

County of Santa Clara
Parks and Recreation Department

298 Garden Hill Drive
 Los Gatos, California 95032-7669
 (408) 355-2200 FAX 355-2290
 Reservations (408) 355-2201

www.parkhere.org



**FIRST AMENDMENT TO THE INITIAL STUDY/MITIGATED
 NEGATIVE DECLARATION PREPARED FOR THE
 COYOTE CANYON NATURAL RESOURCES MANAGEMENT PLAN
 AND INTERIM ACCESS PLAN**

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| PROJECT TITLE: Coyote Canyon Natural Resources Management Plan & Interim Access Plan | Date: August 13, 2019 |
| Accessor’s Parcel Numbers (APNs): | 865-06-010, -014, -051; 865-07-006, -013, -014, -015, -056; 817-23-006, -009, -012; -018; 817-24-003 |
| Lead Agency Name & Address: | County of Santa Clara 298 Garden Hill Drive Los Gatos, CA 95032 |
| Applicant Name & Address: | County of Santa Clara Department of Parks and Recreation 298 Garden Hill Drive Los Gatos, CA 95032 |
| Owner Name & Address: | County of Santa Clara Department of Parks and Recreation 298 Garden Hill Drive Los Gatos, CA 95032 |

The County of Santa Clara, Parks and Recreation Department (“Department”) is recirculating the Initial Study/Mitigated Negative Declaration (IS/MND) for the Coyote Canyon Natural Resources Management Plan & Interim Access Plan (“Proposed Project”). The IS/MND for the Proposed Project was previously circulated for a 30-day public review period beginning April 30, 2019 and ending May 30, 2019, and was submitted to the California State Clearinghouse (SCH# 2019059009).

During the public review period, the San Francisco Regional Water Quality Board submitted a comment that identified additional potential permitting requirements for portions of trails that may occur in waters of the United States which fall within the jurisdiction of the U.S. Army

Board of Supervisors: Mike Wasserman, Cindy Chavez, Dave Cortese, Susan Ellenberg, S. Joseph Simitian

County Executive: Jeffrey V. Smith



Corps of Engineers (USACE). Although the Department is not obligated to do so, it opted to recirculate a Draft Revised IS/MND for the Proposed Project for a 30-day public review period beginning on August 2, 2019 and ending September 3, 2019 to ensure that USACE has a full opportunity to comment on aspects of the Proposed Project that may implicate waters within USACE's jurisdiction. Any person, agency, or entity may comment during this additional 30-day public review period.

The Department has also made several text edits to the IS/MND that are intended to clarify, amplify, or make minor modifications to these documents. The text edits in the First Amendment do not change any conclusions in the IS/MND or result in any new impacts.

Text changes in the Draft Revised IS/MND are identified below in underline for additions and ~~strikethrough~~ for deletion.

Based on changes to the Draft Revised IS/MND, the Department has also made minor text edits to the Coyote Canyon Natural Resources Management Plan & Interim Management Plan for consistency with the Draft Revised IS/MND and to the Mitigation Monitoring and Reporting Program (MMRP). The Revised Coyote Canyon Natural Resources Management Plan & Interim Management Plan and the revised MMRP are being circulated along with this Draft Revised IS/MND.

TABLE OF CONTENTS

The Table of Contents has been revised to update page numbers based on revisions. The list of acronyms now begins on Page iv and was updated to reflect revisions in the IS/MND.

PROJECT-RELATED APPROVALS, AGREEMENTS AND PERMITS

The IS/MND Project-Related Approvals section has been revised to include additional permits that may be necessary to carry out the project from the U.S. Army Corp of Engineers (USACE) and San Francisco Regional Water Quality Control Board (RWQCB).

The Proposed Project may require approvals, actions, and permits from various public agencies some of which are considered responsible agencies under CEQA.

- California Department of Fish & Wildlife (Responsible Agency):
 - Lake and Streambed Alteration Agreement (~~Responsible Agency~~)
- California Department of Forestry and Fire Protection (CAL FIRE)
- ~~San Francisco Bay Regional Water Quality Control Board: General Permit for Discharges of Storm Water Associated with Construction Activity (Responsible Agency).~~
- San Francisco Bay Regional Water Quality Control Board (Responsible Agency):
 - Clean Water Act Section 401 water quality certification and/or Waste Discharge Requirements pursuant to the Porter-Cologne Water Quality Act
 - General Permit for Discharges of Storm Water Associated with Construction

Activity

- Santa Clara Valley Habitat Agency (Responsible Agency)
 - ~~Santa Clara Valley Habitat Plan (Responsible Agency)~~
- U.S. Army Corps of Engineers (USACE):
 - Clean Water Act Section 404 Permit

FIGURE 2. FOCUS AREA MAP

The IS/MND “Figure 2. Focus Area Map” legend has been revised to correct symbology labels.

- IA Plan Focus Area ~~NRM~~
- NRM Plan Focus Area ~~Santa~~
- Santa Clara County Parks

ENVIRONMENTAL CHECKLIST AND DISCUSSION OF IMPACTS

The IS/MND Environmental Checklist and Discussion of Impacts has been revised to check Mandatory Findings of Significance.

ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED

- | | | |
|---|--|---|
| <input checked="" type="checkbox"/> Aesthetics | <input type="checkbox"/> Agriculture and Forestry Resources | <input checked="" type="checkbox"/> Air Quality |
| <input checked="" type="checkbox"/> Biological Resources | <input checked="" type="checkbox"/> Cultural/ Historical/ Archaeological Resources | <input checked="" type="checkbox"/> Energy |
| <input checked="" type="checkbox"/> Geology / Soils | <input checked="" type="checkbox"/> Greenhouse Gas Emissions | <input checked="" type="checkbox"/> Hazards & Hazardous Materials |
| <input checked="" type="checkbox"/> Hydrology / Water Quality | <input type="checkbox"/> Land Use & Planning | <input type="checkbox"/> Mineral Resources |
| <input checked="" type="checkbox"/> Noise | <input type="checkbox"/> Population / Housing | <input checked="" type="checkbox"/> Public Services |
| <input checked="" type="checkbox"/> Recreation | <input checked="" type="checkbox"/> Transportation / Traffic | <input checked="" type="checkbox"/> Tribal Cultural Resources |
| <input type="checkbox"/> Utilities | <input checked="" type="checkbox"/> <u>Mandatory Findings of Significance</u> | |

ENVIRONMENTAL CHECKLIST SECTION D. BIOLOGICAL RESOURCES

The Section D. Biological Resources impact discussion for questions 5 and 7 has been revised. Question 5 was revised to address potential impacts on wildlife movement under the Proposed Project from existing and new cattle fencing to support the existing grazing operation. Question 7 was revised to identify measures that reduce potential impacts to riparian habitat by cattle grazing.

The checklist for Section D. Biological Resources has been updated to reflect changes to the response of question 5. The checklist has been changed from “No Impact” to “Less than Significant Impact” for question 5. The justification for the change is provided below and has been revised in the Draft Revised IS/MND.

5. The Proposed Project would convert, construct, and maintain up to 10.4 miles of trails for recreational use. The proposed trail alignments would not substantially interfere with the movement of any native resident or migratory fish or wildlife species or impede the use of native wildlife nursery sites. **(No Impact)**

Cattle grazing currently occurs throughout the Property and is known to have occurred prior to Department ownership since at least the 1950s. The Department inherited a substantial amount of cattle fencing that supported a full-time grazing operation, with the types and locations of fencing determined by previous owners or grazing operators. Most of the existing fencing on the Property is four- and five-strand barbed wire.

The Department’s five-strand barbed wire fence design standard is intended to meet the legal requirements of California Livestock Law, California Food and Agriculture Code § 17121 of a “lawful fence.” The purpose of barbed wire along the top and bottom strands is to maintain the integrity of fences by discouraging cattle contact with the fence and to keep small cattle (calves) from pushing under the lowest strand. Grazing operations on the Property are almost exclusively cow-calf operations, therefore the presence of calves is an important consideration for keeping cattle within a pasture or property. Public safety is the primary concern with boundary fencing the Property borders rural roads. The integrity of interior fencing is also important since free cattle movement between pastures can impact natural resource management goals by compromising rotational grazing plans for sensitive species management or fuel reduction.

The Department will integrate wildlife-friendly fencing into the existing fencing infrastructure where public safety objectives can still be met in strategic locations where wildlife are observed or would be expected to cross the fence, such as riparian corridors, water bodies, or game trails. Wildlife-friendly designs may be modified based on unique field conditions or reevaluated if the Department experiences cattle escapes along portions of wildlife friendly fencing.

Most of the existing cattle fencing on the Property has been in place for many years. Biological surveys conducted for the purpose of developing the Natural Resources Management Plan indicated that this fencing has not adversely impacted the high diversity of plants and animals that occur on the Property. Given the high occurrence of plants and animals on the property with the existing cattle fencing, and the Department’s intent to install wildlife-friendly fencing when

feasible, management of the Property under the Proposed Project would result in less than significant impacts on the movement native wildlife species. (Less than Significant Impact)

7. As discussed above, there are several smaller perennial and intermittent streams and drainages throughout the Property. The trail alignment identified under the Proposed Project could pass through streams and riparian habitat under the potential jurisdiction of ~~the California Department of Fish and Wildlife~~ Federal and State agencies. Detailed discussion on potential permits, implementation measures, and mitigation measures is provided in Section J, Hydrology and Water Quality.

The trail alignment was designed to avoid streams to the maximum extent practicable to preserve natural resources and reduce future maintenance requirements. Stream crossings would consist primarily of rock fords but could include culverts or bridges depending on the steepness of stream banks or persistent stream flow. For riparian areas, ~~a Lake and Streambed Alteration Agreement~~ all potential applicable permits would be obtained prior to construction. Potential permanent and temporary impacts to riparian habitat would be addressed through the SCVHP.

Cattle grazing currently occurs throughout the Property and is known to have occurred prior to Department ownership since at least the 1950s. Grazing operations will continue on the Property as identified in the NRM Plan & IA Plan. Recommendations from Table 8 of the NRM Plan & IA Plan will be implemented to avoid impacts to riparian habitat, including repairing or replacing existing fencing along streams on the Property to exclude cattle, particularly along Coyote Creek. The Department will also construct new troughs outside of stockponds or riparian areas to provide an alternate source of water and deter cattle from using natural water sources where possible, as identified in Table 8 and Section 4.1.4 of the NRM Plan & IA Plan. The Department will continue to implement adaptive management strategies, including managed grazing, reconnaissance surveys, and invasive plant control, to maintain and enhance conditions for natural resources on the Property.

Compliance with conditions of ~~the Lake and Streambed Alteration Agreement~~ applicable regulatory permits and the SCVHP, in addition to cattle exclusion fencing identified in the NRM Plan & IA Plan, would result in less than significant impacts to riparian areas. **(Less than Significant Impact)**

ENVIRONMENTAL CHECKLIST SECTION E. **CULTURAL/HISTORICAL/ARCHAEOLOGICAL RESOURCES**

The Department conducted a Northwest Information Center (NWIC) of the California Historical Resources Information System (CHRIS) request on June 14, 2019 for the Coyote Canyon Property. This request was originally listed in the IS/MND and Mitigation Monitoring Report Plan (MMRP) as mitigation measure (MM) CUL – 3. The Section E.

Cultural/Historical/Archaeological Resources discussion and impact discussion for questions 5 and 6 have been revised to include nonconfidential cultural resources information based on a Cultural Resource Evaluation. The IS/MND and MMRP were also updated to remove MM CUL – 3.

Archaeological Resources

On June 14, 2019, a Cultural Resource Evaluation was conducted for the Property, as well as a 0.50-mile radius outside of Property boundaries, through the Northwest Information Center (NWIC) of the California Historical Resources Information System (CHRIS), affiliated with Sonoma State University. All records of identified archaeological resources and all archaeological resources reports were reviewed. No known archaeological resources are located within the Property.

~~A Cultural Resource Evaluation conducted for the Coyote Lake—Harvey Bear Ranch Master Plan Project found no known archaeological resources located in the northern area of the park or adjacent to the northern boundary which is the location of the Project site. A major waterway, Coyote Creek, runs from south to north through the Project site. Based upon the proximity to Coyote Creek, there is a high potential for prehistoric archaeological deposits and unknown tribal cultural materials within the Project area.~~

Historical Resources

The two-story Achille's barn (historically known as the Fountain Oaks Horse Barn) located off Carey Avenue on the far western portion of the Property, was built in 1927 and is in a state of advanced deterioration. However, it does maintain a high level of historic integrity and retains its underlying early 20th century residential scale and feeling. Since its construction, the structure has not been significantly altered.

5-6. Ground-disturbing activities are associated with the Proposed Project and may disturb an unknown historical or archaeological resource. On November 20, 2018, a request was sent to the Native American Heritage Commission to 1) identify any areas of concern within the Property that may be listed in their Sacred Lands Files and 2) provide a list of Native American representatives who may have additional information regarding potential tribal cultural resources on the Project site. On November 27, 2018, a response was received from NAHC indicating that no sacred sites were identified on the Coyote Canyon Property.

As described previously, a Cultural Resource Evaluation was conducted for the Property, as well as a 0.50-mile radius outside of the Property boundaries, through the NWIC of CHRIS, affiliated with Sonoma State University. All records of identified archaeological resources and all archaeological resources reports were reviewed. No known archaeological resources are located within the Property.

Mitigation Measures: Implementation of the following mitigation measure would reduce and/or avoid impacts to unknown historical or archaeological resources to a less than significant level.

~~**MM-CUL-3** Prior to construction of new trails, a search and review of the archival records of the State historical resources records (Northwest Information Center) will be conducted to determine if there are any recorded or potential archaeological, cultural, or historical resources located within or adjacent to the Project site including along the proposed trail alignment. Should potential archaeological, cultural or historical resources be identified within the Project site or along the trail alignment, the Department will consult with a qualified archaeologist and may conduct a reconnaissance level/pedestrian survey.~~

Implementation of MM CUL-1 and ~~MM CUL-3~~ would reduce and/or avoid impacts to unknown historical or archaeological resources to a less than significant level. **(Less Than Significant Impact with Mitigation Measures Incorporated in the Project)**

To address the deletion of MM CUL -3, the summarized mitigation discussion at the end of the Cultural Resources section was revised.

MITIGATION: Mitigation is addressed through MM CUL-1 and MM CUL-2 through ~~MM CUL-3~~ above.

ENVIRONMENTAL CHECKLIST SECTION I. HAZARDS AND HAZARDOUS MATERIALS

The Section I. Hazards and Hazardous Materials impact discussion for questions 6 and 16 has been revised. Question 6 was revised to clarify the measures taken under the Proposed Project to reduce wildlife risk for public users and adjacent landowners. Question 16 was revised to clarify that there will be no increased fire hazard from the Proposed Project.

6. The Property is located within an area with high wildfire hazard potential. Most of Santa Clara County Parks lands are located within the SRA and the Department implements SRA standards for defensible space vegetation clearance around structures. The Department operates under a Memorandum of Understanding (MOU) with CAL FIRE that requires Department staff to implement fire prevention practices (i.e., checking fire forecast conditions, monitoring

weather, and having fire suppression equipment on-hand) to reduce the chance of accidental ignition during vegetation maintenance operations. Under high fire danger conditions, all activities with a risk of wildfire initiation are halted.

The Proposed Project is designed to reduce fire risk by managing and surveying grassland vegetation, including grasslands adjacent to residential areas. The current infrastructure for grazing includes seven fenced pastures equipped with water troughs and several spring-fed, manmade stockponds that support a full-time grazing operation. The Coyote Canyon NRM Plan would continue grazing efforts on the Property and provide adaptive management strategies to reduce the risk of wildland fire ~~based on levels of residual dry matter (RDM²).~~ by:

- Keeping fuel loads lower than typical grazing standards (at or below 500 pounds/acre of residual dry matter (RDM));
- Concentrating grazing within 200-500 feet of residential developments for the purposed of wildfire risk reduction;
- Strategically locating salt and nutrient supplements and water troughs to meet RDM targets; and
- Surveying in late March of each year to assess grazing performance and adjust grazing management to meet RDM goals for wildfire risk reduction.

Footnote 2 was also removed.

²~~RDM measurement is used by land management agencies in California for assessing the level of grazing use on annual rangelands. RDM refers to the old plant material remaining at the beginning of a new growing season. The performance standard for grazing is to reduce RDM to 600 to 1,000 pounds per acre (equivalent to average stubble heights of approximately four to six inches) to reduce the risk of fire and protect rangeland health.~~

16. The Project site is located within a high fire hazard severity zone, but the Proposed Project will not exacerbate existing wildfire risks for residents. The Proposed Project includes limited public access. No new day use areas or permitted use of barbeques or fire pits are proposed. Smoking is not permitted in any County Park. The Property will be patrolled frequently by Department operations and maintenance staff. ~~;~~ ~~however, the e~~ Completion of the proposed trail alignments would not increase fire risk as trails may be used as fire breaks during emergencies. Existing and proposed double-track trails and service roads would be accessible to emergency vehicles. The Proposed Project would reduce, manage, and survey vegetation adjacent to residential areas to reduce fire risk. As discussed above, the Proposed Project would implement the strategies identified in the Plan and adhere to Department standards and policies to reduce wildland fire risk. **(Less than Significant Impact)**

ENVIRONMENTAL CHECKLIST SECTION J. HYDROLOGY AND WATER QUALITY

The Section J. Hydrology and Water Quality impact discussion for questions 3 and 4 were revised to clarify conditions of the Santa Clara Valley Habitat Plan (SCVHP) where it applies to jurisdictional waters and include MM HYD -1.

The checklist for Section J. Hydrology and Water Quality has been updated to reflect changes to the response of questions 3,4. The checklist has been changed from “Less than Significant Impact” to “Less than Significant Impact with Mitigation Incorporated.” The justification for the change is provided below and has been revised in the Draft Revised IS/MND.

3,4. The Property does include watercourses such as tertiary streams and Coyote Creek; however, the Proposed Project would not substantially alter the existing drainage of the site. The Proposed Project would include construction of minor drainage and erosion control improvements, including culverts and surface improvements, as necessary, along the trail alignments.

There are smaller perennial and intermittent streams and drainages throughout the Property. The trail alignment identified under the Proposed Project could pass through streams and riparian habitat that are under the jurisdiction of the California Department of Fish and Wildlife (CDFW), San Francisco Bay Regional Water Quality Control Board, and/or USACE. The trail alignment was designed to avoid streams to the maximum extent practicable to preserve natural resources and reduce future maintenance requirements. Stream crossings would consist primarily of rock fords but could include culverts or bridges depending on the steepness of stream banks or persistent stream flow.

For watercourses and riparian habitat, the Department will consult with permitting agencies to determine if permits are required for stream crossings under the Proposed Project. If stream crossings are determined to be waters of the United States, the Department will obtain all required Clean Water Act (CWA) Section 404 permits, subject to USACE review, and CWA Section 401 permits, subject to RWQCB review, prior to constructing such stream crossings. If work is proposed in a stream that is outside of federal jurisdiction but within waters of the State, the Department will submit Waste Discharge Requirements to the RWQCB, pursuant to the Porter-Cologne Water Quality Act, and enter into a Lake and Streambed Alteration Agreement, subject to review by CDFW, ~~would be obtained~~ prior to construction. The Department will obtain all other required permits before commencing work.

As discussed in Section D, Biological Resources of this Initial Study, the Proposed Project is a covered activity under the SCVHP, and coverage will be sought prior to implementing the Proposed Project. Section 6.3 of the SCVHP requires that all covered activities that include work in waters of the United States obtain applicable permits (e.g., CWA Section 404 and CWA Section 401) from the USACE and the Regional Water Quality Control Board. In addition, any covered activities in waters or wetlands of the State, which may also include waters of the United States, are required to obtain a waste discharge requirement from the Regional Water Quality Control Board and enter into a lake and streambed alteration agreement with the California Department of Fish and Wildlife. Since the Proposed Project would include activities in streams

and riparian areas, mitigation measures would be implemented to avoid and mitigate potential impacts.

Mitigation Measures: The Proposed Project would implement the following mitigation measure to reduce or avoid impacts to streams from altering existing drainage patterns:

MM HYD -1 The Proposed Project will comply with all conditions of applicable permits, as well as any additional avoidance and minimization requirements of the SCVHP. Stream crossings will be consistent with SCVHP Condition 4, Stream Avoidance and Minimization for In-Stream Projects, which applies to work in the streambed, banks, and riparian corridor. Condition 4 requires in-stream projects be designed to minimize temporary and permanent impacts on stream morphology, habitats, and flow conditions. The Proposed Project will implement the avoidance and minimization measures to address construction staging, dewatering, sediment management, vegetation management, bank protection, drainage, trail construction, and ground disturbance identified in Table 6-2 of the SCVHP. In addition, the Proposed Project will be consistent with portions of Condition 9, Prepare and Implement a Recreation Plan, that are applicable to stream crossings for recreational trails. Avoidance measures will include designing trails with the smallest footprint necessary to cross in-stream areas, crossing streams perpendicular to the channel, and minimizing pruning, brushing, or tree removal in riparian habitat.

~~Potential permanent and temporary impacts to watercourses would be addressed through the SCVHP. Compliance with conditions of the Lake and Streambed Alteration Agreement permits identified above and the SCVHP would result in less than significant impacts to riparian areas. (Less Than Significant Impact with Mitigated Measures Incorporated in the Project)~~

ENVIRONMENTAL CHECKLIST SECTION Q. **TRANSPORTATION/TRAFFIC**

The Section Q. Transportation/Traffic impact discussion for question 5 was revised to clarify emergency access points on the Property.

5. The Proposed Project would convert, construct, and maintain double-track trail alignments to provide adequate emergency access to the site. There are five access points available for emergency vehicle access, three connect to service roads, and two begin south of the Property in Coyote Lake-Harvey Bear Ranch County Park. Service roads are accessible from East Dunne Avenue to the north, and Oak Canyon Drive and Carey Avenue to the west. The remaining two access points, Western Flats and Coyote Dam Staging Areas use existing trails built to a double-track standard to access the Property. The term double-track refers to a trail standard where trails are typically 8-10 feet wide and allow users to recreate side-by-side. This type of trail is designed, constructed, and maintained to accommodate multiple users including hikers, bikers,

equestrians, dogs on-leash, and staff and emergency vehicles. Therefore, the Proposed Project would provide adequate emergency access for public use. (Less Than Significant Impact)

ENVIRONMENTAL CHECKLIST: MANDATORY FINDINGS OF SIGNIFICANCE

The IS/MND Mandatory Findings of Significance: Discussion of Environmental Evaluation has been revised to reflect the addition of mitigation measure (MM) HYD -1 in Section J. Hydrology & Water Quality.

a) With the implementation of the mitigation measures included in the Proposed Project and described in biological resources (MM BIO-1 through MM BIO-2), ~~and~~ cultural resources (MM CUL-1 through MM ~~CUL-2~~CUL-3), and hydrology (MM HYD-1) sections (refer to Section D *Biological Resources*, ~~and~~ Section E *Cultural/Historical/Archaeological Resources*, and Section J. *Hydrology & Water Quality*), the Proposed Project would not result in significant adverse environmental impacts.

b) While the Proposed Project could result in disturbances to biological ~~resources~~, ~~and~~ cultural resources, and hydrology and water quality, the mitigation measures identified above would reduce impacts to a less than significant level. Construction implementation practices are included in the Proposed Project and would avoid air quality and hydrology impacts. Implementation of these mitigation measures and construction implementation practices would reduce the impacts of the Project on long-term environmental goals to a less than significant level.

c) Under Section 15065(a)(3) of the CEQA Guidelines, a lead agency shall find that a project may have a significant effect on the environment where there is substantial evidence that the project has potential environmental effects “that are individually limited, but cumulatively considerable.” As defined in Section 15065(a)(3) of the CEQA Guidelines, cumulatively considerable means “that the incremental effects on an individual project are significant when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects.” Using this definition, a project that has no impact in a given impact category cannot have a cumulatively considerable contribution because its contribution is zero.

The Proposed Project~~project~~ evaluated in this Initial Study is limited to the conversion, construction, and maintenance of up to 10.4 miles of trails on the Coyote Canyon Property. Due to the nature of this Proposed Project, many types of impacts that are frequently associated with development projects (e.g., housing, offices, commercial uses, etc.) will not occur. For example, per the analyses found throughout the Environmental Checklist and Discussion of Impacts, the operation of the trail will have no adverse impacts on agricultural lands, air quality, GHGs, hazards and hazardous materials, land use, mineral resources, population and housing, recreation, transportation, and utilities. Therefore, by definition, there would be no cumulative impacts in any of these categories.

Some of the short-term, construction-related, impacts of the Proposed Project~~project~~ (e.g.,

biological resources, cultural resources, and hydrology and water quality ~~cultural resources, and biological resources~~) could combine with those of the other projects being constructed in the area at the same time to become significant. The Proposed Project is a covered activity under the Habitat Plan and potential impacts on natural resources would be within the allowances of impacts within the entire Habitat Plan Permit area. Other approved Projects in the vicinity of Coyote Canyon would be required to incorporate similar measures in accordance with Federal, State, and Local policies and regulations. In this case, however, that outcome would not occur since there are no other projects proposed in the same general area.

As described in Section D. Biological Resources, the Proposed Project ~~project~~ will affect sensitive biological resources in the short-term. These impacts, however, would not result in a cumulatively significant loss of such resources because all projects, including the proposed trail, are required to comply with the “no net loss” policies of various permitting agencies. In addition, mitigation measures ensure construction of the Proposed Project will not harm protected species in the Project site. As a result, the Proposed Project’s contribution to cumulative biological impacts will not be cumulatively considerable.

As described in Section E. Cultural/Historical/Archaeological Resources, the conversion, construction, and maintenance of trails will create short-term ground disturbing activities. Due to such activities, the Proposed Project may impact cultural/historical/archaeological resources. These potential impacts, however, would not result in a cumulatively significant loss of such resources because all projects, including the proposed trail, are required to comply with State Public Resources Code Section 5097.98 and Section 7050.5 of the Health and Safety Code. In addition, mitigation measures ensure construction of the Proposed Project will not harm cultural, historical, or archaeological resources in the Project site. As a result, the Proposed Project’s contribution to cumulative cultural/historical/archaeological impacts will not be cumulatively considerable.

As described in Section J. Hydrology & Water Quality, the conversion and construction of trails may include work in the jurisdiction of the USACE, the San Francisco Regional Water Quality Control Board, and the California Department of Fish and Wildlife. Due to such activities, the Proposed Project could impact hydrology and water quality. These potential impacts, however, would not result in a cumulatively significant loss of such resources because the Proposed Project will comply with all conditions of applicable permits and avoidance and minimization requirements of the SCVHP. In addition, mitigation measures for the Proposed Project will avoid or reduce any impacts to hydrology and water quality during construction. As a result, the Proposed Project’s potential impacts to hydrology and water quality will not be cumulatively considerable.

MITIGATION MONITORING REPORTING PLAN

The Mitigation Monitoring Reporting Plan (MMRP) has been revised to reflect the removal of mitigation measure (MM) CUL -3 and the addition of MM HDY-1.

MM CUL-3

~~Prior to construction of new trails, a search and review of the archival records of the State historical resources records (Northwest Information Center) will be conducted to determine if there are any recorded or potential archaeological, cultural, or historical resources located within or adjacent to the Project site including along the proposed trail alignment. Should potential archaeological, cultural or historical resources be identified within the Project site or along the trail alignment, the Department will consult with a qualified archaeologist and may conduct a reconnaissance level/pedestrian survey.~~

MM HYD -1

The Proposed Project will comply with all conditions of applicable permits, as well as any additional avoidance and minimization requirements of the Santa Clara Valley Habitat Plan (SCVHP). Stream crossings will be consistent with SCVHP Condition 4, Stream Avoidance and Minimization for In-Stream Projects, which applies to work in the streambed, banks, and riparian corridor. Condition 4 requires in-stream projects be designed to minimize temporary and permanent impacts on stream morphology, habitats, and flow conditions. The Proposed Project will implement the avoidance and minimization measures to address construction staging, dewatering, sediment management, vegetation management, bank protection, drainage, trail construction, and ground disturbance identified in Table 6-2 of the Santa Clara Valley Habitat Plan. In addition, the Proposed Project will be consistent with portions of Condition 9, Prepare and Implement a Recreation Plan, that are applicable to stream crossings for recreational trails. Avoidance measures will include designing trails with the smallest footprint necessary to cross in-stream areas, crossing streams perpendicular to the channel, and minimizing pruning, brushing, or tree removal in riparian habitat.