duggal, Naresh; Palacherla, Neelima; Patrick Love (pat.love@sbcglobal.net); Congdon, Patrick; ptmiller@aol.com; Reggie Knox (reggie@californiafarmlink.org); Rhonda Berry (rberry@ourcityforest.org); robin@sfei.org; Sarah Sutton (sarah@dceplanning.com); Barry, Sheila; sibella@sagecenter.org; Stippets@valleywater.org; Karlins, Susan; Stuart, Susan; Borden, Timm (PW); YProvaznik@ebparks.org  
**Cc:** Mark, Julie; O'Connor, Jim; Brosseau, Kimberly; Mark, Jane  
**Subject:** Availability of Draft EIR for Martial Cottle Park State Park General Plan/ County Park Master Plan Project for Public Review & Comments

## Dear Interested Members of the Public and Agency Representatives:

The County of Santa Clara Parks and Recreation Department is pleased to announce the release of the Draft Environmental Impact Report (EIR) for the Martial Cottle Park State Park General Plan/ County Park Master Plan (Park Plan) project. In collaboration with California State Parks and the DC&E Consultant Team, the County Parks Department has completed a Draft EIR which includes a Water Supply Assessment (WSA) that the County of Santa Clara Board of Supervisors approved on August 10, 2010 for inclusion in the Draft EIR.

Attached is a public Notice of Availability (NOA) and Intent to Adopt an EIR and a project newsletter with announcements for upcoming public meetings. As part of the department's continual community outreach, the NOAs and newsletters have been mailed to over 4,000 property owners residing within approximately one-mile radius of Martial Cottle Park.

The Draft EIR is being circulated for public review and comments for a period of 45 days, beginning on **September 8, 2010** and ending on **October 22, 2010**. During the 45-day

public comment period, the County Parks Department will hold a public meeting to provide the community and agency representatives with an overview of the EIR and the key findings of the report. The public meeting has been scheduled for Wednesday, **September 22, 2010** at Gunderson High School, 622 Gaundabert Lane, San Jose, from 6:30 pm to 8:30 pm.

The Draft EIR, NOA and newsletter will be available on-line at the County Parks Department's website at <http://www.parkhere.org> by clicking on "Martial Cottle Park Master Plan" on September 8, 2010. We hope that you would be able to attend the September 22<sup>nd</sup> EIR Public Meeting.

If you have questions about the Draft EIR or the project, please contact me at (408) 355-2237 or Kimberly Brosseau at (408) 355-2230.

Thank you,

Jane

*From the desk of:*  
**Jane F. Mark, AICP**  
**Senior Planner**

County of Santa Clara Parks & Recreation Department  
298 Garden Hill Drive  
Los Gatos, CA 95032  
(408) 355-2237 Direct  
(408) 355-2290 Fax  
[Jane.mark@prk.sccgov.org](mailto:Jane.mark@prk.sccgov.org)

 Please consider your environmental responsibility before printing this e-mail.

**From:** [Pineda, Manuel](#)  
**To:** [Borden, Timm \(PW\)](#); [Mack, Karen](#)  
**Subject:** Martial Cottle Park  
**Date:** Thursday, October 21, 2010 3:30:14 PM

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Page 4-12-3 - Clarifications – The 12' sidewalk includes tree wells per CSJ standards. For a multi-use path the standard design calls for a 12' clear path or 16' with tree wells.

The report should show both interim and ultimate conceptual layouts for the Snell Avenue corridor and access

The report should show conceptual layouts of all proposed mitigations to determine feasibility.

**Manuel Pineda**  
*Acting Deputy Director*  
*Department of Transportation*  
*(408) 975-3295*

# LETTER #RLA8



## GUADALUPE - COYOTE RESOURCE CONSERVATION DISTRICT

888 NORTH FIRST STREET RM. 204, SAN JOSE, CA 95112-6314  
OFFICE (408) 288-5888 FAX (408) 993-8728 email: gcrd@pacbell.net

### FAX COVER SHEET

<b>SEND TO</b>	
Company name <i>COUNTY OF SANTA CLARA PARKS &amp; REC. DEPT</i>	From <i>Nancy Bernardi</i>
Attention <i>JANE MARK</i>	Date <i>10-25-10</i>
Office location <i>LOS GATOS</i>	Office location <i>San Jose</i>
Fax number <i>(408) 355-2290</i>	Phone number <i>408-288-5888</i>

- Urgent    
  Reply ASAP    
  Please comment    
  Please review    
  For your information

Total pages, including cover. 3

#### COMMENTS

*Jane,*  
 Please accept this version of  
 our comments on the Mortal  
 cattle Park. We had to correct  
 the spelling of rule for  
 publication.

*Thanks in advance.*  
*Nancy Bernardi*



## GUADALUPE - COYOTE RESOURCE CONSERVATION DISTRICT

888 NORTH FIRST STREET RM. 204, SAN JOSE, CA 95112-6314  
OFFICE (408) 288-5888 FAX (408) 993-8728 email: gcrd@pacbell.net

County of Santa Clara Parks and Recreation Department  
298 Garden Hill Drive  
Los Gatos, CA 95032

October 22, 2010

Attention: Jane Mark, Senior Planner

Dear County of Santa Clara Parks and Recreation Commissioners:

We are pleased to be able to respond to the State Park General Plan and Santa Clara County Master Plan EIR for Martial Cottle Park. This is a most impressive undertaking to preserve 256.64 agricultural acres in a park preserve setting in the midst of our highly suburbanized Santa Clara Valley.

Having attended your recent workshops we are aware of the keen public interest as to how this land will be conserved and utilized, and of the many interest groups that you intend to accommodate. We would however like to address one aspect of the park plan that seems deficient, and with which we strongly identify, which is Canoas Creek's natural stream and wildlife corridor that runs through the south western portion of the site.

Canoas Creek needs evaluation as to the extent of its historic tule marsh and willow thickets that provided lush wetlands habitat for migratory waterfowl and for the extensive species of wildlife that used the Canoas Creek corridor in traveling from the Coyote Creek watershed to the Guadalupe River. We were disappointed that Appendix F (Page 7) which was a submittal by the Muwekma Ohlone Tribe was blacked out in the EIR. Is there some way to see the map? These tules were used by the Ohlones to navigate the streams and fish. There have been nearby findings of salmonid bones discarded by the Ohlones

We disagree that the old Canoas channel be kept in concrete. Proper design using geomorphology can, and should be used to restore the channel. Concrete channels are obsolete and should not be allowed in a new state and county park. Please reconsider this decision. We believe there is bond money that can be utilized. The educational and conservation value of this area could be a model of park design.

We believe it is important to develop an educational unit that illustrates the wildlife that roamed this part of Santa Clara Valley in general and Canoas Creek in particular because of its rich history. We believe the park should have public information on pre-history, geology, the creeks, wildlife, and the soils of Santa Clara Valley which gave rise to the agriculture in the valley. We would like to be involved in this educational endeavor.

We believe it is important to assure the creek would provide a continuing habitat for migratory birds with an incorporation of a tule marsh and soft banks in which the western pond turtle could overwinter and thrive. We believe the red-legged frog would find permanent habitat in this restored area as well. In wet years, there might be a native fishery of some caliber. The fencing incorporated with the Santa Clara

Valley Water District's facility should be engineered to accommodate passage by significant species of concern. We disagree that the adult female western pond turtle be excluded from the creek. All western pond turtles leave the creeks for high ground in storms and to nest, and return to creeks after the winter. What is the recommendation from Fish & Game? The method described in the EIR seems to lead to eventual elimination of the western pond turtle. The EIR is incomplete in its information on the impacts to the western pond turtle given the fact that both the young and adult turtles need high ground in winter and the creek in the summer. It states that the fencing may be removed. What guidelines are in place? Who will oversee this project? When will this project be completed and who will decide to keep the fencing or eliminate the barrier to the turtles? The western pond turtle information in this EIR is inadequate.

It would also be highly beneficial if a burrowing owl preserve could coexist with some agricultural usage of the land just west of Canoas Creek which seems to be cut off from routine public recreation circulation. Please do eliminate the application of rodenticides, they can be toxic not only to birds but other unintended species including pets, and more.

In the same resource conservative manner we would request that coast live oak and valley oak habitat for migratory and nesting birds not be removed or degraded but that strips of natural grasslands be retained under the oaks. We also believe it important to keep the native California black walnut for wildlife foraging, as well as retain the coast redwoods for shade and wildlife habitat. Grading should be avoided in natural areas as it compacts the soil and machinery often brings in invasive species.

As a conservation district in the northern portion of Santa Clara County, we are delighted to see there are classrooms in the plan. We have sponsored educational programs through the years and would like to utilize a classroom and/or have an opportunity for using an outdoor area for public education at times. We have displays regarding conservation aimed at both adults and children. Additionally, there is a USDA Natural Resource Conservation Service Conservationist available through our district. People needing conservation help or information are able to utilize the NRCS through our district. Depending on the project, they may be able to obtain cost share funds from the federal government for conservation problems or projects. We would like this information to be made available to the public at the park.

We would like to meet with staff to discuss these aspects of their educational outreach program of Martial Cottle Park. Thank you for this opportunity to attend your public workshops and to comment on this EIR.

Sincerely,



Lawrence Johmann, Director  
Guadalupe-Coyote Resource Conservation District

# LETTER #ORGI

**From:** [JLucas1099@aol.com](mailto:JLucas1099@aol.com)  
**To:** [Mark, Jane](#)  
**Cc:** [mtngreen17@verizon.net](mailto:mtngreen17@verizon.net)  
**Subject:** Martial Cottle Park EIR and Master Plan - Santa Clara County -comments -10-21-10  
**Date:** Friday, October 22, 2010 4:19:46 PM

---

County of Santa Clara Parks and Recreation Department  
298 Garden Hill Drive  
Los Gatos, CA 95032

October 21, 2010

Attention: Jane Mark, AICP, Senior Planner

Dear County of Santa Clara Parks and Recreation Commissioners,

In regards to the State Park General Plan and Santa Clara County Park Master Plan EIR for Martial Cottle Park, staff's enthusiasm for the opportunity to preserve 256.64 acres of Santa Clara Valley farmland is to be commended. The park is in a prime location for educational outreach to this suburban community with its numerous neighborhood schools, especially in consideration of the recent introduction of the living classroom unit to the State's elementary school curriculum.

In view of past and present agricultural practices on this farmland we understand that the EIR did not expect the species of native plants mentioned on page 4.5-21 likely to occur: bent-flowered fiddleneck, big scale balsam root, round-leaved filaree, robust spine-flower, Mt. Hamilton thistle, San Francisco Collinsia, Santa Clara Valley dudleya, fragrant fritillary, showy madia, Hall's bush mallow, Metcalf Canyon jewel-flower or Congdon's tarplant. However these species might be reintroduced to park buffer lands or into an area allocated especially for a native species garden.

Recently our CNPS Santa Clara Valley Chapter President, Kevin Bryant, has given a talk on gardening for wildlife in gardens and natural areas and the plants most helpful for such habitat. (4.5-23) This use of native species should be major consideration in design of buffer swales and trail plantings. Also the park plan will recommend that species native to the Canoas Creek watershed be cultivated for this purpose?

The critically important area of conservation throughout site is the vista of ordinance size Valley Oaks. These oaks should stand clear and unencumbered to view from all surrounding lands, with a backdrop of mountains to both sides of the valley floor. Also a management regimen might be incorporated into the master plan that would regulate intrusion into the oaks' drip line for watering or grading and which would reestablish grasslands indigenous to oaks on valley floor understory.

To ensure the Martial Cottle Park is a model of water conservation, native plant species would be the preferred choice of vegetation and dry farming might be a consideration for part of agricultural component. It is noted that this site has hydric soils and a high water table so seasonal wetlands should occur naturally? If this is the case then it would seem practical to encourage the site's historic species of wetlands vegetation which were tules and willows in Canoas Creek's corridor.

The riparian planting guide of trees and shrubs that is proposed in master plan might not be ideal in consideration of a high water table. It could be preferable to see if tule vegetation volunteers on Canoas Creek banks and floodplain, given some control of mentioned invasives of Italian thistle, yellow star thistle, and Himalayan blackberry. If the present Canoas Creek cement channel were restored in this reach to a natural stream corridor by Santa Clara Valley Water District it might provide wildlife habitat of a far more interesting and educational calibre.

In consideration of the length of time for implementation of this master park plan our local chapter is unable to commit to a definite contribution of volunteer labor in regards a plant nursery but we would certainly be supportive of staff's efforts in general planning of the natural landscape and in gardening with native species lectures and classes.

Thank you for the opportunity to respond to this Martial Cottle Park Plan and EIR.

Libby Lucas, Conservation  
Santa Clara Valley Chapter of the California Native Plant Society

# LETTER #ORG2

**From:** [Jennifer Williams](#)  
**To:** [Mark, Jane](#)  
**Subject:** MC EIR  
**Date:** Friday, October 22, 2010 4:56:43 PM  
**Attachments:** [SCCFB Martial Cottle EIR Comments.pdf](#)

---

Jane,

Attached are our comments on the Draft EIR for the Martial Cottle Park Master Plan. A hard copy is in the mail. Thanks for the opportunity to comment, let me know if you have questions or if I can provide clarity.

Jennifer Williams  
Executive Director  
Santa Clara County Farm Bureau  
(408) 776-1684 office  
(530) 520-7895 cell  
[www.sccfarmbureau.org](http://www.sccfarmbureau.org)

**Farming looks mighty easy when your plow is a pencil, and you're a thousand miles from the corn field.**

**--Dwight D. Eisenhower**

**CONFIDENTIALITY NOTE:** The information transmitted, including attachments, is intended only for the person(s) or entity to which it is addressed and may contain confidential and/or privileged material. Any review, retransmission, dissemination or other use of, or taking of any action in reliance upon this information by persons or entities other than the intended recipient is prohibited. If you received this in error, please contact the sender and destroy any copies of this information.

Jane Mark, Senior Planner/Project Manager  
County of Santa Clara  
Parks and Recreation Department  
298 Garden Hill Drive  
Los Gatos, CA 95032

October 22, 2010

**RE: Martial Cottle Park Master Plan Draft Environmental Impact Report**

Dear Ms. Mark,

Thank you for the opportunity to review the Draft Environmental Impact Report (DEIR) for the Martial Cottle Park Master Plan and to provide feedback on the Plan. We are delighted the County of Santa Clara Department of Parks and Recreation and the California Department of Parks and Recreation are developing a park to serve as a public historical agricultural park. We applaud this goal as well as your efforts to “incorporate recreational, educational, interpretive and agricultural uses in a single park unit.” For generations to come, the park will provide an experiential learning experience and serve as a reminder of Santa Clara County’s rich agricultural history.

The Farm Bureau of Santa Clara County is a non-profit organization dedicated to promoting and defending farming and ranching in Santa Clara Valley, recognizing that agriculture provides economic and environmental benefits for all residents of Santa Clara County. We have been involved in the Martial Cottle Park planning process since its beginning stages, offering extensive input and expertise, hosting multiple meetings, and working with county staff to incorporate components to ensure the park’s agricultural viability.

We are pleased to see that the DEIR reflects a number of concerns previously raised by the agriculture community. As a result, the Draft Environmental Impact Report for the Martial Cottle Park Master Plan demonstrates an awareness of the needs of commercial crop production. Necessary agriculture infrastructure like produce storage facilities and on-site marketing opportunities are accounted for throughout the Martial Cottle Park DEIR, reflecting the Donor’s Vision and recognizing the direct link between agricultural infrastructure and agriculture’s long-term economic viability. Barns, shops, equipment storage facilities, farm corporation yards, service roads, packing and processing facilities, etc. are all essential to a modern, efficient agriculture operation and are provided for in this document. Marketing facilities such as a farmers’ market area, a produce stand, a farm café, and catering facilities perform several functions including ensuring outlets for agriculture production, attracting visitors, and providing an important link between local farmers and

consumers. In addition, by maintaining large, contiguous blocks of agricultural land the plan allows for maximum flexibility for future uses.

Although there has been great consideration for the needs of agricultural activities at Martial Cottle Park, a few small deficiencies exist in the DEIR. Row crops and orchards are an important part of Santa Clara County's agricultural heritage. They also require large amounts of hand labor and represent crops sensitive to food safety concerns. During picking seasons, space sufficient to load bins onto trucks for shipment will be necessary as will parking for picking crews. In light of the cost for parking in state parks, the Martial Cottle Park Master Plan may want to consider providing adequate parking to accommodate picking crews and other field employees. Fences are recognized in the DEIR as an important aspect of agricultural fields and formidable fences must be erected quickly at this highly visible and accessible site. Theft of agricultural commodities is all too common and every attempt to prohibit access to produce must be made. Food safety issues are another serious concern that requires sufficient barriers to prevent park users and domestic animals from coming into contact with fresh produce. The plan recognizes the potential for conflicts between commercial agricultural production and the estimated 2,600 to 4,600 daily visitors and provides mitigation measures such as vegetated buffers to account for noise and dust concerns. Nonetheless, there are likely to be complaints about these issues and it will be necessary to have a procedure in place to handle complaints.

A significant concern is the limitations of the County Integrated Pest Management and Pesticide Use Ordinance. This ordinance may not provide an agricultural lessee with the flexibility necessary to adequately farm the property. The agriculture industry follows rigorous application guidelines and incorporates a lengthy approval process for crop protection tools that considers public and employee health and safety, the environment, air and water quality, and efficacy. Growers make every attempt to combat pests using cultural practices and biological controls when possible. When these techniques do not adequately address pest and disease pressures, it may be very difficult for lessees to control pests using the County's limited list of approved pesticides. Many crop protection tools are developed solely for agricultural use and the County is not likely to have considered and listed these products for other uses.

Of utmost concern, is our perception that the Donor's Vision has not been given adequate weight in the development of the Martial Cottle Park Master Plan. One of the fundamental parkwide goals as enumerated is as follows: "The Park's focus will be education and commemoration of Santa Clara County's agricultural history. Portions of the Park will be under agricultural use, and portions under educational and cultural uses, all for the promotion of local agriculture. Research and commercial agricultural uses will be limited to those that are reasonably related to the history of farming in the Santa Clara Valley." However, elsewhere in the DEIR, it states "The agricultural uses planned at the Park would be subordinate to the Park's recreational and educational uses." This seems to contradict the Donor's Vision and the parkwide goal of a primarily agricultural park. Moreover, opportunities for passive recreation are abundant in Santa Clara County and in South San Jose while opportunities to see agriculture up close without trespassing are nearly impossible to find. Preserving and showcasing agriculture should be the primary focus of

the park, not recreational facilities and parking lots. As such, agricultural production should take place on the most fertile soils, those distinguished as Prime Farmland. Facilities to support recreation such as restrooms and parking area are currently planned on significant portions of prime farmland along the eastern edge of the park. Soil quality should be one of the primary characteristics used to determine placement of the park's features, preserving the best lands for agricultural use.

The Martial Cottle Park presents a rare and exciting opportunity for urban residents to interact with agriculture. Thank you for your diligent work on this project and for allowing us to relay some of our concerns with the Draft Environmental Impact Report. We look forward to working with you to address our outstanding concerns. Please call me to discuss further at (408) 776-1684.

Sincerely,

Jennifer Williams,  
Executive Director

**LETTER #ORG3****Alexis Lynch**

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**Subject:** FW: Additional Comments from SCC Farm Bureau, RE: Draft EIR for Martial Cottle Park Plan Project

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**From:** Jennifer Williams [mailto:jwilliams@sccfarmbureau.org]**Sent:** Monday, October 25, 2010 6:02 PM**To:** Mark, Jane**Subject:** RE: REMINDER: 9/22/10 Public Meeting for Draft EIR for Martial Cottle Park Plan Project

Jane,

Thanks for your call Friday afternoon, sorry I wasn't able to get our comments in any sooner. The biggest things we wanted to communicate are: the importance of strong fences that are established before the park is open to visitors; county IPM will be too restrictive; park focus should be on agriculture not recreation. Thanks for all your work on this and for your openness to public input, beyond the requirements of the EIR. We appreciate it!

Jennifer Williams

Santa Clara County Farm Bureau

(408) 776-1684 office

(530) 520-7895 cell

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**From:** Mark, Jane [mailto:Jane.Mark@PRK.SCCGOV.ORG]**Sent:** Monday, October 11, 2010 10:44 AM**To:** Jennifer Williams**Subject:** RE: REMINDER: 9/22/10 Public Meeting for Draft EIR for Martial Cottle Park Plan Project

Hi, Jennifer:

Hope all is well with you. I wanted to check in with you on whether you had any questions about the Draft EIR for Martial Cottle Park. If you would like to touch base this week, I would be happy to call you or meet with you.

Thank you,

Jane

*From the desk of:***Jane F. Mark, AICP****Senior Planner**

County of Santa Clara Parks &amp; Recreation Department

298 Garden Hill Drive

Los Gatos, CA 95032

(408) 355-2237 Direct

(408) 355-2290 Fax

[Jane.mark@prk.sccgov.org](mailto:Jane.mark@prk.sccgov.org) Please consider your environmental responsibility before printing this e-mail.

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**From:** Jennifer Williams [mailto:jwilliams@sccfarmbureau.org]**Sent:** Friday, September 17, 2010 7:00 PM**To:** Mark, Jane

10/26/2010

**Subject:** RE: REMINDER: 9/22/10 Public Meeting for Draft EIR for Martial Cottle Park Plan Project

Thanks for the reminder, Jane. I will be out of town on Wednesday but I plan to submit comments before the October 22 deadline.

Jennifer Williams  
 Santa Clara County Farm Bureau  
 (408) 776-1684 office  
 (530) 520-7895 cell

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**From:** Mark, Jane [mailto:Jane.Mark@PRK.SCCGOV.ORG]  
**Sent:** Thursday, September 16, 2010 6:34 PM  
**Cc:** Mark, Julie; O'Connor, Jim; Mark, Jane; Brosseau, Kimberly  
**Subject:** REMINDER: 9/22/10 Public Meeting for Draft EIR for Martial Cottle Park Plan Project

**Dear Interested Members of the Public and Agency Representatives:**

The County of Santa Clara Parks and Recreation Department (County Parks Department) will hold a public meeting to provide the community and agency representatives with an overview of the Draft Environmental Impact Report (EIR) for the Martial Cottle Park State Park General Plan/ County Park Master Plan project and solicit public comments on the Draft EIR. The County Parks Department invites you to attend the public meeting to share your feedback on the Draft EIR.

**DATE: Wednesday, September 22, 2010**  
**TIME: 6:30 pm – 8:30 pm**  
**PLACE: Gunderson High School, 622 Gaundabert Lane, San Jose, CA 95136**  
 (See attached public notice.)

The Draft EIR is being circulated for public review and comments for a period of 45 days from **September 8, 2010 to October 22, 2010**. Written comments on the Draft EIR should be submitted no later than **October 22, 2010** to the following address:

**County of Santa Clara Parks and Recreation Department**  
 ATTN: Jane Mark, AICP, Senior Planner  
 298 Garden Hill Drive  
 Los Gatos, CA 95032  
 Email: [Jane.mark@prk.sccgov.org](mailto:Jane.mark@prk.sccgov.org)  
 Phone:(408) 355-2237  
 Fax: (408) 355-2290

The Draft EIR, Draft Park Plan, and other project information are also available on-line at the County Parks Department's website at <http://www.parkhere.org> by clicking on "Martial Cottle Park Master Plan." If you have questions regarding the Draft EIR or the Park Plan project, please contact :

**Jane Mark, Senior Planner/Project Manager**  
[Jane.mark@prk.sccgov.org](mailto:Jane.mark@prk.sccgov.org)  
 (408) 355-2237

**Kimberly Brosseau, Park Planner III**  
[Kimberly.Brosseau@prk.sccgov.org](mailto:Kimberly.Brosseau@prk.sccgov.org)  
 (408) 355-2230

Thank you in advance for your interest in the Martial Cottle Park State Park General Plan/ County Park Master Plan project.

Sincerely,

Jane Mark

10/26/2010

*From the desk of:*  
**Jane F. Mark, AICP**  
**Senior Planner**

County of Santa Clara Parks & Recreation Department  
298 Garden Hill Drive  
Los Gatos, CA 95032  
(408) 355-2237 Direct  
(408) 355-2290 Fax  
[Jane.mark@prk.sccgov.org](mailto:Jane.mark@prk.sccgov.org)

 Please consider your environmental responsibility before printing this e-mail.

# LETTER #PUB I

**From:** [reenie murotsune](#)  
**To:** [Mark, Jane](#)  
**Subject:** Martial Cottle Park  
**Date:** Tuesday, September 14, 2010 9:10:32 AM

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Good morning, Jane,

We just moved to South San Jose from the Campbell area 2 months ago. We've always lived in San Jose, but never this far south as we are now. I grew up in the Cambrian area. After getting married, lived in San Jose's Japantown and then 14 years later, moved to the West side of San Jose, just minutes from the City of Campbell. We now live on Colony Crest, cross street to Chynoweth. I read there are plans for a park to be developed across the street on Chynoweth and the surrounding streets. Do you have any update as to when it will be completed? Is the ground breaking to commence anytime in the near future or distant future? I'm just curious as to when we can expect to see a park here and be able to walk in it.

We frequent the Santa Clara County Park system frequently. I walk my dog daily at Vasona County Park in Los Gatos; such a beautiful park.

Thank you for any update or information you could provide.

Have a nice day,  
Doreen  
[u2raqt2@gmail.com](mailto:u2raqt2@gmail.com)

# LETTER #PUB2

**From:** [PRINCE](#)  
**To:** [Mark, Jane](#)  
**Cc:** [Brosseau, Kimberly](#)  
**Subject:** Re: Oppertunity in MARTIAL COTTLE PARK development  
**Date:** Monday, September 20, 2010 3:06:11 PM

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Hy ,Hope we are now connected,Prince

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**From:** PRINCE <prinz1@sbcglobal.net>  
**To:** kimberly.brosseau@prk.org  
**Cc:** JANE MARK Martial COTTLE Park <jane.mark@prk.scc.org>  
**Sent:** Fri, September 3, 2010 4:06:14 PM  
**Subject:** Fw: Oppertunity in MARTIAL COTTLE PARK development

----- Forwarded Message -----

**From:** PRINCE <prinz1@sbcglobal.net>  
**To:** jane.mark@prk.scc.org  
**Sent:** Wed, September 1, 2010 11:07:36 AM  
**Subject:** RE: Oppertunity in MARTIAL COTTLE PARK development

Dear Kimberly, I am the Owner of BAVARIA BRATWURST Comp. an Original Bratwurst Family Recipe since 1866 made here in San Jose and is only available @ local Events and Festivals, just find out about the development in my Neighbor hood,my Address 5414 DUESENBERG [DR.CA](#) 95123 very close by. Would like to get opportunity to be a part of the development in form of a Kiosk, Product sale or Concession Stand. Please give me a Chance to prosper in this lovely community.Look forward hearing from You. Prince Spiess.  
Cell:408-569-0970 Home office:408-363-9166 Email: prinz1@sbcglobal.net

Face sheet (1 of 8)

LETTER #PUB3 ①

40 Terminix (Fax 408-283-0230)

Dear Mr Bob Keefe,

Sept. 21, 2010

As a long time customer of Terminix, I wanted to keep you posted of future environmental impact. This will seriously effect the surrounding areas of our neighborhood.

I wanted to keep you posted public meeting times. Hopefully you could attempt to make these meetings to inform Parks and Recreation and neighborhood of the possible infestations plowing up the field could have through out surrounding areas. Such as field mice and sub-termites etc...

I feel Texminix should be contracted to solve any problem before it arise's and that California State Parks and Recreation should be fully accountable for any and all expense.

Thank You,

Kathy S. Mulder

408-227-1823

218 Canmore Court  
San Jose, CA 95136

cc Bob Keefe, Terminix  
(408) 283-4981  
cc Jane Mark, Senior Planner  
(408) 355-2237  
cc Kimberly Brosseau, Park Planner  
(408) 355-2230 OFFICE  
(408) 355-2290 FAX

P.S. Hopefully, Terminix would be willing to survey the land at no cost to S.C. Parks and Recreation to determine the above statements.



# MARTIAL COTTLE PARK



A collaborative planning project between California State Parks and Santa Clara County Parks

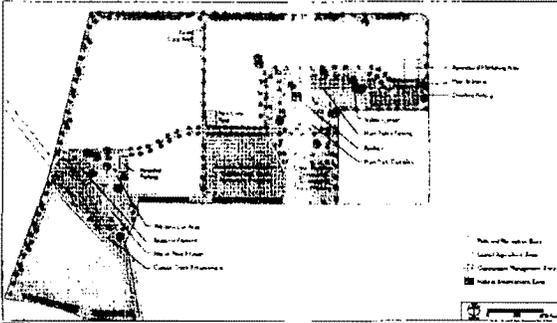
## ABOUT Martial Cattle Park

Fall Newsletter 2010



Martial Cattle Park is a 287.54 acre property located in a residential and commercial neighborhood of South San Jose, bounded by Branham Lane, Snell Avenue, Chynoweth Avenue and Highway 85. An agricultural farm and ranch through four generations, the Martial Cattle Park property is jointly owned by the State of California and County of Santa Clara.

The development of Martial Cattle Park will reflect the Donor's Vision for an educational public resource that will provide interpretive programs highlighting the agricultural heritage of Santa Clara Valley. Future trails, picnic areas and other low-impact, passive recreational uses as well as small-scale agriculture and community gardens are also part of the vision for Martial Cattle Park.



## Project Updates



### Draft State Park General Plan/County Park Master Plan for Martial Cattle Park

As part of the planning process, the County Parks Department completed a combined Draft State Park General Plan and County Park Master Plan for Martial Cattle Park, known as a Park Plan, to serve as the guiding document for the development and ongoing operations and management of Martial Cattle Park. The Draft Park Plan includes 32 goals and over 150 guidelines, and provides information on the anticipated capital improvements, operating costs, phased implementation and design guidelines.

The Draft Park Plan has been presented to the Task Force Committee and the community for public input at the February 1, 2010 Task Force meeting and February 10, 2010 Public Workshop. The public is encouraged to provide additional comments on the Draft Park Plan and are welcome at upcoming public meetings.

### Task Force's Consideration of Draft Park Plan

On February 1, 2010, the Task Force Committee for the Martial Cattle Park Plan project reviewed and considered the Draft Park Plan. Task Force members shared questions and comments related to the economic viability of the agricultural components; the accessibility of multi-use trails and Park facilities; coordination

### What's New?

A Draft Environmental Impact Report (EIR) has been prepared and is now available for public review. See page 2 for more information.

with the City of San Jose on the future roadway widening project on Branham Lane and Snell Avenue; and future capital and staffing costs for the new park. Overall, the Committee and members of the public were eager for the Park development to begin once the project is approved by the County of Santa Clara Board of Supervisors and the State of California Park and Recreation Commission.

### County Board of Supervisors' Approval of a Water Supply Assessment for Martial Cattle Park

On August 24, 2010, the County of Santa Clara Board of Supervisors approved a Water Supply Assessment (WSA) for Martial Cattle Park. As part of the preparation of the environmental documentation for this project, the County Parks Department prepared a Water Supply Assessment (WSA) to comply with Section 10910 of the California Water Code (as revised by Senate Bill 610) and California Environmental Quality Act (CEQA) requirements. The purpose of the WSA report is to determine whether the total projected water supplies associated with a public water system would be adequate to address the future water demand associated with the development and operation of Martial Cattle Park. An approved WSA must be included in the EIR prior to release for a 45-day public review and comment period. A copy of the Board-approved WSA is available online at [www.parkhere.org](http://www.parkhere.org) under "Martial Cattle Park Master Plan."

## Meeting Announcements

### Park Plan EIR Public Meeting

Date: Wednesday, September 22, 2010

Time: 6:30 - 8:30 pm

Location: Gunderson High School  
622 Gaundabert Lane, San Jose, 95136



### County of Santa Clara

### Parks & Recreation Commission Meeting

Date: Wednesday, November 3, 2010

Time: 6:30 pm - 9:00 pm

Location: County Government Center, Isaac Newton Senter Auditorium  
70 West Hedding Street, San Jose, 95110



Members of the public and agency representatives are encouraged to attend these meetings and participate in the public review of the Draft Park Plan and Draft EIR.

# Preparation of Draft EIR

Continued from page 1)



A Draft Environmental Impact Report (EIR) has been prepared for the Draft Park Plan to assess the possible impacts to the environment. While the Draft Park Plan establishes direction for the development of Martial Cottle Park, the EIR informs the public of possible environmental impacts associated with the Park Plan and identifies ways to mitigate (substantially lessen) the significant environmental effects of the proposed project. Under CEQA guidelines, the County of Santa Clara is the lead agency for the project, and the State of California is a responsible agency.

The County Parks Department will hold a public meeting on the Draft EIR on September 22, 2010, at 6:00 p.m. at Gunderson High School. The purpose of this meeting is for the public to become acquainted with the purpose and content of the EIR, learn about the proposed mitigations identified in the EIR, and understand how they can participate in the public review process for the EIR.

In accordance with CEQA guidelines, the EIR will be available for public review for 45 days between September 8, 2010 and October 22, 2010. Neighbors residing within approximately one-mile of Martial Cottle Park and members of the public and agency representatives who subscribed to the project update email distribution list will receive a notification about the public comment period. In addition, the availability of the Draft EIR will be advertised in local newspapers.

Members of the community and regulatory agencies are encouraged to submit written comments to the County. The public will also have an opportunity to comment on the Draft Park Plan at the County Parks and Recreation Commission meeting on November 3, 2010.

Components of Draft Park Plan	Components of Draft EIR
Introduction to the Park Unit	Report Summary
Existing Conditions	Introduction
Key Issues and Analysis	Project Description
Park Plan	Environmental Evaluation
Implementing the Plan	Alternatives
Design Guidelines	CEQA-Required Assessment
Glossary	Conclusions

## Contact Information



If you have questions regarding the project, contact:

(408-355-2290) FAX

Jane Mark, Senior Planner

(408) 355-2237

Jane.Mark@prk.sccgov.org

or

Kimberly Brosseau, Park Planner

(408) 355-2230

Kimberly.Brosseau@prk.sccgov.org

# Public Review of Draft EIR

(3)



## Where can the Public View the Draft Park Plan and Draft EIR

The Draft Park Plan and Draft EIR for Martial Cottle Park are available for viewing on the County Parks Department's website at [www.parkhere.org](http://www.parkhere.org), by clicking on "Martial Cottle Park Master Plan" and on the California State Parks' CEQA Notices website at [http://www.parks.ca.gov/?page\\_id=981](http://www.parks.ca.gov/?page_id=981), by clicking on "Northern California Parks" and "Santa Clara County."

Printed copies of the Draft EIR are available for public review at a number of locations:

**County of Santa Clara Clerk Recorder's Office**  
 County Government Center  
 70 West Hedding Street, East Wing, First Floor  
 San Jose, CA 95110

**County Parks and Recreation Department**

Administration Office 298 Garden Hill Drive Los Gatos, CA 95032	Hellyer County Park Office 985 Hellyer Avenue San Jose, CA 95111
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**California Department of Parks & Recreation**

Monterey District Office 2211 Garden Road Monterey, CA 93940	Gavilan Sector Office P.O. Box 787 San Juan Bautista, CA 95045-0787
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**Santa Clara County Libraries**

Campbell Library 77 Harrison Avenue Campbell, CA 95008-1499 (408) 866-1991	Saratoga Library 13650 Saratoga Avenue Saratoga, CA 95070-5099 (408) 867-6126
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Milpitas Library  
160 North Main Street  
Milpitas, CA 95035  
(408) 262-1171

**City of San Jose Libraries**

Almaden Branch Library 6445 Camden Avenue San Jose, CA 95120 (408) 808-3040	Edenvale Branch Library 101 Branham Lane East San Jose, CA 95111 (408) 808-3036
--	--

Pearl Avenue Branch Library 4270 Pearl Avenue San Jose, CA 95136 (408) 808-3053	Santa Teresa Branch Library 290 International Circle San Jose, CA 95119 (408) 808-3068
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Vineland Branch Library  
1450 Blossom Hill Road  
San José, CA 95118  
(408) 808-3000

If you wish to obtain a personal copy of the Draft Park Plan or Draft EIR, the County Parks Department would be able to provide you with printed copy or a CD with the electronic files for a fee. Please contact Jane Mark, Project Manager, at (408) 355-2237, for a personal copy to mailed directly to you.



County of Santa Clara  
Parks and Recreation Department

State of California – The Natural Resources  
Agency, Department of Parks and Recreation



4

**NOTICE OF AVAILABILITY AND INTENT TO ADOPT  
AN ENVIRONMENTAL IMPACT REPORT FOR THE PROPOSED  
MARTIAL COTTLE PARK STATE PARK GENERAL PLAN AND COUNTY  
PARK MASTER PLAN PROJECT**

**Date:** September 7, 2010

**To:** Interested Members of the Public and Agency Representatives

The County of Santa Clara Parks and Recreation Department (Santa Clara County Parks) and the California Department of Parks and Recreation (California State Parks) have directed the preparation of and intends to adopt an Environmental Impact Report (EIR) for the proposed project, in compliance with the California Environmental Quality Act (CEQA) and State CEQA Guidelines. The County of Santa Clara is the lead agency for the proposed project, and the State of California is a responsible agency under CEQA.

**PROJECT LOCATION:** Martial Cottle Park, San Jose, Santa Clara County

**DESCRIPTION OF THE PROPOSED PROJECT:**

Martial Cottle Park (the Park) is located in unincorporated Santa Clara County. The 256.64-acre Park is within the jurisdiction of Santa Clara County, but is surrounded by land within City of San Jose city limits. The Park consists of lands owned by the State of California and the County of Santa Clara. California State Parks and Santa Clara County Parks are preparing a combined State Park General Plan/County Park Master Plan in compliance with the requirements set forth in Title 14 of the California Administration Code.

The regional and project locations of the Park are shown in Figures 1 and 2, respectively (attached). As shown in Figure 2, the Park is generally rectangular in shape with a "panhandle" that extends from the southwest corner. The Park is roughly bounded by Branham Lane to the north; Snell Avenue and the Park donor's Life Estate to the east; Chynoweth Avenue, Colony Field Drive, and State Route 85 to the south; and Barron Park Drive, Birmingham Drive, and Vistapark Drive to the west. At the southeast corner of the site, the Life Estate remains in active use. The Park donor's private residence is located on the Life Estate, as well as approximately 25 acres of actively-farmed land.

The Martial Cottle Park State Park General Plan/County Park Master Plan (the Plan) contains goals, guidelines, and objectives to guide the creation of the Park. The Plan also includes design guidelines for the design and construction of the following Park components: entrances and gates, architecture, fencing, roads, parking areas, trails and buffers, planning, landscape components, and signage. The establishment of the Park is intended to protect a piece of Santa Clara Valley's history and provide an agricultural, recreational, and educational resource. The main uses of the Park would include

⑤

agricultural production, habitat enhancement, visitor-serving and recreational facilities and trails, and educational and interpretive programming related to the site's cultural and natural resources. The conceptual master plan for the Park is shown in Figure 3.

Over half of the Park would be in agricultural production to provide food primarily for local and regional markets. The Park would include on-site marketing opportunities for farmers, as well as facilities for produce storage, processing, and packaging. The Park's natural resources would be enhanced through the restoration and enhancement of seasonal wetland habitat along the Canoas Creek channel, the retention of existing trees, and the establishment of diverse hedgerows. A small native plant nursery located on site would support on-site and regional habitat enhancement efforts. As part of the agricultural education programming, the Park would include interpretive and other signage along trails and at key points of interest, demonstration gardens, community gardens and urban forestry program areas, and youth agricultural facilities. Recreational activities within the Park would be passive, supported by a trail network through agricultural land and through the enhanced seasonal wetlands, and by picnic grounds and day use facilities. A visitor center, multi-use outdoor pavilion, grassy area, and picnic areas would serve as community space for events and gatherings.

The Park would be developed in a series of phases. Phase 1, extending from 2010 to 2019, would focus on establishing basic infrastructure and facilities to enable farming operations to be initiated as well as necessary improvements to allow for public access and limited recreational activities. Phase 1 improvements would include:

#### **Parkwide Circulation and Access**

- ◆ Design and construct the main Park entrance, including entry sign, landscaping, entry kiosk, paved entry road, and the primary public parking area.
- ◆ Establish at least one service/emergency entrance and develop unpaved service roads. Signage, gates, and fencing should be included.
- ◆ Design and construct multi-use trails and non-vehicular access points, including buffer landscaping pedestrian gates, dog courtesy stations, and other support facilities.

#### **Parkwide Utilities**

- ◆ Design and construct a water, electricity and gas infrastructure that includes meters and that allows for flexibility in park leasing.
- ◆ Design and construct an underground electrical supply system that includes meters and that allows for flexibility in park leasing.

#### **Park and Recreation Areas**

- ◆ Establish utility connections that will be necessary to support Park uses.
- ◆ Design and construct the visitor center complex, including gathering spaces, meeting rooms, staff offices and restrooms.

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- ◆ Develop approximately five acres of developed open space in proximity to the visitor center. This area should provide opportunities for passive recreation, including picnicking.
- ◆ Develop a corporation yard and potential on-site caretaker residence to support Park activities. The corporation yard should include security fencing, security lighting, and temporary mobile trailer.
- ◆ Establish buffer areas in association with multi-use trails and initiate landscape improvements to these areas.
- ◆ Develop an interpretive program and signage program for the Park.
- ◆ Provide limited interpretive elements, such as panels, displays and programs.
- ◆ Provide signage to orient Park visitors, including informational and directional signage, regulatory signage, and Park maps.
- ◆ Develop adequate restrooms to accommodate level of use.

#### **Leased Agriculture Areas**

- ◆ Address the repair, maintenance and upgrade of the well located on State Parks property in order that the well may be utilized irrigation of agricultural areas.
- ◆ Develop and release Request for Proposals from farmers/lessees.
- ◆ Establish management structure for agricultural operations.
- ◆ Initiate soil improvement/preparation activities.
- ◆ Establish basic infrastructure for irrigation, water, sewer, electricity and other utilities.
- ◆ Develop an agricultural corporation yard.
- ◆ Provide security fencing around areas to be farmed.

#### **Cooperative Management Areas**

- ◆ Establish relationships with potential cooperative partners, including the City of San Jose, University of California Cooperative Extension (UCCE), Santa Clara Valley Water District (SCVWD), nongovernmental organizations, and others.
- ◆ Designate areas for agricultural research, youth agriculture, demonstration gardens, and urban forestry.
- ◆ Provide utility connections, gates, fencing and other basic infrastructure to enable cooperative partners to occupy designated areas.

Subsequent development phases would extend approximately ten to fifteen years beyond Phase 1. Subsequent phases would be necessary to complete park components initiated during Phase 1, such as interpretive programming and recreational open space areas, and to develop other components of the Plan that would not yet have been initiated, such as the seasonal wetland area, native plant nursery, and multi-use outdoor pavilion.

(7)

**PUBLIC REVIEW PERIOD:** The EIR is being circulated for public review and comment for a period of 45 days, beginning **September 8, 2010**. Questions regarding the project should be directed to Jane Mark, Senior Planner/Project Manager at the County of Santa Clara Parks and Recreation Department, 298 Garden Hill Drive, Los Gatos, CA, 95032, or by email at [Jane.Mark@prk.sccgov.org](mailto:Jane.Mark@prk.sccgov.org).

Your views and comments on this project are welcomed. Written comments should be submitted **no later than October 22, 2010**, to the following address:

County of Santa Clara Parks and Recreation Department  
ATTN: Jane Mark, AICP, Senior Planner  
298 Garden Hill Drive  
Los Gatos, CA 95032  
Email: [Jane.mark@prk.sccgov.org](mailto:Jane.mark@prk.sccgov.org)  
Fax: (408) 355-2290

**PUBLIC MEETING:** A public meeting to present the scope of the EIR for the proposed Martial Cottle Park State Park General Plan/County Park Master Plan project has been scheduled for **September 22, 2010** at **Gunderson High School, 622 Gaundabert Lane, San Jose, California, 95136**, from **6:30 pm to 8:30 pm**. Representatives of the County Parks and Recreation Department will be present at this meeting and will be available to discuss the project proposal, its potential environmental effects, and proposed mitigation.

The project will be considered before the County of Santa Clara Board of Supervisors in a public meeting after receipt of public comments, and preparation of Department responses and a Final EIR. Notice of the Board of Supervisors meeting will be mailed to all agencies, organizations, and individuals that have expressed interest.

After the County's consideration of the project, the State of California Park and Recreation Commission will consider the proposed project in a public hearing to be held in a local venue after receipt of public comments and preparation of Department responses and a Final EIR. Notice of the hearing will be mailed to all agencies, organizations, and individuals that have expressed interest.

**NOTICE OF PUBLICATION:** This notice was published in the San Jose Mercury News, Almaden Times, and Blossom Valley Times.

Copies of the Draft State Park General Plan/County Park Master Plan and Draft EIR may be reviewed online at: <http://www.parkhere.org> and [http://www.parks.ca.gov/?page\\_id=981](http://www.parks.ca.gov/?page_id=981) and at the following locations during normal business hours:

**County Parks and Recreation Department**

Administration Office  
298 Garden Hill Drive  
Los Gatos, CA 95032

Hellyer County Park Office  
985 Hellyer Avenue  
San Jose, CA 95111

**California Department of Parks & Recreation**

Monterey District Office  
2211 Garden Road  
Monterey, CA 93940

Gavilan Sector Office  
P.O. Box 787  
San Juan Bautista, CA 95045-0787

**Santa Clara County Libraries**

Campbell Library  
77 Harrison Avenue  
Campbell, CA 95008-1499  
(408) 866-1991

Milpitas Library  
160 North Main Street  
Milpitas, CA 95035  
(408) 262-1171

Saratoga Library  
13650 Saratoga Avenue  
Saratoga, CA 95070-5099  
(408) 867-6126

**City of San Jose Libraries**

Almaden Branch Library  
6445 Camden Avenue  
San José, CA 95120  
(408) 808-3040

Edenvale Branch Library  
101 Branham Lane East  
San José, CA 95111  
(408) 808-3036

Pearl Avenue Branch Library  
4270 Pearl Avenue  
San José, CA 95136  
(408) 808-3053

Santa Teresa Branch Library  
290 International Circle  
San José, CA 95119  
(408) 808-3068

Vineland Branch Library  
1450 Blossom Hill Road  
San José, CA 95118  
(408) 808-3000

c/o Santa Clara Parks and Recreation Sept. 21, 2010  
 TO: Jane Mark/Kimberly Brosseau

Dear Jane,

Thank you for listening to my opinion on environmental impact concerning the new Marital Cattle Park.

I spoke with a Susan at Terminix, she is Bob Keefe's secretary. I gather by speaking with her. They do not survey the land for pest before a structure. Deal only on an individual base for pest situations with standing buildings.

I gather by speaking with Susan any kind of environmental impact when a natural environment is disturbed could cause a situation on a large or small scale.

So, the question is, "How do we contain the issue of pest?"

I suppose that's up to Santa Clara Parks and Recreation, I have no remedy. No quick fix. Nor, I gather does Terminix. A park would be nice. However, a disturbance is not easily diverted. Thank you for your time.

Fax: 355-2290

Jane Mark (sr. Planner)

Kimberly Brosseau  
 (Pl. Planner)

S.C. Parks & Recreation

Sincerely,

Kathy S. Mulder

408 227 1823  
 218 Cowmore Ct.  
 S J CA 95136

# LETTER #PUB4

**From:** [Lawrence Boesch](#)  
**To:** [Mark Jane](#)  
**Cc:** [Keiko Boesch](#)  
**Subject:** Martial Cottle Park Draft EIR  
**Date:** Tuesday, September 21, 2010 5:28:37 AM  
**Attachments:** [Martial Cottle Park EIR.comments.091810.pdf](#)

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Dear Jane:

Attached please find my comments on the above-referenced.

Please attach them to whatever public statements you may receive regarding the Draft EIR at or after the 9/22/10 public meeting at Gunderson High.

Thank you.

/s/ Lawrence Boesch

## Martial Cottle Park (“the Project”)

1. Water Supply Assessment (“WSA”) , EIR Appendix G – The contracts and agreements mentioned in Secs. 3.3.1 through 3.3 .4<sup>i</sup> are unspecified as to length, remaining duration, and projected conditions for renewal. As such, they are just a snapshot in time, which is compared (perhaps unreasonably) with durations from 2011-2019 (Phase 1), 2020-2030 (Phase 2), and beyond (2030+). A more reliable comparison would sketch out the known lengths and remaining durations of the contracts, with endpoints to indicate when the assumptions of renewal or continuation of status quo may affect the long-term evaluation of availability.
2. The figures for water availability from outside sources (Appendix G, Sec. 3.3) apply to the Santa Clara Valley Water District (SCVWD), not just to San Jose. How much of the water from these contracts would actually be available for use for the Project?
  - a. State Water Project (SWP) provides 59,000 acre feet annually (“af/y”);
  - b. Central Valley Project (CVP) delivers 114,700 af/y;
  - c. Hetch Hetchy, delivered by the San Francisco Public Utilities Commission (SFPUC) accounts for just under 60,000 af/y; and
  - d. Semitropic Water Storage District (SWSD, southern Central Valley) can divert “excess” imported water **in wet years** to Semitropic to provide ‘in lieu’ recharge (direct irrigation supply to offset agricultural pumping); when “banked” water is needed, SCVWD receives a portion of SWSD’s SWP deliveries that is offset by SWSD by increased groundwater pumping in that basin; the current total storage agreement with SWSD is for 350,000 af; as of 2005, SCVWD had a “balance” of 283,000 af.
3. Figure 9 in Appendix G shows that the imported water from the combined sources of SWP, CVP and SFPUC makes less than 100% of the “mean annual precipitation” from 2007 to 2009 (fluctuating between 75% and 85%), although from 2003 to 2006 it made more than 100% of the mean annual precipitation (reaching almost 175% in 2005), but how much of the mean annual precipitation is recoverable and useable water?
4. Tables 5-7 in Appendix G estimate the groundwater demands for the Project at 365 af/y from 2015 on. Table 8 has the Project’s demands at 128 af in 2015 and at 132 af from then on (2020, 2025 and 2030). Are the figures in Table 8 to be added to those in Tables 5-7, to get the total estimated water consumption for the Project?
5. “An LSA noise technician conducted short-term ambient noise monitoring on the project site on Tuesday, August 21, 2007 between the hours of 10:30 a.m. and 1:00 p.m. at three separate locations within the vicinity of the project site. The purpose of this noise monitoring was to document the existing noise environment and capture the noise levels

associated with operations and activities in the project vicinity.” (EIR, p. 4.11-6) This is notoriously one of the quietest times of the year, the third week of August being the last few days of vacation season when families are out of town and school has not yet started. This is not a fair benchmark to use when determining ambient noise (background) levels.

6. In comparison, the readings on the noise levels measured and recorded in Appendix H were taken on May 14, 2010, although in different locations for the most part (i.e., along Branham from Vista Park to Safeway, along Branham from Safeway to Snell, by Highway 85 no. of Blossom Hill, and along Snell from Branham to Chynoweth – in comparison with the three locations [SW corner, SE corner, and NW corner of the Project, per Figure 4.11-1 on pg. 4.11-8] used for measurements in 8/07). These choices of different dates/seasons and different locations make the projections and conclusions across the board for the entire year suspect.
7. The discussion following Table 4.11-10<sup>ii</sup> is inadequate. Part of the reason Snell Ave. is being expanded to six (6) lanes is because of the Project. To say that the noise impacts associated with this change should not be attributed or allocated to the Project defeats the purpose and effect of CEQA.
8. At least 80% of the noise analysis has to do with the evaluation of the noise levels on site at the Project. In comparison, the only comment about the impact of the Project’s noise on the noise levels in the neighboring areas (described as “The project site is bordered on all sides by medium density, single- and multi-family residential land uses,” pg. 4.11-12 ) is in the form of Table 4.11-11, which is used to support the conclusion that the Project “would not generate enough traffic to create a perceptible change (at least 3 dBA) in traffic noise in the vicinity of the project site, and a substantial long-term increase in ambient noise levels is not expected as a result of project implementation.”
1. The mitigation measure described on pg. 4.11-27<sup>iii</sup> are inadequate for a variety of reasons:
  - a. There is nothing said about where on the construction site this notice of a telephone number to call the Noise Disturbance Coordinator is to be posted, so that the community surrounding the Project can be aware of the telephone number;
  - b. Nothing is said about the Applicant maintaining the sign posted with the Coordinator’s phone number continuously throughout the duration of the construction phase;
  - c. Nothing is said about what happens if the Noise Disturbance Coordinator does not respond to the complaint;

- d. Nothing is said about the Coordinator’s discretion not to require the Applicant to take measures to address the complaint;
- e. Nothing is said about repercussions (e.g., fine, red-tagging, etc.) if the Applicant ignores or takes inadequate steps to address the Complaint, even if asked to take remedial steps;
- f. Nothing is said about an appeal by an interested party (whether it be Applicant or complaining neighbor), if they do not like the Coordinator’s action or lack of action;
- g. Nothing is said about how the Coordinator is chosen.

2. Std

3.

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### <sup>i</sup> 3.3.1 State Water Project

SCVWD holds a water contract with the State Water Project (SWP) for 100,000 af/y. Average annual deliveries since 1992, however, have been significantly less (about 51,000 af), though the average since 2005 has been slightly higher (59,000 af).

### 3.3.2 Central Valley Project

The SCVWD’s contract for Central Valley Project (CVP) supply water is 152,500 af/y, however this varies considerably based on water-year characteristics, and variations do not necessarily correlate to annual precipitation (Figure 9). 130,000 af of the contract is for municipal and industrial supply, and 22,500 af/y supports agriculture uses. Since 1992, total CVP imported supply has averaged just under 100,000 af/y, with an average of 114,700 af/y over the past five years.

### 3.3.3 SFPUC

The San Jose Water Company receives some of its imported water from Hetch Hetchy, delivered by the San Francisco Public Utilities Commission (SFPUC). The SCVWD does not control or administer this supply (SCVWD, 2005), and the supply is not used for groundwater recharge (though it is assumed that if the supply were reduced the individual retailers would offset the decrease with increased groundwater pumping). Figure 9 shows SFPUC deliveries between 1992 and 2009, which averaged just under 60,000 af/y during that period.

### 3.3.4 Semitropic Water Bank

SCVWD has an agreement with Semitropic Water Storage District (SWSD; located in the southern Central Valley), whereby SCVWD can divert ‘excess’ imported water in wet years to Semitropic to provide ‘in lieu’ recharge (direct irrigation supply to offset agricultural pumping). When ‘banked’ water is needed, SCVWD receives a portion of SWSD’s SWP deliveries that is offset by SWSD by increased groundwater pumping in that basin. The current total storage agreement with SWSD is for 350,000 acre feet of water. As of 2005, SCVWD had a ‘balance’ of 283,000 acre feet (SCVWD, 2005). While the Semitropic Water Bank is not a direct supply of imported water, it essentially acts as out-of-basin storage for imported water supply.

<sup>ii</sup> Under background conditions it is assumed that the segment of Snell Avenue adjacent to the project site will be widened to six lanes. Thus the predicted traffic noise levels at the nearest

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proposed trail areas along adjacent to Snell Avenue would be exposed to traffic noise levels up to 66.6 dBA Ldn under background plus project conditions.”

<sup>iii</sup> “The applicant shall designate a ‘Noise Disturbance Coordinator’ who shall be responsible for responding to any complaints about construction noise. The Noise Disturbance Coordinator shall determine the cause of the noise complaint and shall require that reasonable measures warranted to correct the problem be implemented. The applicant shall conspicuously post a telephone number for the Noise Disturbance Coordinator at the construction site.”

# LETTER #PUB5

**From:** [Dave](#)  
**To:** [Mark, Jane](#)  
**Subject:** Martial Cottle park  
**Date:** Friday, September 24, 2010 10:21:09 AM

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Hi Jane,

I am writing to you to find out a little more about the Martial Cottle park, and the possibility of utilizing it for production agriculture. I am an Agriculture Education Teacher for a local High School, and also a second generation cattle rancher. I would like to see the possibility of putting some cattle on the property. This I believe would be beneficial to both parties. The land would have something on it and it would stop people from continually complaining that the state has this ground and isn't doing anything with it. The cow's will eat down the field(which would be a benefit for me as well) , this will also keep down the weeds and eliminate the need for tractor discing which causes, erosion, and can be a huge nuisance to surrounding neighbors (dust clouds, and rodents vacating the fields to surrounding neighborhoods, and is an expense for the state. Cattle are also very low impact on the land, so Cattle are considered "green". Also with my background of being an educator I would love to put together an educational display if the Park would like, so that people that are passing by can learn a little about the joint project that the state is working with a local rancher to continue the purpose behind the Martial Cottle Park, "highlighting the agricultural heritage of Santa Clara Valley." Please feel free to contact me either by email or via phone 408-221-4362

Dave Duarte

# LETTER #PUB6

**From:** [Grammer, Frances](#)  
**To:** [Mark, Jane](#)  
**Subject:** FW: Martial Cottle Park Community Meeting - Wednesday 9.22  
**Date:** Friday, September 24, 2010 2:46:36 PM

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Hello Assembly Member Beall,

This is great news! I love these beautiful acres in San Jose. I was not able to attend the other night due to a class. Can we have some of the land dedicated to the burrowing owl? Can anyone get involved in this?

Annette Levelle  
408-505-0209

**From:** "Assemblymember.Beall@outreach.assembly.ca.gov"  
<Assemblymember.Beall@outreach.assembly.ca.gov>  
**Sent:** Tue, September 21, 2010 12:02:16 PM  
**Subject:** Martial Cottle Park Community Meeting - Wednesday 9.22

Dear Ms. Levelle:

Join members of the Martial Cottle Park Planning Taskforce and the Santa Clara County Parks Department staff for the release of the draft Environmental Impact Report. The Martial Cottle Park will be one of the largest agricultural parks developed in over 50 years in Santa Clara County.

You will have the opportunity to provide input on the Draft Master Plan for the Martial Cottle Park at the next public meeting which will be held Wednesday, September 22 at Gunderson High School in San Jose from 6:30 to 8:30 pm.

My staff has been a member of the Martial Cottle Park Planning Taskforce since its inception and has provided me with regular updates on the park planning process. The Martial Cottle Park is great opportunity for our children to learn about the history of farming and agriculture in Santa Clara County bringing true meaning to "The Valley of Heart's Delight."

Martial Cottle Park is a collaborative planning project between California State Parks and Santa Clara County Parks to develop a 288 acre property located in a residential and commercial neighborhood of South San Jose, bounded by Branham Lane, Snell Avenue and Chynoweth Avenue. This land was donated to the State of California and the County of Santa Clara by the Lester Cottle who is a fourth generation farmer. The park will include interpretive history of Santa Clara County farming, small-scale agriculture and community gardens as well as trails, picnic areas and other low-impact recreational uses are part of the vision for the park.

For more information, or to view the Draft EIR, go to [www.parkhere.org](http://www.parkhere.org) and click on “Martial Cottle Park Master Plan” or contact Jane Mark at [jane.mark@prk.sccgov.org](mailto:jane.mark@prk.sccgov.org).

**Martial Cottle Park Master Plan**

**Draft Enviromental Impact Report Community Meeting**

**Wednesday, September 22**

**Gunderson High School in San Jose from 6:30 to 8:30 pm.**

[Unsubscribe](#) | [Update Email](#)

**William H. Kremer**

1296 Bryan Avenue

San Jose, California 95118-1808

**RECEIVED**

SEP 28 2010

September 26, 2010

SCC Parks & Recreation

County of Santa Clara  
Parks & Rec Dept.  
298 Garden Hill Drive  
Los Gatos, CA 95032

Attn: Jane Mark, AICP

Re: Martial Cotter Park Design

Dear Ms. Mark,

My visit to the information meeting about the planned Martial Cottle Park left me aghast. With the last good chance for San Jose to show that its citizens truly love this community, I found nothing has changed. The same sodden, befuddled people seem to be creating yet another garish abomination, rather than something to beautify and enhance the daily lives of San Jose Citizens. Lacking the very first of necessary elements of a park, beauty, the plan goes on to create utterly useless and off-putting exhibits of nothing desirable. Your park plan is incredibly bad.

I ask you to look around San Jose, then look at the park system of almost any city in America. The differences will scream at you immediately. Unlike a playground, a park is above all, a place of beauty. That is the function and purpose of a park. If playground equipment is added to a park, the purpose of it should be to enhance the beauty, not the utility. We have playgrounds everywhere, at every school site and every small neighborhood play space. A park is something entirely different.

Look at Golden Gate Park in San Francisco. On a smaller scale, look at Central Park in Santa Clara. Both are multi-use parks, but there is no question the fundamental accomplishment of the park is to be a place of beauty, within the city core and in the view of citizens and passersby as they wend their daily comings and goings. It is a secondary added attraction that folks can gambol through the park and feel, smell and taste the natural ambiance.

Why is it that the lake and park on Almaden is hidden from the view of San Jose's general public? Do they not pay for it? If beauty is any part of what is done there, who has ever seen it? I have lived close by since before it was created and I have not seen it to this day. It simply is not in the public view. For an example of something similar, done well, see MacArthur park in Los Angeles.

Paul Moore Park, near my home, is an example of a playground; not a park at all. I have passed it multiple times each day for nearly 50 years, finding very little beauty in the place. It is, of course, quite utilitarian, just as are the many school grounds in the city, but it represents beauty only insofar as it is the only green open space in our neighborhood, now that the San Jose Unified School District has chosen to move the Broadway High School out of Willow Glen and onto the green expanse next to John Muir Middle School. That used to be the other half of the green open space in our neighborhood. Actually, there was a bit more. Both Reed and Valley View Elementary (Hacienda) schools used to have uncluttered green open space, but they have been consumed with buildings and girded with chain link fencing, too. Willow Glen, of course, obtained a cute little new park, sitting on Curtner a couple of blocks from Raoul Wallenberg Park down the street. Residents there have unobstructed views of the greenery in their daily travels down Curtner Ave. The former site would have been ideal for the Broadway High School, because of its proximity to better transportation, but Willow Glen had the pull to get what they wanted. Our little neighborhood raised \$40,000 to try to preserve out little green spot, to no avail against the governmental juggernaut.

Why not take a look at Willow Street Park? It is an example of a park built back when the citizens loved this city. Its beauty has been diminished by the infernal playground crowd who love chain link fencing and little used ball diamonds. Still, its size and accessibility bring a modicum of natural beauty to the Willow Glen neighborhood, and it is in the view of nearby residents in their daily passages. That park represents a little bit of what a park should be.

Regarding the Cottle property: I understand the Cottles wanted some form of agricultural use to be promulgated there. I see no reason why that ought to be the focal point of the park. After all, this is no longer a farming community. Natural beauty should fill that function. Since horticulture is an agricultural pursuit, why not build an attractive hot-house, along the line of the Conservatory of Flowers in Golden Gate Park's Strybing Arboretum? Did you know that was originally intended for San Jose, but City Fathers scotched the deal? Lovely Irises and Cyclamin are raised in it and they're among the prettiest things I have ever seen. Why not have a master gardener breed Orchids and have a San Jose Gardening Club ply their trade there, in a facility worthy of their aesthetic endeavor? Who knows, admissions fees could defray the expenses? Parking! Hide the damned parking. Leave open view of green and foliage for passing traffic. Let the community look with pride upon what they have wrought. Allow them to view children gamboling across the green expanse and between the trees. Make it look a bit more like Kelly Park, but let it be seen. Avoid chain link fencing like the plague.

Actually, it shouldn't be a State Park, at all. Deed the property over to San Jose and let me design it.

Sincerely,

A handwritten signature in cursive script, appearing to read 'W. H. Kremer', written in black ink.

W. H. Kremer

CC: Mayor Jack Reed  
San Jose Parks & Rec.  
Judy Chirco, Dist. 9  
Assemblyman Jim Beall

# LETTER #PUB8

**From:** [Sue Swack](#)  
**To:** [Mark Jane](#)  
**Subject:** Martial Cottle Park Draft EIR - water usage  
**Date:** Monday, October 11, 2010 7:56:15 PM

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I am impressed with the planning and progress of the Martial Cottle Park. However, I'm concerned about water usage. In light of the fact that water supplies will be insufficient in 2020, the Park should plan to use recycled water now wherever possible. I realize it is mentioned in the mitigations CC-1, but I want to make sure the importance is emphasized.

Section 4.13-14 states "Insufficient Water Supplies Available to Serve the Project" and that "it is anticipated that groundwater pumping would be necessary by 2020 and that additional supplies of approximately 14,000 AFY will be needed in addition to groundwater pumping by 2030."

Section 4.10-5 (p. 22) states that prior ground water levels at the Park were between 12 and 22 feet. However, in 2009 it was down to 25 feet.

See <http://www.sanjoseca.gov/SBWR/uses.htm> for specific areas where recycled water can be used.

The  
San Jose Ordinance map shows the recycling pipeline to be less than two miles away.  
[http://www.sanjoseca.gov/clerk/Agenda/20100622/20100622\\_0702.pdf](http://www.sanjoseca.gov/clerk/Agenda/20100622/20100622_0702.pdf)

Perhaps this more clear:  
<http://www.sanjoseca.gov/sbwr/PDFs/RecycledWaterOrdinanceFactsheet.pdf>

Santa Clara Valley Water District adopted policy # E.2.1.5 (4.13-11) states "Groundwater resources are sustained and protected for water supply reliability and to minimize land subsidence."

4.10-19 states that in 2003 Santa Clara county groundwater supplied nearly half of Santa Clara County's total water supply. Approximately 146,900 acre-feet of groundwater were extracted for beneficial use, with almost 70 percent pumped from the Santa Clara sub-basin. ... In 2003, about 118,100 acre-feet of water was recharged through artificial recharge operations.

Sue Swackhamer  
135 Destry Court  
San Jose, CA 95136  
408-227-5887

**From:** [Sue Swack](#)  
**To:** [Mark Jane](#)  
**Subject:** Martial Cottle Park Draft EIR - Runoff  
**Date:** Monday, October 11, 2010 7:59:28 PM

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I'm concerned about runoff. The paved parking and paved trails should be made of a permeable material, **small cinder blocks, or other acceptable materials.**

Sue Swackhamer  
135 Destry Court  
San Jose, CA 95136  
408-227-5887

**From:** [Sue Swack](#)  
**To:** [Mark Jane](#)  
**Subject:** Martial Cottle Park Draft EIR - Parking  
**Date:** Monday, October 11, 2010 8:01:08 PM

---

I must be missing something. After looking at the ESTIMATE OF VISITOR USE at buildout, I cannot see the need for over 600 parking spaces. Can the nearby Park and Ride lot on Blossom Hill be used for some of the spaces? It's always mostly empty.

Sue Swackhamer  
135 Destry Court  
San Jose, CA 95136  
408-227-5887

# LETTER #PUB9

**From:** [Sue Swack](#)  
**To:** [Mark Jane](#)  
**Subject:** Wildlife habitat  
**Date:** Tuesday, October 12, 2010 7:56:20 PM

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There don't seem to be many bird species in the Park, even though there are many open areas. I'd like to see bird nesting boxes for several species, including owls.

Sue Swackhamer  
135 Destry Court  
San Jose, CA 95136  
408-227-5887

**From:** [Sue Swack](#)  
**To:** [Mark, Jane](#)  
**Subject:** Martial Cottle Park Draft EIR - Entrances  
**Date:** Tuesday, October 12, 2010 7:58:27 PM

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Have any of you driven down Snell Avenue? Snell has enough stoplights.

How about moving the main entrance to the existing stoplight on Branham Lane across from Safeway? Chynoweth could provide a second entrance.

Sue Swackhamer  
135 Destry Ct.  
San Jose, CA 95136  
408-227-5887



Santa Clara Valley Audubon Society  
Founded 1926

October 21<sup>th</sup>, 2010

Jane Mark  
Project Manager  
Santa Clara County Parks and Recreation Department  
298 Garden Hill Drive  
Los Gatos, CA, 95032  
Jane.mark@prk.sccgov.org

Dear Ms. Mark,

Santa Clara Valley Audubon Society (SCVAS) is pleased to provide comments on the Draft Environmental Impact Report (DEIR) for the combined Draft State Park General Plan and County Park Master Plan for Martial Cottle Park. SCVAS has close to 5000 members in our county. Our mission is to preserve, to enjoy, to restore and to foster public awareness of native birds and their ecosystems, mainly in Santa Clara County.

## I. Burrowing Owls

The Burrowing Owl (*Athene cunicularia*) is a California Species of Special Concern and is on the brink of extinction in Santa Clara County. Once ubiquitous, only small remnant populations survive in our county. The DEIR acknowledges that burrowing owls could forage on the site and could use the on-site burrows as breeding and/or non-breeding habitat (page 4.5-31). California Department of Fish and Game, 2010, California Natural Diversity Database reports burrowing owls approximately 1.9 miles from the site.

The Santa Clara County General Plan (<http://www.sccgov.org/portal/site/dpd/>) includes a number of policies that are relevant to conservation of burrowing owls and restoration of their habitat. TABLE 4.5-1 of the DEIR lists these policies, including Resource Conservation Chapter policies C-RC 1– 4 and Habitat & Biodiversity Chapter policies C-RC 27-34. The burrowing owl is a target species for the Santa Clara County Habitat Conservation Plan.

**I.1.** SCVAS wishes to impress upon the planners of Martial Cottle Park the precarious status of burrowing owls in Santa Clara County and the Bay Area and requests that **proactive action be taken to incorporate nesting, wintering and foraging habitats for burrowing owls in their plan**, as well as efforts to educate the public on the history of this species in the South Bay and beyond. We believe that with limited effort and minimal financial burden, habitat can be restored at Martial Cottle Park that would attract burrowing owls to the site, protect the species there, and provide the public with opportunities to view and learn about this charismatic species.

Page 1 of 4

**I.2.** Impact Bio-3 (page 4.5-40) identifies the loss of 250 acres of foraging habitat within the fallow as significant. We believe the proposed mitigation measures are insufficient to compensate for the direct and cumulative impacts of the project on burrowing owls in Santa Clara Valley and propose the following modifications and additional measures:

- Mitigation Measure Bio-3a would create an Agriculture Management Plan. Since the Agriculture Management Plan is not available in the DEIR, we cannot assess its adequacy in mitigating impacts to burrowing owls and their habitat. Furthermore, performance standards and success criteria should be incorporated into the plan, and the plan should be available for public review prior to implementation.
- **We propose that the Agriculture Management Plan incorporate a Burrowing Owl Rehabilitation Plan.** A comprehensive Agriculture and Burrowing Owl Plan can, for example, designate fallow acreage as an integral component with a stipulation that crop rotation practices should include fallow fields every year. The plan can also designate and improve areas for burrowing owl nesting and overwintering sites. Such strategy would maintain and enhance foraging grounds for burrowing owls and other raptors.
- Mitigation Measure Bio-3b does not prohibit the use of rodenticides. We argue that use of rodenticides should be absolutely prohibited. Installation of perches for raptors, and nest boxes for barn owls and kestrels can help reduce rodent populations without risk of eliminating prey resources or risk of predator secondary poisoning. This method has been implemented successfully in the Middle East and should be attempted prior to the use of poison (see video <http://watch.discoverychannel.ca/daily-planet/october-2009/daily-planet-october-19-2009/#clip225645>). Attached is the 2009 Environmental Bulletin of the Israeli Ministry of Environment describing the methodology.

We believe that, as proposed, mitigation measure Bio-3a and are Bio-3b are insufficient to provide in-kind mitigation for the direct and cumulative loss of foraging grounds for burrowing owls and increase the cumulative risk to the survival of this species in our county. **We propose an additional mitigation measure be added to the plan: the creation of a Burrowing Owl Rehabilitation Plan to be incorporated into the proposed Agriculture Management Plan.**

The Burrowing Owl Rehabilitation Plan can work in concert with the burrowing owl strategy for the nearly complete Santa Clara Valley Habitat Conservation Plan/Natural Community Conservation Plan (HCP/NCCP). The HCP/NCCP is yet to be adopted. One of the barriers to its acceptance and implementation is the lack of available, inexpensive, suitable habitat in our county. The HCP/NCCP relies, in part, on cooperation from landowners (the County, cities, golf courses, landfill operators, San Jose-Santa Clara water pollution control plant and others) to provide land and/or manage land resources for burrowing owl preservation. We propose that the plan for Martial Cottle Park incorporate the provision of land resources and management efforts to enhance the likelihood that burrowing owls will continue to inhabit our county.

A soon-to-be-published document produced by the California Department of Fish and Game (Guidance for Burrowing Owl Conservation 14 April 2008, attached) warns that

unless proactive preservation actions are taken immediately, burrowing owls may soon require listing as a threatened or endangered species in California. Among other recommendations, the report states, “Projects impacting owls and owl habitat should mitigate all project-specific and cumulative impacts to nesting, foraging, wintering, dispersal, and migration habitat (i.e., breeding and non-breeding season) under CEQA, to below a level of significance.... Mitigation requirements will be based on the acreage of any suitable habitat disturbed or destroyed, with consideration of number of owls present and significance of the area for all burrowing owl life history stages.” Furthermore, the recommendations propose “Case-by-case impact analyses for CEQA and any other purpose should consider the full extent of owl habitat use (home range) on and off the project site, as well as demographic connectivity among local and regional populations.” The report stipulates: “Any project impacting burrowing owls or owl habitat should provide compensation, based on the best available scientific information provided above, that is roughly proportional to the impacts of the project (CEQA Guidelines 15126.4(a)(4)(B)).” While the report has not yet been published, its conclusions are valid, relevant, and indicate that in-kind compensation and proactive habitat protection are both necessary if we are to follow County policy on the preservation of biodiversity and to save the burrowing owls of Santa Clara County.

In summary, it is our belief that a Burrowing Owl Rehabilitation Plan should be incorporated into the proposed Agriculture Management Plan. **Alternatively, a suitable area that is equivalent in acreage to the area that is to be disturbed or destroyed should be placed in easement for the burrowing owls elsewhere in the county. Only sites that have been reported to be occupied or used by burrowing owls within the last two years are suitable for mitigation purpose.**

## II. Nesting

The DEIR identifies Impact BIO-1: potential disturbance of active white-tailed kite nests, red-tailed hawk nests, and other native bird nests. The DEIR proposes that such disturbances would be a significant impact to special-status species and would potentially impact their nesting sites.

Mitigation Measure BIO-1a is correct in recommending that project-related construction activities shall ideally occur during the non-breeding season. However, the mitigation measure proposes, “During the breeding season (February to August), surveys to determine the presence of nesting birds shall be conducted by a qualified wildlife biologist (i.e. approved by CDFG) no more than 30 days prior to the initiation of any construction activities.” This mitigation is inadequate as it will not avoid or minimize disturbance to nesting birds. Mr. David Johnston, Senior Biologist with the California Department of Fish and Game, states, “Since almost every bird species can build a nest in much less than 14 days, a two week [or longer] preconstruction survey is almost meaningless. If the ostensible purpose of the surveys is to protect birds, then the survey period should be based on the minimally known nest-building period for the species in question.... What is really odd to me is how ubiquitous the 14 day [or longer] standard is... even though there is absolutely no biological basis for it at all...”

Mr. Johnston's recommendations have recently been implemented by PG&E in their vegetation management activities in TJ Martin and Fontana Parks in San Jose, adopted as mitigation by the City of San Jose planners for the Brookside development, and incorporated by the City of Mountain View for a Google development near burrowing owl habitat. For these projects, a two-day preconstruction nesting bird survey was required as mitigation during the nesting season. The City of Mountain View further stipulated that a burrowing owl survey is required and that any interruption of construction activity for a week or more would require a new burrowing owl survey, no more than two days prior to initiating or reinitiating any construction. We propose that similar requirement for pre-construction surveys should be implemented for construction at Martial Cottle Park.

Thank you for the opportunity to comment on the Draft Environmental Impact Report (DEIR) for the combined Draft State Park General Plan and County Park Master Plan for Martial Cottle Park. I am available to discuss the issues we raise, and answer any questions you may have.

Sincerely,



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Israel Ministry of Environmental Protection

המשרד להגנת הסביבה  
وزارة حماية البيئة  
Ministry of Environmental Protection



שלום עם הסביבה

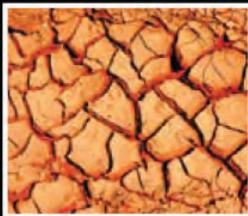
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ENVIRONMENT BULLETIN

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# BARN OWLS AND KESTRELS: BIOLOGICAL PEST CONTROL AGENTS

An idea to use raptors to control rodent populations is transformed into a national project 25 years later

In 1983, fourteen barn owl nesting boxes and hunting perches were erected in Kibbutz Sde Eliyahu in Israel's Beit Shean Valley, 30 km south of the Sea of Galilee. Today, a quarter of a century later, what was once a local biological pest control initiative has been transformed into a national project, with the cooperation of the Ministry of Environmental Protection, Ministry of Agriculture, Society for the Protection of Nature in Israel, and Tel Aviv University. And with the assistance of international foundations, the project has even been extended beyond Israel's borders to Jordan and the Palestinian Authority.

## First Steps

Often, it takes a crisis to initiate change. The idea of using raptors to control rodent populations was first devised in Israel in 1982, following the accidental secondary poisoning of hundreds of raptors after eating voles which were poisoned in the alfalfa fields of the Hula Valley. After an initial failed attempt in Kibbutz Neot Mordechai in 1982, Kibbutz Sde Eliyahu,

one of the first communal farms in Israel to adhere to bio-organic and environmentally-friendly farming practices, took up the challenge.

The problem confronting both farmers and conservationists was clear-cut: rodents are responsible for extensive damage to agricultural crops, reaching up to 35% of certain crops such as wheat, but rodenticides are problematic, expensive and environmentally harmful, especially in Israel which is world renowned as a major bird migration route where some 500 million birds are estimated to pass twice a year. The advocated solution: the addition of large numbers of nest boxes in farmland, a decrease in pesticide use, and the creation of a friendly environment for raptors.

Although the original project, initiated by Dr. Yossi Leshem of the Society for

the Protection of Nature in Israel, the late Prof. Heinrich Mendelssohn of Tel Aviv University and the late Prof. Eitan Chernov of The Hebrew University of Jerusalem, was based on nesting boxes for barn owls (*Tyto alba*), common kestrels (*Falco tinnunculus*) were added subsequently as diurnal partners to the nocturnal owls, thus creating 24 hours of predatory pressure on rodents. "The two species provide round-the-clock predation of mice, rats and voles and have been used throughout history as natural pest controllers", says Dr. Yossi Leshem, director of the International Center for the Study of Migratory Birds.

The results, according to Shauli Aviel and Hanoch Pleser, who pioneered the project in Kibbutz Sde Eliyahu, were most encouraging: removal of some 80,000 rodents from the kibbutz fields every year, bringing about a reduction in the damage pesticides cause to people, soil, water, wildlife and migrating birds.

## Regional Expansion

The success of the project in Sde Eliyahu, coupled with another mass secondary poisoning event in 1998, led to a decision to expand it to the entire Beit Shean Valley, and between 1998 and 2006, some 220 nesting boxes were placed in the Valley, in addition to the 59 in Kibbutz Sde Eliyahu. Today, there are 30 pairs of barn owls in boxes in Sde Eliyahu and another 80-120 pairs in the fields outside the kibbutz. Since a pair of barn owls eats between 2,000-5,000 rodents a year, this translates into between 200,000 to 500,000 less

Biological pest control in action./Photo: Amir Ezer



Motti Charter with ammunition boxes donated by IDF for nest boxes /Photo: Yossi Leshem



rodents a year in the agricultural fields of the Beit Shean Valley.

Mr. Motti Charter, scientific coordinator of the project, points out the uniqueness of the Israeli project, in comparison to similar projects in the Western world: "Unlike conservation projects for barn owls in the US and Europe which place nest boxes in low densities, in Israel nest boxes are placed in high density. For example, we can have 100-250 breeding pairs within the 90 square kilometer Beit Shean area, in comparison to only 3 to 15 pairs in a comparable area in the UK." Charter goes on to explain that "typically, pest control projects are covers for barn owl conservation projects and have little to do with real pest control. In Israel, this is just the opposite: first pest control, later conservation. Where scientists or birders are responsible for placing barn owl nest boxes in other parts of the world, the majority of nest boxes in Israel were placed by farmers for pest control."

Indeed, in light of the achievements in Beit Shean, Israeli farmers were quick to introduce barn owl nesting boxes in other parts of Israel. However, the quick and

uncontrolled expansion of the nesting box project was not always successful. All too often farmers did not make optimal use of the nesting boxes, situating them in the wrong places at the wrong times, with disappointing results. It soon became clear that in order to provide the necessary expertise, the pilot project for the control of voles by barn owls and kestrels would have to be transformed into a national project.

#### From Local to National

On its part, the Ministry of Environmental Protection examined the project and recognized its potential to reduce pesticide use in Israel. In conjunction with the Society for the Protection of Nature, the Ministry of Agriculture and Tel Aviv University, a comprehensive program for biological control, based on splitting the country into multiple regions, each under the supervision of regional coordinators, was drawn in 2007. It included several components:

- › Distribution of thousands of nesting boxes for barn owls and kestrels in agricultural fields throughout the country.

- › Instruction, support and advice to farmers by the Ministry of Agriculture on the necessary conditions for the breeding and reproduction of raptors.
- › Monitoring and data collection by the Society for the Protection of Nature in Israel (SPNI) and Tel Aviv University on both raptor and rodent populations, including standardized nest box monitoring, ringing of nestlings and adults and pellet dissection.
- › Development of educational programs, largely targeted at schoolchildren in the project areas.

In the past, the project was carried out by the farmer themselves, with little scientific basis, little analysis of breeding data and little scientific publication. Today, this is no longer the case. Beginning in the 2007 breeding season, a pilot of the national project was initiated by the Society for the Protection of Nature and Tel Aviv University, and an exhaustive report on the results of the first year of the program was recently published. In parallel, in 2008, the Agro-Ecology Department of the Ministry of Environmental Protection funded five independent projects in five regional councils throughout Israel. While these projects are not part of the national project, funding requirements called for strict adherence to the provisions of the larger project, in terms of placement of the nest boxes, monitoring and professional input.

In January 2009, a contract was signed between the Ministry of Environmental Protection, Ministry of Agriculture and the Society for the Protection of Nature in Israel to promote the use of barn owls and kestrels as biological control agents in agriculture. For the Ministry of Environmental Protection, partnership in the national project was welcomed as a means of significantly reducing the adverse impacts of pesticides on wildlife, groundwater and soil and, of course, on people.



According to Dr. Shlomo Capua, coordinator of the project on behalf of the Ministry of Environmental Protection, in just a year and a half, "we have advanced all four elements of the national program – infrastructure, instruction, monitoring and education – and have succeeded in raising awareness of the need to reduce pesticide use, on the one hand, and protect nature, on the other."

"Today, we have reached a point of saturation in terms of infrastructure," continues Capua. "What is needed now is further study on the dynamics of the population and increased monitoring."

### And Beyond Israel

Recognition that raptors move regularly between Israel, Jordan and the Palestinian Authority, and that they are at risk of secondary poisoning and hunting has helped to expand the nesting box project beyond Israel's borders. The regional dimension of the biological control project is especially exciting and challenging and includes such partners as the Amman Center for Peace and Development in Jordan, headed by Mansur Abu-Rashad, the Palestinian Wildlife Society, directed by Imad Atrash and the Society for the Protection of Nature in Israel and the International Center for the Study of Bird Migration in Tel Aviv University in Israel.

To date, three regional cooperation projects have been initiated, funded by the Jewish Community of Cleveland, the USAID Middle-East Regional Cooperation Program (MERC) and, most recently, the European Commission for the Hanns Seidel Foundation in Germany.

### Project Uniqueness

Reactions to the project are enthusiastic, to say the least. According to Dr. Yossi Leshem, the initiation of Israel's national

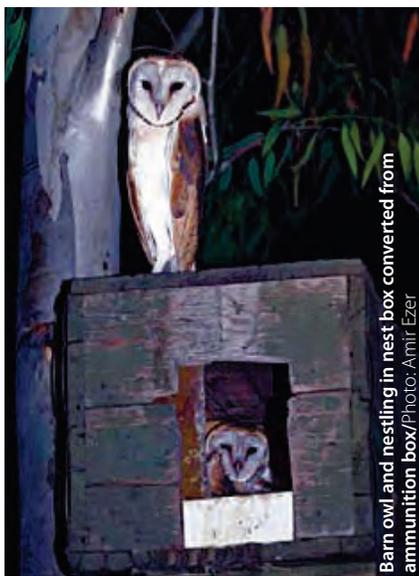
program on the use of barn owls and kestrels for biological control represents "the first time in which the subject of biological control is given national importance by government, public and

>For the Ministry of Environmental Protection, partnership in the national project was welcomed as a means of significantly reducing the adverse impacts of pesticides on wildlife, groundwater and soil and, of course, on people<

academic institutions." Dr. Shlomo Capua, director of the Agro-Ecology Department in the Ministry of Environmental Protection, believes that "the project is unique in that it is based on a scientific infrastructure and has an ecological result in the form of reduced pesticides." Mr. Motti Charter points out the rigorous academic level scientific research that accompanies the project and notes that "in Israel we probably have one of the highest densities of breeding barn owls in the world." And Dan Alon, Director of the Israel Ornithological Center, hopes that the project, which has already expanded to Jordan and the Palestinian Authority, will spread even "further afield to African countries, thus developing a cross-continental environmental concept that will drastically diminish the harm to local and migrating birds."

One of the main accomplishments of the project, alongside reduced pesticide use and increased raptor conservation, lies in education and awareness. Today, posters and leaflets, in both Arabic and Hebrew, are available to teach farmers, decision makers and the general public about the project, and an educational kit, targeted at youngsters in the farming communities, has been especially prepared. Moreover, an online infra-red camera now allows surfers worldwide to view and to hear a family of barn owls atop a water tower in Kibbutz Tirat Tzvi in the Beit Shean Valley, live 24 hours a day. Of nine eggs laid by the female owl, five fledglings survived. In the first three weeks since the activation of the site in mid-April 2009, some 85,000 people accessed the link.

What's more, even Israel's military industry has joined the project by contributing some 500 ammunition boxes that will be transformed into nesting boxes, thus giving a modern interpretation to the age-old prophesy of Isaiah "and they shall beat their swords into plowshares, and their spears into pruninghooks."



Barn owl and nestling in nest box converted from ammunition box/Photo: Amir Ezer





# California Department of Fish and Game

## Guidance for Burrowing Owl Conservation

14 April 2008

Habitat Conservation Branch, Wildlife Branch, Bay Delta Region  
California Department of Fish and Game  
Sacramento, California

### BACKGROUND

Additional immediate protection is needed for the Burrowing Owl (*Athene cunicularia*), a vulnerable California Bird Species of Special Concern (Gervais et al. 2008) and federal Bird of Conservation Concern (U.S. Fish and Wildlife Service 2002), that was the subject of a listing petition to the State of California Fish and Game Commission in 2003. Most Burrowing Owl populations in California still face the same primary threats they did three decades ago (Gervais et al. 2008). Burrowing Owl population declines continue, primarily caused by habitat loss and control of California ground squirrels (*Spermophilus beecheyi*) and other host burrowers.

Concerted conservation actions are needed to maintain viable burrowing owl populations in California and to help prevent the need to list this species under the state or federal endangered species acts. A comprehensive strategy for its conservation in California is now in progress, which will provide more detailed guidance on measures to protect this species.

Existing legal protection under the California Environmental Quality Act (CEQA), one of the State's principal statutes to address significant environmental impacts, does not substantially contribute to burrowing owl conservation because lead agencies have broad discretion in identifying environmental impacts as significant and, even where they do, significant impacts need only be mitigated to the extent feasible. As a result, lead agencies do not consistently require sufficient or effective habitat mitigation for immediate or cumulative impacts to burrowing owls. Current conservation activities, except under a few approved regional conservation plans, are usually implemented piece-meal, typically at the level of the individual owl, to avoid take. In addition, prohibitions on take of burrowing owls are often circumvented, and due to buried or transitory evidence, are not easily enforced.

Suitable conservation areas that could benefit this species through acquisition and management have yet to be identified in most of the State. All these deficiencies remain obstacles to long-term owl conservation, can lead to local extirpation of resident owl populations, and could cumulatively preclude options for future conservation of this species.



# California Department of Fish and Game

## PURPOSE OF THIS DOCUMENT

- Provide updated recommendations from the California Department of Fish and Game (Department) to biologists, planners, land managers, and CEQA lead agencies.
- Provide guidance that supersedes and augments or clarifies the Department's Staff Report on Burrowing Owl Mitigation (1995; <http://www.dfg.ca.gov/wildlife/species/docs/burowlmit.pdf>) and the California Burrowing Owl Consortium's Survey Protocol and Mitigation Guidelines (1993, 1997; <http://www.dfg.ca.gov/wildlife/species/docs/boconsortium.pdf>).
- Provide a statewide vision for burrowing owl conservation goals and actions.
- Promote a consistent approach to burrowing owl conservation throughout the State, while allowing local flexibility.

## CONSERVATION GOALS FOR THE BURROWING OWL IN CALIFORNIA

- 1) Maintain size and distribution of extant burrowing owl populations (allowing for natural population fluctuations).
- 2) Where possible, increase geographic distribution of burrowing owls into formerly occupied historic range where suitable habitat still exists, or where it can be created or enhanced.
- 3) Increase size of existing burrowing owl populations where possible and appropriate (for example, consider carrying capacity, predator-prey relationships, and conflicts with other species at risk).
- 4) Protect and restore self-sustaining ecosystems or natural communities which do or could potentially support burrowing owls at a landscape scale, and which will require minimal long-term management by humans.
- 5) Remove or ameliorate unnatural causes of burrowing owl population declines (e.g., nest burrow destruction, control of rodent hosts and prey).
- 6) Recover (augment; restore) populations of burrowing owls and their natural dynamics including movement and genetic exchange among populations, such that the species does not require listing and protection under the California Endangered Species Act (CESA) or federal Endangered Species Act (ESA).
- 7) Begin to engage stakeholders, including ranchers; farmers; military bases; local, state, and federal agencies; non-governmental organizations; and scientific research and education communities in burrowing owl protection and habitat management.

## GUIDING PRINCIPLES FOR BURROWING OWL CONSERVATION



## California Department of Fish and Game

- 1) Use the Precautionary Principle (Noss et al. 1997), by which the alternative of increased conservation is deliberately chosen in order to buffer against incomplete knowledge of burrowing owl ecology and uncertainty about the consequences to burrowing owls of potential impacts, including those that are cumulative.
- 2) Employ basic conservation biology tenets and population-level approaches when determining what constitutes appropriate avoidance, minimization, and “mitigation” for impacts. Include mitigation effectiveness monitoring and reporting, and modify measures based on results.
- 3) Avoid impacts to owls during the burrowing owl breeding season, generally February 1 through August 31.
- 4) Protect/conservate owls in wild, semi-natural, and interstitial urban and agricultural habitats (conservate is defined here pursuant to FGC 1802 and 2061).
- 5) Protect nest burrows AND *sufficient foraging habitat*. \*
- 6) Burrows (or burrow surrogates) are a critical component of burrowing owl habitat throughout the year, as most owls in California are resident year-round and have high burrow and site fidelity.
- 7) Protect auxilliary “satellite” burrows because they contribute to burrowing owl survivorship and natural behavior of owls
- 8) Lands intended for burrowing owl conservation need to be of *sufficient size* to ensure ecological sustainability with minimum long-term maintenance needed by humans (e.g., rely on native grazers, compatible livestock grazing practices, burrow excavation by native animals, and, where feasible, controlled burns)
- 9) Lands intended for burrowing owl conservation should be chosen with regard to the problems caused by the urban-wildland interface, for example, burrow disturbance and destruction by unleashed dogs, human foot and vehicle traffic, predation by cats and dogs and urban-adapted wildlife, including raptors attracted to urban landscapes.
- 10) Habitat compensation, management, monitoring, and reporting should be provided pursuant to CEQA mitigation requirements (CEQA Guidelines; Section 15097).
- 11) Case-by-case impact analyses for CEQA and any other purpose should consider the full extent of owl habitat use (home range) on and off the project site, as well as demographic connectivity among local and regional populations.

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\* Quantitative prescriptions for the factors highlighted in *italics* will be analyzed during the Burrowing Owl conservation assessment and strategy effort that is in progress, to provide a range of values that are appropriate in different habitats and regions.



## California Department of Fish and Game

- 12) Projects impacting owls and owl habitat should mitigate all project-specific and cumulative impacts to nesting, foraging, wintering, dispersal, and migration habitat (i.e., breeding and non-breeding season) under CEQA, to below a level of significance. The standard of 6.5 acres will no longer be used because it does not adequately compensate for habitat loss. Mitigation requirements will be based on the acreage of any suitable habitat disturbed or destroyed, with consideration of number of owls present and significance of the area for all burrowing owl life history stages.
- 13) Conduct any management actions in an adaptive management framework, in order to test alternative hypotheses and learn from monitoring and experimental management.
- 14) Avoid reliance on the use of artificial burrows, except to temporarily attract owls, or where burrow installation is necessary as an integral owl population management tool. Artificial burrow installation must be accompanied by a management plan for the site, and programs for burrow maintenance and effectiveness monitoring. Performance criteria should include site tenacity by owls, yearly successful reproduction by owls, documented fledging by juvenile owls, and colonization by owls from elsewhere.
- 15) Where owls and ground squirrels are not desired, do not disk, grade, mow, or leave debris piles or open pipes ("ecological traps") that could attract them, At the same time consider or adhere to local fire and other ordinances.
- 16) Take advantage of temporary opportunities to conserve burrowing owls while longer-term regional programs and conservation plans are developed.

## TOOLS FOR BURROWING OWL CONSERVATION

### Legal Protection

Pursuant to California Fish and Game Code (FGC) Section 1801, it is the policy of the state to encourage preservation, conservation, and maintenance of wildlife resources, including perpetuation of all species of wildlife for their intrinsic and ecological values. In addition, pursuant to FGC Section 1802, the Department has jurisdiction over the conservation, protection, and management of fish, wildlife, native plants, and habitat necessary for biologically sustainable populations of those species.

Additional legal protection for burrowing owls exists pursuant to the California Fish and Game Code and United States Migratory Bird Treaty Act (MBTA), and additional protection can be provided by CEQA.

### CEQA

CEQA requires public agencies in California to mitigate significant environmental impacts to the extent feasible. Project-specific CEQA mitigation is important for Burrowing Owl conservation because most populations exist on privately-owned parcels that, when proposed for development or other activities, may be subject to the environmental review requirements of CEQA.



# California Department of Fish and Game

## **Regional Conservation Plans**

Regional multiple species conservation plans offer long-term assurances for conservation of burrowing owls and other covered species at a landscape scale, in exchange for biologically appropriate levels of incidental take defined during plan development. California's Natural Community Conservation Planning (NCCP) Act (FGC §2800 et seq.), which governs such plans at the state level, was designed to conserve species, natural communities, ecosystems, and ecological processes across a jurisdiction or a collection of jurisdictions. Complementary federal Habitat Conservation Plans (HCPs) are governed by the Endangered Species Act (Section 10). Regional conservation plans (and certain other landscape-level conservation and management plans), may provide conservation for unlisted as well as listed species. Because the geographic scope of NCCPs/HCPs may span many hundreds of thousands of acres, they have the potential to play a significant role in conservation of burrowing owls, and grasslands and other habitats.

## **Take Avoidance**

Avoidance of take of individual burrowing owls and their nests is currently mandated under FGC Sections 86, 3503, 3503.5 and 3513.

Because the current operating definition of a nest (as used by the Department and by the U.S. Fish and Wildlife Service under the Migratory Bird Treaty Act) is restricted to the period when eggs or chicks are present, burrows used by owls during the non-breeding season have no legal protection, although direct take of owls is prohibited. The common practice of evicting owls from burrows during the non-breeding season has the potential to depress reproduction, and to increase predation, thermoregulatory stress, energetic costs, and risks posed by having to find and compete for available burrows.

Burrows are an essential ecological requisite for burrowing owls throughout the year. Loss of nest burrows, satellite burrows, breeding concentrations, foraging habitat, dispersal and migration habitat, wintering habitat, habitat linkages and stepping stones, including habitat supporting host burrowers, and other essential habitat attributes, can individually or collectively have significant impacts on burrowing owls. The Department will work with project proponents and lead agencies to develop compensatory mitigation for impacts to burrowing owls.

## **Migratory Bird Treaty Act**

The Migratory Bird Treaty Act (MBTA) implements various treaties and conventions between the U.S. and Canada, Japan, Mexico, and the former Soviet Union for the protection of migratory birds, including the burrowing owl. Under the MBTA, taking, killing, or possessing migratory birds is unlawful as is taking of any parts, nests, or eggs of such birds (16 USC 703). Taking is defined more narrowly under MBTA than under the ESA and includes only the death or injury of individuals of a migratory bird species or their eggs. Take under the MBTA does not include the concepts of harm and harassment as defined by the ESA.



# California Department of Fish and Game

## Fish and Game Commission Policies

There are already a number of Fish and Game Commission policies (see FGC 2008) that can be applied to burrowing owl conservation. These include policies on: Raptors, Cooperation, Endangered and Threatened Species, Land Use Planning, Management and Utilization of Fish and Wildlife on Federal Lands, Management and Utilization of Fish and Wildlife on Private Lands, and Research. See Attachment B for the content and intent of these policies.

## Habitat Protection

Identify and acquire lands (presently occupied or having high potential *suitability*) for long-term owl habitat through conservation easements, purchase, and other mechanisms.

Permanently protect *sufficiently large acreage* of suitable vegetation communities (grassland, scrublands, desert, urban, and compatible agricultural uses) for burrowing owl nesting, foraging, wintering, dispersal, and migration (i.e., during breeding and non-breeding seasons).

Protect appropriate interstitial habitat that is occupied by owls in urban and agricultural landscapes (e.g., urban parks/open space, school campuses, airports, golf-courses, fallow fields and field margins, road shoulders, railroad right-of-ways, levees).

Ensure availability of temporary or permanent “stepping stones” of habitat (Hilty et al. 2006) to attract dispersing or displaced owls and host burrowers from habitats at high risk of destruction to permanently protected habitats.

Identify and secure mitigation and conservation banks for burrowing owls and associated species. In select cases, consider deferred mitigation via developer fees in order to leverage acquisition of conserved lands and to consolidate and enlarge conservation areas.

## Habitat Management

Manage protected lands for natural ecological components and processes, including grazing herbivores, host burrowers (ground squirrels, badgers, foxes, coyotes, etc.), suitable prey, and natural levels of predation on owls. Facilitate natural processes to minimize the effort and cost of active management required.

Burrows excavated by host burrowers are essential for burrowing owl survival and reproduction, and some host species, for example, ground squirrels, provide owls early warning of predator presence. Therefore, conserve and restore self-sustaining populations of host burrowers by reducing, limiting, or prohibiting lethal rodent control measures, by maximizing opportunities for host burrower population connectivity and colonization, and by ensuring food availability for host burrowers.



## California Department of Fish and Game

Where owls are not present, employ temporary enhancement techniques (artificial burrows, perches, burrowing owl decoys) to attract burrowing owls to lands permanently conserved on their behalf. Avoid reliance on the use of artificial burrows, except to temporarily attract owls until natural burrows are established. Consider carrying capacity, territoriality, attracting predators, alteration of reproductive behaviors, and other factors, during development of a feasibility assessment for the potential habitat enhancement project. If owls currently occupy a site, or occupy nearby lands, evaluation of the above factors is particularly important.

Host burrowers, for example, ground squirrels, can often be attracted to a site by reducing and maintaining vegetation height to a level that is generally low or sparse, providing limited ground disturbance and cover such as rock piles, and adequate forage plants.

Temporary artificial burrows may also be useful where needed to satisfy mitigation requirements for short-term project impacts (for example, levee maintenance).

In limited circumstances, artificial burrow installation may also be recommended where there is a lack of host burrowers and natural burrows, where ground squirrels are controlled to protect infrastructure or landscaping (levees, golf courses, sport fields), or to limit owl occupancy to constrained areas (for example, at airports where ground squirrels are not desired).

Artificial burrow installation must be accompanied by a management plan for the site, and programs for burrow maintenance and effectiveness monitoring. Performance criteria should include site tenacity by owls, yearly successful reproduction by owls, documented fledging by juvenile owls, and colonization by owls from elsewhere.

Maintain *appropriate vegetation height and density* (especially in immediate proximity of burrows) by mowing/grazing. (Appropriate vegetation structure varies across sites and vegetation types, but should generally be short (usually less than 10 inches) and/or sparse, except where perch sites are available and used by owls.)

Employ experimental prescribed fires (controlled, at a small scale) to manage *appropriate vegetation structure* (try to learn more about compatibility of prescribed fires and owl persistence).

While local ordinances may require fire prevention through vegetation management, activities like disking, mowing, and grading during the breeding season can result in take of burrowing owls and collapse of burrows, causing nest destruction. Timing, extent, and configuration of vegetation reduction or ground disturbance should be carefully considered during the breeding season in order to avoid take, while still accomplishing necessary vegetation management that benefits owls. Areas to be modified should first be surveyed for burrowing owl presence and heavy equipment operators should avoid occupied and satellite burrows.

Promote *adequate natural prey distribution and abundance*, especially proximate to occupied burrows, during the breeding season.



# California Department of Fish and Game

## Population-Level Information on Spatial Distribution and Abundance

Document and publicize burrowing owl distribution and abundance in order to have a better basis for conservation of owls through land use planning decisions and for minimization of cumulative impacts.

Contribute to and use the Department's California Natural Diversity Data Base (CNDDDB) (<http://www.dfg.ca.gov/bdb/html/cnddb.html>) and BIOS (<http://bios.dfg.ca.gov/whatis.asp>) systems for storing and accessing information on spatial distribution of burrowing owls.

Conduct and promote *periodic* statewide burrowing owl surveys to sample owl distribution across and between ecoregions and to provide time series data for evaluation of population trends. Stakeholders could assist with these surveys.

Conduct and promote regional and local inventories to document locations of burrowing owls, in order to prioritize owl habitat for acquisition or other protection measures, to predict which populations are most at risk, and to more accurately assess population size and reproductive status. Stakeholders could assist in these inventories.

## Determine Burrowing Owl Presence

### Breeding Season Surveys

Standardized surveys are necessary to determine presence (or presumed absence) of burrowing owls for the purposes of inventory, monitoring, avoidance of take, and determining appropriate mitigation. In California the breeding season begins as early as February 1 and continues through August 31.

The California Burrowing Owl Consortium (Consortium) survey protocol specifies a multi-phase approach, which is recommended in order to adequately evaluate burrowing owl use of an area and to inform the CEQA process. Phase 1 of the protocol begins with a habitat assessment that recognizes that burrows are the essential component of burrowing owl habitat and that burrowing owls may use man-made structures as burrows (see Page 1 of Consortium guidelines). If suitable habitat (appropriate vegetation and burrow(s) or burrow surrogate(s)) is present, then a Phase 2 intensive burrow survey is necessary even if owl sign is not present during the habitat assessment phase. Owl sign includes molted feathers, cast pellets, prey remains, egg shell fragments or excrement at or near burrow entrance or perch site. During the intensive burrow survey phase, burrow concentration areas should be mapped. Phase 3 of the protocol requires 4 survey visits whether or not owl sign is observed during Phase 2. The Department recommends that the Consortium survey protocol for breeding season surveys be adhered to (4 survey visits spread evenly (roughly every 3 weeks) during the peak of the breeding season, from April 15-July 15) until enough information is available to warrant their revision or until new detailed protocols are developed as part the Conservation Strategy. The habitat assessment, intensive burrow surveys and burrowing owl surveys should include the area within 150 meters of the project boundaries (approximately 500 feet).



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## **Non-Breeding Season Surveys (including Winter)**

Surveys during the non-breeding season (September 1- January 31) are recommended by the Department but are not generally required because burrowing owls are much more difficult to detect during the non-breeding season, and the number or type of surveys that would be needed to detect presence then has not been studied or quantified. Owls detected during non-breeding season surveys may be year-round residents or their young from the previous nesting season, pre-breeding territorial adults, winter residents, dispersing juveniles, migrants, or new colonizers. Negative results during any non-breeding season surveys are not conclusive proof that owls do not use the site. Because of this complication, the Department recommends breeding season surveys as the first step, but project applicants should consult with the Department if burrowing owls have been documented on the project site during the non-breeding season.

## **Avoid Impacts (destruction, disturbance) to Individual Owls**

### **Pre-Construction Surveys for Owl Presence**

Pre-construction surveys (usually initiated during the non-breeding season) are necessary for assessing owl presence at a site within a short time period before site modification is scheduled to begin. Pre-construction surveys are supplemental to the existing breeding season survey protocol (4 survey visits spread evenly during the peak of the breeding season, from April 15-July 15), and should not be used in place of it without consulting with the Department in advance. The pre-construction surveys are intended to document if colonizing owls have recently moved onto the site, or if burrow locations of resident owls have changed, or if young of the year are still present and have not yet fledged or dispersed. Because any one or all of these events may have occurred on site since the breeding season (protocol) surveys were completed, it is important to also complete the pre-construction surveys in order to avoid direct take of owls or their nests and to design proper minimization and mitigation measures (e.g., document number and reproductive status of resident owls and location of satellite burrows, establish buffer zones and equipment/personnel travel routes and work/storage areas, unequivocally evict owls and ground squirrels from burrows).

Initial pre-construction surveys should be conducted outside of the owl breeding season (from February 1-August 31) but as close as possible to the date that ground-disturbing activities will begin, to avoid the problem of waiting until March or April when the project would be delayed if owls are detected. Generally, initial pre-construction surveys should be conducted no more than 30 days prior to ground-disturbing activities (for example, diking, clearing, grubbing, grading). The time lapse between surveys and site disturbance should be as short as possible and will be determined by DFG based on specific project conditions but generally should not exceed 7 days. Additional surveys are necessary when the initial disturbance is followed by periods of inactivity or the development is phased spatially and/or temporally over the project area.

The number of pre-construction surveys necessary to accurately detect current owl presence and owl locations will be driven by a number of interacting criteria such as: 1) the time period that has elapsed since the last breeding survey was completed; 2) height and density of vegetation that may obscure owl presence; 3) topographical conditions that may obscure owl presence; 4) time of year (e.g., in the



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winter owls are more cryptic and spend more time in their burrows); 5) time of day and weather conditions when surveys are conducted; 6) long-term history of owl use at the site; 7) size of the parcel and degree of coverage by walking or by intensive observations via spotting scope, and 8) tolerance of owls to human presence. Generally, at a minimum, 4 survey visits on at least 4 separate days will be necessary, especially given the cryptic nature of this species during the non-breeding season.

Biologists conducting pre-construction surveys should expend enough effort, based on the above criteria, to assure with a high degree of certainty that take of owls will not occur once site modification and grading activities begin. The full extent of pre-construction survey effort must be described and mapped in detail (e.g., dates, time periods, area(s) covered, and methods employed) in a biological report. Current vegetation and topographical conditions and their corresponding effect on visibility should also be described. The report should be submitted to the Department for review.

The Department's concurrence with the pre-construction survey results will depend on the level of detail that is provided in the Consultant's biological report that summarizes the methods, results, and level of survey effort. The Department has a responsibility to give input regarding measures that would result in avoiding take and minimizing unavoidable impacts to owls.

### **Buffer Zones Around Occupied Burrows (Year-Round)**

Buffer zones to protect burrowing owls from direct disturbance should be implemented pursuant to the Consortium Guidelines and the Department's Staff Report (1995) until the comprehensive conservation strategy is completed. Generally, the buffers recommended in these reports for protecting burrowing owls from disturbance is 75 meters (250 feet) from occupied burrows during the breeding season and 50 meters (160 feet) from occupied burrows during the non-breeding season. Consultation with the Department may result in site-specific buffer specifications, on a case-by-case basis. For example, if the level and duration of disturbance will be brief and tolerance of human activity by individual owls at the site is high, then buffer zones may be smaller in size.

In addition, because burrowing owls in many study areas have been documented to forage primarily within 600 m of their nests, extensive use of harmful pesticides within 600 m of occupied burrows should be avoided (Gervais et al. 2003). Data suggest that herbicides may not be as much of a threat to burrowing owl reproductive success, and may even benefit them due to the resulting reduction of vegetation cover.

### **Translocation of Burrowing Owls (also known as Active Relocation)**

Translocation is the deliberate movement by humans of individual plants and animals from one location to another. It includes, but is not limited to, species introductions and re-introductions, population supplementation, fish and game stocking and re-stocking, nuisance animal removal, rehabilitated wildlife relocation, mitigation, and habitat creation.

The Department does not generally support translocation of owls as a take-avoidance or management tool or as mitigation at this time, as it is still experimental and there is a lack of demonstrated success for burrowing owls (see Klute et al. 2003, "Reintroduction and Relocation" section). Success should be measured by long term population persistence and population growth at



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the release site, not by short-term site tenacity post-release, or breeding “success” for one year or intermittently thereafter.

However, for scientific purposes, the Department may consider translocation if it is a research project, or potentially as a tool in regional conservation plans, but only if the following steps are in place, with appropriate Department permits. Many of these considerations are described in the IUCN Position Statement on Translocation of Living Organisms at

<http://www.iucn.org/themes/ssc/publications/policy/transe.htm> and the IUCN/SSC Guidelines for Re-Introductions at <http://www.iucn.org/themes/ssc/publications/policy/reinte.htm>.

- 1) Conduct a biological assessment that describes habitat suitability and carrying capacity for burrowing owls. A biological report must be produced that maps and describes the habitat on site, and ranks habitat suitability for a) nesting and foraging based on scientific studies of burrowing owl habitat requirements, and b) potential foraging range based on surrounding land uses.
- 2) Legally secure the release site with conservation easement or similar protective measures before translocation is attempted.
- 3) An approved management plan specific to burrowing owls and other sensitive resources must be prepared for the release site prior to translocation. Measures must be included in the plan that describe what steps will be taken should burrowing owls prove to be impacting other sensitive, threatened or endangered species, and what steps will be taken if the translocation fails. Management plans should be created and implemented in an adaptive framework..
- 4) Avoid significant impacts to any recipient population of burrowing owls, if present. Consider carrying capacity, territoriality, attracting predators, alteration of reproductive behaviors, and other factors, during development of a feasibility assessment for the potential translocation project.
- 5) In order to ensure the potential for naturally-occurring genetic processes, and permit local adaptation, owls may not be translocated across ecological boundaries or vast distances.
- 6) Significant impacts to sensitive, Threatened, and Endangered species must be avoided or minimized at the release site.
- 7) All necessary CEQA or NEPA procedures must be followed by the appropriate lead agency prior to initiating translocation, in consultation with the Department and US Fish and Wildlife Service. The project impacting owls and the translocation project itself are each subject to the requirements of disclosure of potentially significant environmental effects and any necessary mitigation.
- 8) There must be sufficient and secured funding (e.g., endowments) in place to cover scientific monitoring and reporting, adaptive management, habitat maintenance, and other measures to assure, to the best of our ability, long term persistence of burrowing owls at the release site, and to determine the success or failure of the attempted mitigation.



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- 9) Qualified biologists must be secured under contract or via some other means to conduct the necessary monitoring. Sufficient funding must exist for full biological reporting of results in standard scientific format. Reports must be submitted to the Department and US Fish and Wildlife Service.

### **Exclusion of Owls From Occupied Burrows (Passive Relocation and Eviction)**

Exclusion of owls from burrows during the non-breeding season, usually by installation of one-way doors, has been used to avoid take and allow for development or other projects to proceed as approved under CEQA. It has been commonly used as a take avoidance measure, but the long-term demographic consequences of this technique have not been evaluated, and the fate of evicted owls has not been systematically studied. Because owls are dependent on burrows for survival and reproduction, excluding them from nesting, roosting, and satellite burrows on a project site may actually lead to direct or indirect take. For these reasons, in order to avoid or minimize take, owls must be provided, and must be documented to actually use, compensatory burrows (natural or artificial) in proximity (generally within 100 meters) to the exclusion site.

Exclusion from burrows, when necessary (as approved by the Department), must be conducted during the non-breeding season (generally September 1-January 31). It requires constant monitoring and exclusion of owls and squirrels, and removal of any surrogate burrows (including open pipes or debris piles that are potential owl refugia) at the project site. The impacted site should continue to be made inhospitable to burrowing owls and fossorial mammals (by allowing vegetation to grow tall, heavy disking, installation of one-way doors in burrow entrances, or immediate and continuous grading) until development is complete. Monitoring of the site must be conducted to determine if owls or host burrowers re-inhabit the site during any phase of project development.

Existing practices for excluding owls usually employ only portions of the methods described above, or employ the methods inadequately, and therefore have a higher likelihood of resulting in take. For example, "passive relocation" efforts typically provide alternative (i.e., artificial) nearby burrows for the owls that will be displaced, but do not confirm before burrow destruction that new burrows are being used. "Eviction" is exclusion from the burrow without providing alternate burrows that the displaced owls can find.

For the purposes of this guidance document, compensatory burrows and foraging habitat should be provided as near as possible to the impacted site, and confirmed occupation by owls of a natural or artificial burrow on adjacent or nearby land (generally within 100 meters, or as near as possible to the impacted site), must be documented, before owls are excluded or burrows are destroyed. The time required for an owl to find and adopt a substitute burrow on nearby land may vary between a few hours and many days. The Department will work with applicants to develop a site-specific plan for owl exclusion when exclusion is absolutely necessary, and will provide guidance on possible color-marking of owls and making the compensatory habitat attractive to owls (e.g., ensure multiple burrows are available, vegetation is short, perches are present, prey is abundant, and human disturbance is limited; and take actions to minimize predation on burrowing owls). The Department will also provide guidance regarding potential alternative mitigation measures if the "passive relocation" is not successful.



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In many cases, habitat adjacent to or near sites where owls are excluded will not provide for conservation of burrowing owls in perpetuity nor will it adequately mitigate for project impacts (due to zoning, surrounding land uses, fragmentation, or poor quality habitat). In such cases, acquisition of compensatory habitat may have to occur farther away from the project site, but must be approved by the Department.

However, under some circumstances, small adjacent or nearby parcels may serve as valuable “stepping stone” habitats (possibly temporary or “interim”) to larger permanently preserved conservation areas. For stepping stone habitat areas, management and monitoring must be secured for the interim period. Such areas should be tied to an agreement that ensures additional conservation land acquisition elsewhere for permanent protection of owls, and should include an adequately funded Department-approved plan for management and monitoring in perpetuity. Mitigation habitat should be protected for the long-term by acquisition in fee title or conservation easement.

### **Compensatory Mitigation for Impacts**

Where avoidance and minimization measures are infeasible, the design of mitigation measures for owls should consider the local, regional, and larger-scale environmental context in which the habitat loss or alteration is occurring. Mitigation required must be roughly proportional to level of impacts (including cumulative impacts) in accordance with the provisions of CEQA (Guidelines Sections 15126.4(a)(4)(B), 15064, 15065, and 15355). Mitigation measures must be specific, feasible actions that will actually improve environmental conditions, in order for them to be considered adequate mitigation.

The rate at which direct impacts on owls and their habitat have commonly been expected to be compensated for under CEQA (6.5 acres of land per single owl or pair, pursuant to the Department’s 1995 Staff Report) is not based on the amount of habitat known to be required by owls, but rather on a minimal buffer area thought to be necessary around a burrow to avoid disturbance from construction activities. Therefore, this standard of 6.5 acres will no longer be used because it does not adequately compensate for habitat loss. Instead, projects impacting owls and owl habitat should mitigate all significant impacts to nesting, foraging, wintering, and dispersal habitat (i.e., during breeding and non-breeding seasons) and cumulative impacts under CEQA, to below a level of significance.

Mitigation requirements should be based on the number of acres of all suitable habitat disturbed or destroyed, with consideration of number of owls present, duration of occupancy, and significance of the area for all burrowing owl life history stages. Suitable habitat generally includes, but is not limited to, short or sparse vegetation (at least at some time of year), presence of burrows, burrow surrogates or presence of fossorial mammal dens, well-drained soils, and abundant and available prey,

Mitigation requirements will be based on site conditions assumed to be extant prior to any recent site modification. If suitable habitat is destroyed prior to adequate burrowing owl surveys, the Department may assume owls to have been present, and mitigation should be required by the lead agency in consultation with the Department. If burrowing owls have been documented to occupy burrows at the



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project site at any time during the previous three years, the site should be considered occupied by owls and mitigation should be required.

Projects that impact either breeding and/or non-breeding habitat affect owl home range size and spatial configuration, and could negatively affect burrowing owl population persistence, increase energetic costs, lower reproductive success, increase vulnerability to predation, and decrease the chance of procuring a mate.

Foraging habitat is essential to burrowing owl persistence. Mitigation for impacts to burrowing owl foraging habitat within home ranges should be required based on site-specific evaluation of existing land use patterns, prey availability, and other ecological factors. Useful as a rough guide to evaluating project impacts and appropriate mitigation for burrowing owls, adult male burrowing owl home ranges have been documented (calculated by minimum convex polygon) to comprise anywhere from 280 acres in intensively irrigated agroecosystems in Imperial Valley (Rosenberg and Haley 2004) to 450 acres in mixed agricultural lands at Lemoore Naval Air Station, CA (Gervais et al. 2003), to 600 acres in pasture in Saskatchewan, Canada (Haug and Oliphant 1990). But owl home ranges may be much larger, perhaps by an order of magnitude, in non-irrigated grasslands such as at Carrizo Plain, California (Rosenberg, pers. comm.), based on telemetry studies and distribution of nests. Because of the larger owl home ranges and more difficult access for telemetry studies in these ecosystems, home range size is not well understood (Rosenberg, pers. comm.) In general, burrowing owls in many study areas have been documented to forage primarily within 600 m of their nests (within approximately 300 acres, based on a circle with a 600 m radius) during the breeding season (Gervais et al., 2003, Haug and Oliphant 1990, Rosenberg and Haley 2004).

Any project impacting burrowing owls or owl habitat should provide compensation, based on the best available scientific information provided above, that is roughly proportional to the impacts of the project (CEQA Guidelines 15126.4(a)(4)(B)).

There are a number of ways to assess the amount of mitigation/compensation needed to offset impacts to burrowing owls and their habitat. As for other special status species, mitigation recommendations should be based on the function and value of habitat being impacted and conserved. For burrowing owls, essential habitat includes breeding, foraging, wintering, and dispersal habitat.

Impacts to burrowing owl habitat will be compensated through permanent conservation and management of habitat whose attributes are comparable to or better than those of the impact area. Mitigation should be based on a comparison of the attributes of the impacted and conserved lands and the level of effective enhancement on the conserved lands, including enhancement of reproductive capacity, enhancement or expansion of breeding areas and dispersal opportunities, and removal or control of population stressors.

For each project an assessment and comparison of attributes of the impacted area and the conservation area is necessary. Some of the attributes to consider include the following: quality of habitat being impacted or conserved; density of burrowing owls in impacted and conserved habitat; value of impacted or conserved habitat to the species range-wide.



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Spatial assessments should consider the following: acreage being lost; fragmentation/edge being created; distance to other suitable habitat; additional habitat degradation.

Temporal assessments should consider the following: the amount of time the habitat will be lost to the species and the effect of that loss on essential behaviors or life history requirements of the species.

Cumulative/indirect effect assessments should consider the following: the project's proportional share of reasonably foreseeable impacts on burrowing owls that are caused by that project, or in combination with other projects having impacts on burrowing owls.

Mitigation should be based on the assumption that the acquired lands do or will provide equal or superior habitat value compared to the impacted lands. This will likely require habitat enhancement and long-term habitat management. These activities will be crucial when compensatory habitat is not currently occupied by burrowing owls.

Where a lead agency under CEQA has agreed to mitigation recommended by the Department, habitat should not be altered or destroyed, and owls should not be excluded from burrows, until the mitigation lands have been legally secured, are managed for the benefit of burrowing owls according to Department-approved management, monitoring and reporting plans, and the endowment or other long-term funding mechanism is in place.

***These guidelines will be revised as new information becomes available, and as the statewide conservation strategy for the burrowing owl is implemented. The conservation strategy will provide more detailed quantitative recommendations and research ideas than were possible to give here.***



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## **ACKNOWLEDGEMENTS**

We are grateful to the following individuals in the Department for their contributions to this document:

Linda Connelly, Jennifer DeLeon, Jeff Drongesen, Scott Flint, Dan Gifford, Scott P. Harris, Brad Henderson, Kevin Hunting, Dave Johnston, Becky Jones, Steve Juarez, Eric Loft, Leslie MacNair, Jenny Marr, Dave Mayer, Tonya Moore, Terry Palmisano, Gail Presley, Denyse Racine, Jeff Single, Justin Sloan, Dale Steele, Annette Tenneboe, Julie Vance, Joe Vincenty.

Additional input was generously provided by Jack Barclay and Dan Rosenberg.



# California Department of Fish and Game

## Attachment A

### Burrowing Owl Legal Protection in California

#### **CALIFORNIA FISH AND GAME CODE SECTIONS 1801-1802 (2008)**

1801. It is hereby declared to be the policy of the state to encourage the preservation, conservation, and maintenance of wildlife resources under the jurisdiction and influence of the state. This policy shall include the following objectives:

(a) To maintain sufficient populations of all species of wildlife and the habitat necessary to achieve the objectives stated in subdivisions (b), (c), and (d).

(b) To provide for the beneficial use and enjoyment of wildlife by all citizens of the state.

(c) To perpetuate all species of wildlife for their intrinsic and ecological values, as well as for their direct benefits to all persons.

(d) To provide for aesthetic, educational, and nonappropriative uses of the various wildlife species.

(e) To maintain diversified recreational uses of wildlife, including the sport of hunting, as proper uses of certain designated species of wildlife, subject to regulations consistent with the maintenance of healthy, viable wildlife resources, the public safety, and a quality outdoor experience.

(f) To provide for economic contributions to the citizens of the state, through the recognition that wildlife is a renewable resource of the land by which economic return can accrue to the citizens of the state, individually and collectively, through regulated management. Such management shall be consistent with the maintenance of healthy and thriving wildlife resources and the public ownership status of the wildlife resources.

(g) To alleviate economic losses or public health or safety problems caused by wildlife to the people of the state either individually or collectively. Such resolution shall be in a manner designed to bring the problem within tolerable limits consistent with economic and public health considerations and the objectives stated in subdivisions (a), (b) and (c).

(h) It is not intended that this policy shall provide any power to regulate natural resources or commercial or other activities connected therewith, except as specifically provided by the Legislature.

1802. The department has jurisdiction over the conservation, protection, and management of fish, wildlife, native plants, and habitat necessary for biologically sustainable populations of those species. The department, as trustee for fish and wildlife resources, shall consult with lead and responsible agencies and shall provide, as available, the requisite biological expertise to review and comment upon environmental documents and impacts arising from project activities, as those terms are used in the California Environmental Protection Act (Division 13 (commencing with Section 21000) of the Public Resources Code).



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## CALIFORNIA FISH AND GAME CODE SECTIONS 2800-2835

### NATURAL COMMUNITY CONSERVATION PLANNING ACT

(Repealed and Added by Statutes 2002, Amended by Statutes 2003)

2800. This chapter shall be known, and may be cited, as the **Natural Community Conservation Planning Act**.

2801. The Legislature finds and declares all of the following:

(a) The continuing population growth in California will result in increasing demands for dwindling natural resources and result in the continuing decline of the state's wildlife.

(b) There is a need for broad-based planning to provide for effective protection and conservation of the state's wildlife heritage while continuing to allow appropriate development and growth.

(c) Natural community conservation planning is an effective tool in protecting California's natural diversity while reducing conflicts between protection of the state's wildlife heritage and reasonable use of natural resources for economic development.

(d) Natural community conservation planning promotes coordination and cooperation among public agencies, landowners, and other private interests, provides a mechanism by which landowners and development proponents can effectively address cumulative impact concerns, promotes conservation of unfragmented habitat areas, promotes multispecies and multihabitat management and conservation, provides one option for identifying and ensuring appropriate mitigation that is roughly proportional to impacts on fish and wildlife, and promotes the conservation of broad-based natural communities and species diversity.

(e) Natural community conservation planning can provide for efficient use and protection of natural and economic resources while promoting greater sensitivity to important elements of the state's critical natural diversity.

(f) Natural community conservation planning is a voluntary and effective planning process that can facilitate early coordination to protect the interests of the state, the federal government, and local public agencies, landowners, and other private parties.

(g) Natural community conservation planning is a mechanism that can provide an early planning framework for proposed development projects within the planning area in order to avoid, minimize, and compensate for project impacts to wildlife.

(h) Natural community conservation planning is consistent with, and will support, the fish and wildlife management activities of the department in its role as the trustee for fish and wildlife within the state.

(i) The purpose of natural community conservation planning is to sustain and restore those species and their habitat identified by the department that are necessary to maintain the continued viability of those biological communities impacted by human changes to the landscape.

(j) Natural community conservation planning is a cooperative process that often involves local, state, and federal agencies and the public, including landowners within the plan area. The process should encourage the active participation and support of landowners and others in the conservation and stewardship of natural resources in the plan area during plan development using appropriate measures, including incentives.



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2802. The Legislature further finds and declares that it is the policy of the state to conserve, protect, restore, and enhance natural communities. It is the intent of the Legislature to acquire a fee or less than fee interest in lands consistent with approved natural community conservation plans and to provide assistance with the implementation of those plans.

### **OTHER CALIFORNIA FISH AND GAME CODE SECTIONS**

86. "Take" means hunt, pursue, catch, capture, or kill, or attempt to hunt, pursue, catch, capture, or kill.

3503. It is unlawful to take, possess, or needlessly destroy the nest or eggs of any bird, except as otherwise provided by this code or any regulation made pursuant thereto.

3503.5. It is unlawful to take, possess, or destroy any birds in the orders Falconiformes or Strigiformes (birds-of-prey) or to take, possess, or destroy the nest or eggs of any such bird except as otherwise provided by this code or any regulation adopted pursuant thereto.

3513. It is unlawful to take or possess any migratory nongame bird as designated in the Migratory Bird Treaty Act or any part of such migratory nongame bird except as provided by rules and regulations adopted by the Secretary of the Interior under provisions of the Migratory Bird Treaty Act.

### **CALIFORNIA CODE OF REGULATIONS**

#### **TITLE 14. NATURAL RESOURCES DIVISION**

#### **1. FISH AND GAME COMMISSION - DEPARTMENT OF FISH AND GAME SUBDIVISION**

#### **2. GAME AND FURBEARERS**

#### **CHAPTER 1. GENERAL PROVISIONS AND DEFINITIONS**

251.1. Harassment of Animals.

Except as otherwise authorized in these regulations or in the Fish and Game Code, no person shall harass, herd or drive any game or nongame bird or mammal or furbearing mammal. For the purposes of this section, harass is defined as an intentional act which disrupts an animal's normal behavior patterns, which includes, but is not limited to, breeding, feeding or sheltering. This section does not apply to a landowner or tenant who drives or herds birds or mammals for the purpose of preventing damage to private or public property, including aquaculture and agriculture crops.



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## Attachment B

### **Policies Adopted by the California Fish and Game Commission Pursuant to Section 703 of the Fish and Game Code**

#### **RAPTORS**

It is the policy of the Fish and Game Commission to:

I. Recognize that raptors, including vultures, hawks, eagles, falcons, kites, ospreys and owls, are part of California's native fauna, are integral to their ecosystems, and have intrinsic, ecological, scientific, educational, economic and recreational values.

II. It is the intent of the Commission to insure that raptor populations and their habitats shall be identified, monitored, maintained, restored and enhanced through research, management and protection by the Department and to insure that the utilization of or impacts to any population of raptor species will not contribute to its depletion in the wild.

In instances where depredation by raptors occurs, reasonable measures shall be taken by the landowner to protect his/her property before permission may be obtained to take depredating animals as authorized by federal law. However, taking of endangered or threatened species and the indiscriminate take of raptors shall not be permitted.

The Commission recognizes falconry, as authorized in the Fish and Game Code, as a legitimate use of this wildlife resource. The Commission recognizes that captive raptor breeding programs may be an important management tool in the re-establishment of endangered or threatened species in the wild.

Species found to be endangered or threatened shall receive maximum protection and management effort to ensure their survival.

(Amended 12/3/93)

#### **COOPERATION**

It is the policy of the Fish and Game Commission to:

The Commission, its staff, and the Department shall cooperate with local, state and federal agencies and with all interested persons, groups or organizations in every way to further the aims and purposes of fish and game conservation, preservation, propagation, protection, management, and administration. To this end, agreements may be entered into with such agencies, groups or persons when authorized by law.



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## **ENDANGERED AND THREATENED SPECIES**

It is the policy of the Fish and Game Commission to:

Protect and preserve all native species of fishes, amphibians, reptiles, birds, mammals, invertebrates and plants, and their habitats, threatened with extinction; or those experiencing a significant decline which, if not halted, would lead to a threatened or endangered designation. The Department will work with all interested persons, agencies and organizations to protect and preserve such sensitive resources and their habitats.

## **LAND USE PLANNING**

It is the policy of the Fish and Game Commission that:

The preservation, protection and restoration of fish and wildlife resources within the State is of significant public interest and is inseparable from the need to acquire, preserve, protect and restore fish and wildlife habitat to the highest possible level, and to maintain in a state of high productivity those areas that can be most successfully used to sustain fish and wildlife and which will provide appropriate consumptive and nonconsumptive public use. To carry out these purposes, it is essential that a comprehensive program be implemented by the Department to assure that there will be close coordination with state, federal and local planning agencies, including county boards of supervisors and other decision-making entities in the formulation and implementation of any plans including, but not limited to, county general plans and any modifications to such plans, which may impact fish or wildlife.

I. Commensurate with this policy, the Commission recognizes that:

- A. The land resources of the state provide an essential habitat component necessary for the annual renewability and well-being of the state's fish and wildlife resources;
- B. The land resources are a limited resource subject to increasing demands;
- C. Conservation, efficient planning and implementation of various land uses are necessary to meet the competing needs of urban communities, industry, agriculture, recreation, and fish and wildlife; and
- D. There is a need for the Department to provide timely consultation with Federal, State and local governments and agencies on land use planning and projects with a view toward resolving conflicts with the Department management plans, programs and other responsibilities.
- E. Locally developed regional landscape conservation planning is a forward-looking method which can provide early resolution of land use/wildlife resource protection conflicts and lead to the



## California Department of Fish and Game

preservation of essential wildlife habitat while allowing for appropriate growth and economic development.

II. To provide maximum protection and enhancement of fish and wildlife, the Department shall:

A. Promote the development of regional conservation planning at the ecosystem level through active participation in the local development of regional Natural Community Conservation Planning (NCCP) and other forward-looking multiple habitat conservation planning efforts.

B. Review, coordinate and provide comments and recommendations on federal, state, local general plans, special plans and proposed projects as appropriate, including the conservation and land use elements adopted by local government pursuant to provisions of Section 65300 et seq., of the Government Code for the purpose of determining the consistency of such plans with Commission policies, and the goals and objectives of the Department's management plans, programs and other responsibilities for the state's fish and wildlife resources. An initial review of local general plans will be completed by January 1986;

C. Carry out subsequent reviews of general and special plans and proposed projects and provide appropriate comments and recommendations to the affected federal, state and local government or agency, as needed to assure such plans remain consistent with the Commission's policies and the Department's management plans, programs and other responsibilities;

D. Notify the Commission prior to adoption, if possible, but as soon as feasible, when a federal, state or local general or special plan, or a proposed project authorized by such a plan, is determined to be in conflict with Commission policy or the Department's management plans and programs, and would have a significant adverse impact on fish or wildlife resources. In the case of local agency plans or special projects where changes are made late in the review and comment period or at an adoption hearing, notification of the Commission will be within 30 days following the receipt by the Department of the text of the approved plan or project;

E. Provide to the Commission as soon as feasible, the Department's remedial action or actions for responding to such findings and determinations or the Department's reasons for finding that no remedial action is necessary. In the case of local agency plans or special projects, notification of the Commission will be within 30 days following the receipt by the Department of the text of the approved plan or project;

F. Participate in the local land use planning process and project review implemented in connection with the requirements of Section 21,000, et seq., of the Public Resources Code, for the purpose of conserving and protecting fish or wildlife habitat consistent with the Department's management plans, programs and other responsibilities;

G. Oppose the adoption of plans or portions of plans for land use or approval of proposed projects if, after following diligent efforts to resolve issues affecting fish and wildlife resources, the Department finds that such actions are not consistent with the Department's management plans, programs and other responsibilities and will result in significant losses to fish and wildlife resources.



# California Department of Fish and Game

## **MANAGEMENT AND UTILIZATION OF FISH AND WILDLIFE ON FEDERAL LANDS**

It is the policy of the Fish and Game Commission that:

The Department manage and protect all fish and wildlife and threatened or endangered native plants within the state's jurisdiction on lands administered by the federal government in accordance with the laws of this state and regulations adopted pursuant thereto. This policy will not extend to lands over which the state has ceded exclusive jurisdiction nor to the right of the federal government to manage habitat and control access in its proprietary capacity. Management and protection of migratory fish and wildlife will be coordinated between the Department and the federal government on all lands under federal jurisdiction, if appropriate. It is recognized that the federal government has the right under treaty to regulate migratory, endangered and threatened species, and marine mammals under the appropriate Federal Statutes.

## **MANAGEMENT AND UTILIZATION OF FISH AND WILDLIFE ON PRIVATE LANDS**

It is the policy of the Fish and Game Commission that:

### **I. Program Assistance**

The owners or tenants of privately owned lands shall be actively encouraged to propagate, conserve, and promote the wise use of fish and wildlife populations on their lands, consistent with other reasonable uses. The Department shall, whenever possible, provide interested persons with guidance and information on programs for developing and employing management techniques to effect such purposes and which will protect and enhance native wildlife or vegetation, even though access to such private lands is subject to the owner's or tenant's control.

The Department, before processing any application for a license for a new Private Lands Wildlife Habitat Enhancement and Management Area (herein referred to as a Private Wildlife Management Area), shall determine that:

(a) The applicant has sent a copy of the application, by certified mail, to each adjoining landowner; and

(b) The applicant has published a notice in a paper of general circulation in the area affected. Such notice shall include: the applicant's name; the name of the Private Wildlife Management Area; the total acreage and its location by county, section, township, and range; the species to be taken; and the proposed seasons. That notice shall also specify that comments regarding the application should be sent to the Department of Fish and Game, Wildlife Management Division, 1416 Ninth Street, Sacramento, California 95814, within 15 days of the notice publication date.



# California Department of Fish and Game

## RESEARCH

It is the policy of the Fish and Game Commission that:

I. Research, including the investigation of disease, shall be performed to provide scientific and management data necessary to promote the protection, propagation, conservation, management or administration of fish and wildlife resources of this state when such data is not available by other means.

II. Whenever possible and advantageous, the services of the University of California or other academic or research institutions, or federal, state or local agencies shall be used.

III. The Department shall review the following information, which must be clearly stated in any proposed research programs: (a) goals and objectives of proposed research, including benefits to be derived from such research; (b) pertinent background information, including a literature review which supports this research; (c) experimental design, including methods of data collection and analysis; (d) estimated cost of program; (e) its estimated duration; and (f) how results will be presented to the Department. The provisions of this paragraph shall not extend to emergency investigations of disease.

IV. The Department shall report regularly to the Commission on the status of major research programs in progress.

(Amended 6/16/94)

# LETTER #PUB I I

**From:** [Greg West](#)  
**To:** [Mark Jane](#)  
**Subject:** Cottle Park EIR Inputs  
**Date:** Friday, October 29, 2010 4:53:54 PM

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Jane,

Per my comments at the meeting on 9/22 and our phone call this afternoon, here is a summary of my comments on the EIR:

Page 3-25: There is no mention of the widening of Branham Lane, only the extension of the left turn pocket from Branham onto Snell. (I did find mention of the widening of Branham much later in the EIR on page 4-12.53)

Page 3-29: Will the building of trails be delayed by Williamson Act constraints?

Page 4.1-12: I want to be sure that the intent of roadways is automobile access to the park and not automobile transit through the park - for instance, if a parking lot were to connect the eastern end of Chynoweth on the west side of the park with the western end of Chynoweth on the east side of the park, people may use that as a Chynoweth thoroughfare.

Page 4.5-10: Would the "Protection of Foliage" ordinance prevent farmers from harvesting their crops?

Page 4.6-20: The estimated visitors of 2683 on weekdays and 4610 on weekend days sounds extremely ambitious.

Page 4.6-21: This section talks about traffic impacts. Is it valid to subtract the impact of what people would otherwise be doing from these impacts?

Page 4.6.24: 86 County and non-county staff employed at the project site also sounds extremely ambitious.

Page 4.6-32: Will any of the mitigations need to be re-evaluated if Prop 32 passes?

Page 4.7-19: Were any archaeological deposits found during the construction of the adjacent neighborhoods? This may give some insight to the probability of finds on the site.

Page 4.12-35: Weekday and weekend day trip estimates seem consistent with visitor estimates.

Greg West

# LETTER #MTGI

## Martial Cottle Park State Park General Plan/County Park Master Plan September 22, 2010 Community Workshop # 5 / Public Meeting on Draft EIR Comments

Thank you for attending tonight's meeting. The purpose of the meeting is to brief local residents and other stakeholders on the status of the Martial Cottle Park State Park General Plan/County Park Master Plan ("Park Plan") project, provide an overview of the environmental review process, summarize the Draft Environmental Impact Report (EIR), and hear your comments about the EIR.

Your comments and/or questions are important. In order to ensure that all verbal comments/questions are accounted for, we ask that you summarize them in writing below. Following the meeting, you may also mail or email written comments/questions to the County Parks and Recreation Department at the addresses shown below. Thank you!

Name (please print): JUDY EURITE Organization/Business/Self: COLONY GREEN HOA  
Address: 5466 Colony Green Dr City: San Jose State: CA Zip: 95123  
Phone: 408-227-1296 Fax: \_\_\_\_\_ Email: jazae@sbcglobal.net  
How did you hear about this public meeting? notice mailed to me

### COMMENTS / QUESTIONS:

Our property (HOA) borders Canoas Creek -  
so we already have some issues with the  
creek and are concerned that "enhancing"  
the creek along our property without  
'shoring' up the bank along our area/border  
will cause more problems (ground movement  
and/or erosion).

Mail or E-mail written comments until **October 22, 2010** to:  
County of Santa Clara Parks and Recreation Department  
Attn. Jane Mark, AICP, Senior Planner  
298 Garden Hill Drive  
Los Gatos, CA 95032  
[Jane.mark@prk.sccgov.org](mailto:Jane.mark@prk.sccgov.org)

**LETTER #MTG2**

**Martial Cottle Park State Park General Plan/County Park Master Plan  
September 22, 2010  
Community Workshop # 5 / Public Meeting on Draft EIR  
Comments**

Thank you for attending tonight's meeting. The purpose of the meeting is to brief local residents and other stakeholders on the status of the Martial Cottle Park State Park General Plan/County Park Master Plan ("Park Plan") project, provide an overview of the environmental review process, summarize the Draft Environmental Impact Report (EIR), and hear your comments about the EIR.

Your comments and/or questions are important. In order to ensure that all verbal comments/questions are accounted for, we ask that you summarize them in writing below. Following the meeting, you may also mail or email written comments/questions to the County Parks and Recreation Department at the addresses shown below. Thank you!

Name (please print): Kathy Norstrom Organization/Business/Self: Santa Clara County Parks Volunteer (coordinating since)

Address: \_\_\_\_\_ City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Phone: 408-269-6541 Fax: \_\_\_\_\_ Email: NAGCPARKIT@AOL.COM

How did you hear about this public meeting? Notified - E-Mail - Slow Mail - phone calls

**COMMENTS / QUESTIONS:**

\* Indian Graves during construction - how <sup>responding to the</sup> ~~will they~~ impact.  
- What will you do? -

\* HORSES - Animals - Not mentioned - as requested by Mr. Lester. impact on environment?

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Mail or E-mail written comments until **October 22, 2010** to:  
County of Santa Clara Parks and Recreation Department  
Attn. Jane Mark, AICP, Senior Planner  
298 Garden Hill Drive  
Los Gatos, CA 95032  
[Jane.mark@prk.sccgov.org](mailto:Jane.mark@prk.sccgov.org)



# MARTIAL COTTLE PARK MASTER PLAN

*A collaborative planning project  
between  
California State Parks & Recreation Department  
and Santa Clara County Parks & Recreation Department*



***Do you have a comment?***

Please mail or FAX your completed comment form to:  
Santa Clara County Parks & Recreation Department  
Attn: Jane Mark, Senior Planner  
298 Garden Hill Drive  
Los Gatos, California 95032  
DIRECT: (408) 355-2237  
FAX: (408) 355-2290  
Or e-mail your comments to: [Jane.mark@prk.sccgov.org](mailto:Jane.mark@prk.sccgov.org)

Please Check	General Area of Interest / Comment	Comments
<input type="radio"/>	<b>Donor's Vision for Martial Cottle Park</b>	<i>Mr. Lester requested horses on the Property! I can't find reference to this!</i>
<input type="radio"/>	<b>General Planning Process</b>	
<input type="radio"/>	<b>Specific Interests</b>	<i>Equestrian use</i>
<input type="radio"/>	<b>Specific Management Concerns</b>	<i>Providing animal sloping + protection</i>
<input type="radio"/>	<b>Questions about State-County park property</b>	
<input type="radio"/>	<b>Other</b>	

Please use the space on the other side of this sheet for additional comments.



## Martial Cottle Park Plan

*A collaborative planning project between  
California State Parks and  
County of Santa Clara Parks & Recreation Department*



Community Workshop #5 / Public Meeting on the Draft EIR

### Speaker Form

If you wish to speak tonight about the Draft Environmental Impact Report, please fill out your name and address.

Name: Shari Kleinhaus

Address: 22221 McClellan Rd, Cupertino ~~95014~~ 95014

e-mail (optional): Sharia@scvas.org

\*Please also fill out and submit a written Comment Form with your questions or concerns so that they may be addressed in the Final Environmental Impact Report.

- ① Habitat enhancement for avian species: cavity nesting (bluebird boxes), Burrowing Owls, Perches for raptors
- ② Mitigation for rodents: by owls/~~day~~ raptors.



# **Martial Cottle Park State Park General Plan/County Park Master Plan**



*A collaborative planning project between  
California State Parks and  
County of Santa Clara Parks & Recreation Department*

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## **Community Workshop #5/ Public Meeting on Draft EIR** September 22, 2010 Draft Meeting Summary

### **Time and Location:**

September 22, 2010, 6:30 pm – 8:30 pm (actual meeting time 6:30 pm – approximately 7:45 pm)  
Gunderson High School, Cafeteria/Forum  
622 Gaundabert Lane  
San Jose, CA 95136

### **Attendance:**

Attendees included representatives and members of the County of Santa Clara Parks and Recreation Department (County Parks), California State Parks, the Task Force, and TAC, as well as members of the public. Approximately 55 individuals attended the workshop. A complete list of meeting attendants is included at the end of this summary.

### **Meeting Summary:**

County Parks held the fifth Community Workshop for the development of the Martial Cottle Park State Park General Plan/County Park Master Plan (the Park Plan) on September 22, 2010 at Gunderson High School. This workshop served as a forum for members of the public to comment on the Draft Environmental Impact Report (EIR), which was released for public review on September 8, 2010.

#### *A. Welcome*

Jane Mark welcomed the attendees to the meeting. Mark acknowledged and thanked individuals and agencies who have helped in preparing the Park Plan and EIR. Mark also acknowledged individuals in attendance at the meeting who have been involved in the process.

#### *B. Overview of the Park Plan*

Mark provided an overview of the Park Plan. Ms. Mark explained the organization and scope of the document, which includes existing conditions, key issues and analysis, purpose and vision, goals and guidelines, design guidelines, and implementation and phasing components. Mark then presented more detailed information and images regarding key aspects of the Park Plan:

- ◆ The conceptual master plan for the Park site shows that the Park would be divided into four management zones: Park and Recreation, Leased Agriculture, Cooperative Management, and Habitat Enhancement.
- ◆ The Plan defines a Park circulation system with primary and secondary vehicular roads as well as multi-use and pedestrian trails.
- ◆ The Plan provides guidelines for the creation of perimeter trails and buffers, which would serve to buffer the Park from adjacent uses.

- ◆ The Plan includes design guidelines that describe the desired character of Park elements. The guidelines are intended to maintain consistency with the historic agricultural character of the Park. Topics addressed include architecture, fencing, planting, visual buffers, parking, and roads.

### *C. Overview of the Environmental Impact Report*

Steve Noack, Principal, DC&E, explained that the California Environmental Quality Act (CEQA) requires certain projects to undergo environmental review, and that an EIR is an informational document intended to disclose potential environmental impacts, identify ways to minimize or avoid impacts, and evaluate alternatives to the project.

Noack provided an overview of the EIR process for the Park Plan. The process began with the issuance of a Notice of Preparation, followed by a 30-day scoping period during which the public helped identify topics/issues to be addressed in the EIR. A public scoping meeting was held for the Park Plan in February, 2010. The environmental review process for the Park Plan was then conducted following the close of the scoping period, and the Draft EIR was released on September 8, 2010. The 45-day public comment period for the Draft EIR will extend until October 22, 2010. Following the close of the public comment period, a Final EIR will be prepared. The County Parks and Recreation Commission, and the Housing, Land Use, Environment, and Transportation Committee of the Board of Supervisors, will review the Final EIR prior to the Board of Supervisors' consideration of the Park Plan and the EIR.

Noack explained the difference between project- and program-level EIRs. Project EIRs are the most common type, and typically examine the impacts of a specific development project. Program EIRs apply to projects that create a series of rules or regulations, such as a General Plan or neighborhood plan. The EIR for Martial Cottle Park provides a project-level review of Phase One components and a program-level review of the subsequent phases and full buildout of the Park.

Noack summarized components of the Park that fall into Phase One vs. subsequent phases of the phased implementation of the Park. Components evaluated in Phase One include the main Park entrance, at least one service/emergency entrance, unpaved service roads, multi-use trails and non-vehicular access points, infrastructure and utility connections, the Visitor Center Complex, five acres of open space, park and agricultural corporation yards, interpretive programs, signage programs, restrooms, repair and upgrade of the existing on-site well, release of the Request for Proposals for farmers, and designated areas and utilities for cooperative partners. The subsequent phase would include components of the Park that were initiated during Phase One and had not been completed; land retained for habitat enhancements, native plant nurseries, and Canoas Creek enhancements; and the multi-use outdoor pavilion.

Noack then provided an overview of the environmental issues addressed in the Draft EIR. The Draft EIR evaluates the following environmental issues: land use, plans, and policies; aesthetics and visual quality; agricultural and forestry resources; air quality; biological resources; climate change; cultural, historical, and archaeological resources; geology and soils; hazardous materials; hydrology and water quality; noise; transportation and circulation; utilities and services; and public services and recreation. The Draft EIR identifies potential impacts in seven areas, including: air quality; biological resources; climate change; cultural, historical, and archaeological resources; hazardous materials; hydrology and water quality; and noise. Noack then summarized each of the impacts identified in the Draft EIR, as well as the mitigation measures proposed for each impact. With the exception of climate change impacts, all impacts would be mitigable to less-than-significant levels.

#### D. EIR Comment Period

Noack and Mark began the public comment period by welcoming attendees to ask questions about the EIR process. Questions pertained to the Water Supply Assessment, sewer services for the Park, green building practices, community gardens, urban horticulture vs. urban forestry, and the types of crops that would be grown in the production agriculture areas. Noack and Mark provided verbal responses to all questions asked, and then opened the meeting for public comment on the EIR. Noack explained that all comments would be recorded and reproduced as part of the Final EIR, and the Final EIR will include written responses to all comments received. Noack and Mark asked that all questions, including those asked orally at the meeting, be submitted in writing so that they can be entered verbatim into the public record. Noack and Mark described the ways in which written comments can be submitted (via the public comment form provided at the meeting, mail, email, or fax).

Public comments and questions on the Draft EIR and the Draft Park Plan received during the public comment period of the meeting included:

- ◆ Will there be a sewer connection to the Park? And would that sewer system be sufficient to address the future Park needs?
- ◆ Will the buildings be developed with solar and other green building techniques?
- ◆ Did an ISA certified arborist help to prepare the Draft EIR?
- ◆ Why does the Park Plan discuss urban forestry rather than urban horticulture?
- ◆ Does the plan address rainwater harvesting?
- ◆ Concern with too many community gardens in San Jose and whether there would be a unique type of gardens that could be developed at the Park.
- ◆ What type of crops will be grown on the property?
- ◆ Concern with rodents traveling across the street to nearby neighborhoods. Is there a plan in place to control subterranean termites, rats, and mice?
- ◆ How does the EIR address horses and other animals on the property?
- ◆ What if Native American burial grounds are discovered, and how is Native American history in the vicinity of the Park addressed? Where in the EIR are these issues addressed?
- ◆ Branham Lane improvements are of concern, including the future buildout of Branham Lane to four lanes and the City's plans for Branham Lane.
- ◆ Will the Williamson Act delay the construction of trails and access roads due to issues regarding compatible uses?
- ◆ Page 108 of the Draft EIR refers to vehicular access *through* the Park – this seems to be mis-stated and a through road would be against community interests.
- ◆ Page 192 refers to flowers and foliage – will farmers be required to obtain permits prior to harvesting?
- ◆ Creek enhancement is of concern, due to bank stabilization issues along Canoas Creek near the Colony Green residential complex located near the southwestern portion of the Park. Colony Green resident expressed concern with any modifications to the creek channel, regarding potential flooding, erosion, building movement, and increased traffic in the neighborhood.

- ◆ The traffic pattern on Snell Avenue is of concern for a resident living directly across from the future Park entrance. Will southbound traffic be permitted to turn left off of Snell Avenue at the Park entrance location? Concern if a signalized intersection is not installed at the Park entrance to facilitate traffic and circulation.
- ◆ Will there be parking along Snell Avenue? Will parking at the Park be free? Concern that Park visitors may not want to pay vehicular entrance fee and would park in the neighborhoods.
- ◆ There is a desire for enhancements for avian species/raptors/burrowing owls, such as providing perches, attracting a pair, and promoting cultural heritage. Suggest leaving some fields fallow and using crop rotation.
- ◆ Birds can provide rodent control, especially if they are on-site prior to ground-disturbing activities.
- ◆ Will organic farming practices be required? There is concern regarding standard farming practices and a preference for organic practices.
- ◆ Does the Draft EIR address soil health and biology? Abundant soil health is important.
- ◆ Organic composting should be considered.
- ◆ Maintenance is important, not just the building process. Long-lasting, durable materials are preferable to wood.
- ◆ What are the impacts of facilities for farming equipment and maintenance of equipment?
- ◆ Several questions regarding the development of the future program for the production agricultural uses at the Park: who will the County Parks Department work with for the development of technical criteria to address the type of crops that would be grown at the Park? When will the County Parks Department release the RFP and the technical criteria for crop recommendations? Will there be sufficient time between the development of the technical criteria for crop selection and the submittal of the RFP proposals?
- ◆ What are the time frames and dates for the remainder steps of the project?
- ◆ Will there be additional public meetings to engage the community following this meeting?

#### *E. Conclusions and Next Steps*

Mark restated that all comments are welcome, and that comments should be submitted in writing and sent before the end of the 45-day public comment period (October 22, 2010). Mark stated that the Park Plan project will be presented to the County Parks and Recreation Commission in November 2010, and that the Final EIR and Park Plan will be brought to the County Board of Supervisors and State Park and Recreation Commission in December 2010 or January 2011.

Mark explained that design development is scheduled to begin in 2011 following the adoption of the Park Plan and certification of the EIR. Design development will be an ongoing process, where the Parks Department will continue to engage the community and residents in the review of the design plans. Once design development and construction documents are prepared, Phase One is anticipated to begin in 2012 and be completed in 2019.

Jane Mark thanked attendees for their comments and explained that this meeting is the last public workshop of this community engagement forum in the Park planning process. However, future public meetings will be

held during the design development portion of the process, and the community is invited to participate in that process.

Written comments on the Draft EIR can be submitted to:

Mail: Jane Mark  
298 Garden Hill Drive  
Los Gatos, GA 95032  
Email: [Jane.Mark@prk.sccgov.org](mailto:Jane.Mark@prk.sccgov.org)  
Fax: (408) 355-2290

**Meeting Attendees:**

County Parks

Jim O' Connor  
Eric Goodrich  
Kimberly Brosseau  
Debbie Cedillo  
Jane Mark

California State Parks

Ellie Wagner, General Planning Division  
Eddie Guaracha, Gavilan Sector

Task Force Committee

Adina Pierce  
Charlie Friedericks  
Frances Herbert  
Frank Giordano  
Greg West  
John Gibbs  
Kevin O' Day  
Laura Monczynski  
Marilyn Rodgers  
Virginia Holtz

Technical Advisory Committee

Dave Mitchell  
Hans Toensfeldt

Members of the Public

Mike Morales  
Art Rizzi  
Sheila Rizzi  
Doreen Morgan  
George Ruel  
Kitty Monahan  
Kathryn Mathewson  
Mariah Dabel  
Tony King  
Nancy Bernardi  
Alex Fall  
Jeri Arstingstall  
Luanne Behringer  
E.R. Colby  
Shani Kleinhaus

Glen Harada  
Yolanda Reynolds  
Steve Blomquist  
Brian McGovern  
Roberta Ohlson  
Chris Ohlson  
Sharon Luongo  
Mike Black  
Alex Black  
Matthew Corbets  
Ronald Horii  
Mary Bartlett  
Kathy Mulder  
Robert Glicksman  
Frank Lettieri  
Miguel Carrillo  
Mike Wasserman  
Bill Johnson  
Omar Ruano  
Heather McGovern  
Judy Elrite  
Mark Emery  
Jim Dumanowski