

COASTAL CONSERVANCY

Staff Recommendation
February 14, 2013

**MOUNT UMUNHUM
ENVIRONMENTAL RESTORATION AND PUBLIC ACCESS IMPLEMENTATION**

Project No. 12-036-01
Project Manager: Jeff Melby

RECOMMENDED ACTION: Authorization to disburse up to \$1,000,000 to the Midpeninsula Regional Open Space District to implement environmental restoration and public access improvements at Mount Umunhum in Santa Clara County.

LOCATION: Near the cities of Los Gatos and San Jose, Santa Clara County

PROGRAM CATEGORY: San Francisco Bay Area Conservancy

EXHIBITS

Exhibit 1: [Project Location and Site Maps](#)

Exhibit 2: [Project Photographs](#)

Exhibit 3: Final Environmental Impact Report, including public comments received, and Mitigation Monitoring Plan (provided to Conservancy members as a separate CD and otherwise available for review at http://www.openspace.org/plans_projects/mt_umunhum.asp)

Exhibit 4: [Project Letters](#)

RESOLUTION AND FINDINGS:

Staff recommends that the State Coastal Conservancy adopt the following resolution pursuant to Sections 31160-31165 of the Public Resources Code:

“The State Coastal Conservancy hereby authorizes disbursement of an amount not to exceed one million dollars (\$1,000,000) to the Midpeninsula Regional Open Space District (MROSD) to implement environmental restoration and public access improvements at Mount Umunhum in Santa Clara County, subject to the following conditions:

A. Prior to the disbursement of Conservancy funds for construction, MROSD shall submit for the review and approval of the Executive Officer of the Conservancy:

1. Evidence that the MROSD has obtained all necessary permits and approvals

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2. A signing plan acknowledging Conservancy participation and identifying the trail to the summit of Mount Umunhum as part of the San Francisco Bay Area Ridge Trail system, as applicable
3. A final work plan (including the names of any contractors to be used in the completion of the project), a project schedule and budget.

B. MROSD shall comply with the following conditions in implementing the project:

1. MSROD shall implement or cause to be implemented the applicable mitigation, monitoring and reporting measures contained in the Mitigation Monitoring Plan, adopted on October 17, 2012 and attached to the accompanying staff recommendation as Exhibit 3.
2. MSROD shall enter into an agreement with the Conservancy sufficient to protect the public interest in the project and to provide public access to the project site.”

Staff further recommends that the Conservancy adopt the following findings:

“Based on the accompanying staff report and attached exhibits, the State Coastal Conservancy hereby finds that:

1. The proposed project is consistent with the current Project Selection Criteria and Guidelines.
2. The proposed project is consistent with the authority of the Conservancy under Public Resources Code Sections 31160-31165 regarding projects of the San Francisco Bay Area Conservancy Program.
3. The Conservancy has independently reviewed the Mt. Umunhum Environmental Restoration and Public Access Final Environmental Impact Report (Exhibit 3 to the staff recommendation) certified by the MROSD on June 12, 2012, and the public comment received on the Report, and finds no substantial evidence that the project, with the identified measures to avoid, mitigate or reduce the possible significant environmental effects, will have a significant effect on the environment.”

PROJECT SUMMARY:

Staff recommends that the Conservancy authorize a grant of up to \$1,000,000 to the Midpeninsula Regional Open Space District (MROSD) to implement environmental restoration and public access at Mount Umunhum in Santa Clara County (see Exhibit 1). The project proposed for Conservancy funding (“Project”) is part of the Mount Umunhum Environmental Restoration and Public Access Project, designed to establish a fiscally and environmentally sustainable visitor destination at Mount Umunhum that aligns with the MROSD’s mission by balancing public access, enjoyment, and education with environmental restoration. In the words of MROSD General Manager Steve Abbors, “Mount Umunhum is soon going to become a spectacular new destination for visitors to enjoy hiking, biking, horseback riding, and the

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breathtaking vistas. When it's done, Mount Umunhum will be a unique one-of-a-kind destination for the South Bay, similar to Mount Tamalpais or Mount Diablo."¹

Situated about 13 miles south of downtown San Jose and three miles southeast of Los Gatos, at an elevation of approximately 3,500 feet, Mount Umunhum is one of the highest peaks in the Santa Cruz Mountains and forms the scenic backdrop to the Santa Clara Valley (Exhibits 1 and 2). The site was previously owned and operated by the federal government as the Almaden Air Force Station, which was part of the early-warning radar network built during the Cold War, until it was decommissioned in 1980. The MROSD purchased the site in 1986 and now manages it as part of the 18,000-acre Sierra Azul Open Space Preserve. There has been no public access to the top of the mountain due to toxic contaminants and physical hazards. The MROSD has been working with the federal government to clean up the site, and that process is nearly complete, with the final phase of demolition of old Air Force facilities underway right now. The MROSD is in the process of restoring the area to a more natural condition, suitable for public access.

The requested grant from the Conservancy would provide funding to introduce public access to the Mount Umunhum summit via a new spur of the Bay Area Ridge Trail and new staging area at Bald Mountain. Funding would also be used to develop facilities at the summit including an Americans with Disabilities Act (ADA)-compliant interpretive loop trail, observation and reflection areas, and picnic tables. Additionally, native plant restoration would recreate natural habitat at the summit and complement the recreation facilities. Later phases of the project, funded by the MROSD, include road resurfacing and safety upgrades and construction of parking areas at the summit to facilitate public vehicle access. A small visitor center may be developed in the future, and disposition of the radar tower at the summit awaits further public discussion.² The portions of the project proposed for funding by this authorization and all proposed phases of the project are summarized on the map attached as Exhibit 1 to this staff recommendation.

The Project will provide a spectacular nature-based destination for residents and visitors to the Santa Clara Valley, drawing new users to open space and creating an appreciation of the region's natural resources in a diverse urban population. The MROSD owns and manages over 60,000 acres of land, a significant portion of which is adjacent to the major South Bay population centers, providing an incredible recreational and educational resource. However, recent public opinion polling indicates that most San Jose residents may not be aware of these opportunities. Providing access to one of the highest peaks in the Santa Cruz Mountains, via a new spur of the Bay Area Ridge Trail, is a critical link that will connect Santa Clara Valley residents to the network of open space lands that form the scenic backdrop to their neighborhoods.

¹ MROSD Press release (September 20, 2012), available at http://www.openspace.org/CGI-BIN/press_releases/120920_MtUmPostMtgPR.pdf (last accessed on December 28, 2012).

² Although not part of the Conservancy funding, the MROSD Board's approval of "Interim Action A: Near-term repair and securing of structure while considering external partnerships" came after considering a number of factors, including existing policy, public input, the tower's impact on the recreational and educational opportunities at the site, and the potential for long-term partnerships to help fund retention of the tower. The interim action provides time (five years) for proponents of the tower to consider partnerships, outside funding, and additional resources to allow for implementation of Option 3—to retain and seal the tower on a permanent basis. However, if no partnerships or additional funds are secured during this period, the MROSD may reconsider all the options based on future funding and staffing constraints. This near-term solution would provide interim "Life Safety" repairs necessary to allow public access to the exterior base of the tower during this period.

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Planning for the project has included an extensive team of planners, biologists, landscape architects, resource management specialists, operations and maintenance crew members, patrol rangers, public affairs staff, and other experts. A wide range of considerations were studied including resource management concerns and public access goals, cultural and historic resource sensitivities, recreational communities, access and accessibility opportunities, topographic impacts, long-term sustainability, and aesthetics issues.

Environmental analysis has been completed for the Project and design development for the new staging area and trail has begun. With funding from the Conservancy, public access to this incredible open space destination is anticipated to be achieved by 2016.

The Project is consistent with and supported by a number of local and regional plans, including:

- The MROSD's 1999 *Mission Statement and Basic Policy*, which includes preserving a regional greenbelt of open space land, protecting and restoring the natural environment, and providing opportunities for ecologically sensitive public enjoyment and education.
- The MROSD's 1998 *Regional Open Space Study*, which considers the general extent of lands and public access improvements under active consideration or conceptual study to complete the MROSD's mission, and includes development of public access facilities at Mount Umunhum as well as a trail connection from the Bald Mountain area to the summit.
- The MROSD's 2009 *Sierra Azul Open Space Preserve Master Plan Administrative Draft (not yet adopted)*, which calls for remediation and cleanup of the former Almaden Air Force Station, providing public use to the summit, parking improvements, interpretation, protecting resources, and providing for various recreational uses for the public.
- The Bay Area Ridge Trail Council's (BARTC) 2010 *Regional Trail Plans*, which includes a proposed trail spur to the summit of Mount Umunhum from the existing segments of the Ridge Trail. The BARTC has shown its support for this project by attending nearly every public meeting and speaking directly to the Board to advocate for increased public access by way of a Ridge Trail extension spur to the summit of Mount Umunhum.
- The 1995 *Santa Clara County Countywide Trails Master Plan*, which includes plans for an interconnected system of trails to enable the public to enjoy multiple open space public lands. The Project's trail connections would provide new access points to existing trails, including those on adjacent Santa Clara County Parks.
- Santa Clara County's *General Zoning Plan*, which identifies that the project site is within the "Hillsides" zone. Open space recreational uses and habitat restoration are permissible uses under this zoning.

The MROSD's mission is to purchase, permanently protect, and restore lands forming a regional open space greenbelt; preserve unspoiled wilderness, wildlife habitat, watershed, viewshed, and fragile ecosystems; and provide opportunities for low-intensity recreation and environmental education. The MROSD currently manages 26 open space preserves and participates in cooperative regional trail efforts including the Bay Trail, Ridge Trail, and Skyline-to-the-Sea Trail. The MROSD has permanently preserved over 60,000 acres of mountainous, foothill, and bayland open space in its 550-square mile MROSD area, which includes portions of Santa Clara, San Mateo and Santa Cruz counties.

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The MROSD has full responsibility for all aspects of the Preserves, including Sierra Azul where Mt Umunhum is located, and has about 110 employees spread over five departments (Operations, Planning, Administration, Public Affairs, and Real Property) and three offices. With the approval of this project, the MROSD's Board of Directors approved four additional staff members to be phased as needed (two rangers, one maintenance staff, and one administrative staff) to provide public services as a result of the project. Costs to support additional staff would be borne by MROSD and no Conservancy funding would be used to fund these positions.

MROSD Operations staff possess significant experience and expertise in trail construction and maintenance; the MROSD has been constructing trails in the region since the early 1970s. Rangers who patrol and help maintain the Preserves are also sworn peace officers trained in law enforcement, fire suppression techniques, and emergency first aid. These skills will assist in making the public access portions of the project a long-term success.

Site Description: Overlooking the town of Los Gatos and the South Bay, Sierra Azul Open Space Preserve is the MROSD's largest preserve, encompassing over 18,000 acres of mostly rugged and steep terrain. Sierra Azul is a true wildland area, yet surprisingly close to the urban areas of the South Bay. The entire Preserve is prime mountain lion habitat and provides habitat for deer, bobcats, coyotes, and many other species of animals. Mount Umunhum is a stunning example of the rugged, chaparral-covered Sierra Azul range, providing habitat for some of the region's rarest mammals and hosting a population of state-wide significance of Purple Martin (*Progne subis*) swallow, a species of special concern. This species has declined greatly in the Santa Cruz Mountains in the last few decades; suggestions were made that it is close to being extirpated here.³ During a June 2012 survey, a greater number of Purple Martins were observed than have been observed in Santa Clara County for decades.⁴

The 3,486-foot high Mount Umunhum is named after the Ohlone word for "resting place of the hummingbird." It includes the former Almaden Air Force Base at its summit, which was part of the early-warning radar network built during the Cold War. The one structure that will remain on the site, at least in the near term, is the "Radar Tower," an 80-foot-tall concrete base for a cold war-era radar dish. The Radar Tower is a familiar and beloved sight for many local residents, and the MROSD has recently approved nearly \$0.5 million in short-term repairs to allow for further public discussion on disposition of the radar tower.

³ Airola, Daniel A. & Brian D.C. Williams (2008). Purple Martin In: Shuford, W. David and Thomas Gardali (eds.) *California Species of Special Concern: A ranked assessment of species, subspecies, and distinct populations of birds of immediate conservation concern in California. Studies of Western Birds 1*, Western Field Ornithologists, Camarillo, California and California Department of Fish and Game, Sacramento.

⁴ Jaramillo, Alvaro (2011). Avian Resources on Mt. Umunhum (June 2012 DATA). Report prepared for the Midpeninsula Regional Open Space District, June 2012.

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Project History: The Mount Umunhum Environmental Restoration and Public Access Project is the result of an extensive planning process involving active public participation. A total of eight public meetings and over 25 stakeholder interviews were conducted to ensure that community concerns and recreational priorities were addressed.

Earlier phases of the Mount Umunhum project, which were funded by federal appropriation and championed by local elected officials, abated hazardous materials from the site, which removed a potential source of contamination from the headwaters of three major watersheds (Guadalupe, Alamitos, and Los Gatos Creeks). These creeks provide drinking water supply to millions of Santa Clara Valley residents. Hazardous materials were removed from the site in 2011 and structural demolition is scheduled to be complete by spring 2013.

MROSD staff has been working with BARTC and Conservancy staff since early 2011 to develop a grant application for Conservancy consideration.

PROJECT FINANCING

Coastal Conservancy	\$1,000,000
Midpeninsula Regional Open Space District	<u>\$1,881,000</u>
Total Project Costs	\$2,881,000

The anticipated source of Conservancy funds for this grant is the fiscal year 2010/11 appropriation to the Conservancy from the “Safe Drinking Water, Water Quality and Supply, Flood Control, River and Coastal Protection Bond Act of 2006” (Proposition 84). Proposition 84 funds may be used for the purposes of promoting access to and enjoyment of the urban open space resources in the nine-county San Francisco Bay Area in accordance with the provisions of the Conservancy’s enabling legislation (Pub. Res. Code §§ 75060(c), 31162(a)). Consistent with the purposes of Proposition 84, the proposed project will be undertaken pursuant to the San Francisco Bay Area Conservancy Program (Chapter 4.5 of Division 21 of the Public Resources Code), as described below. As this project also involves restoration, staff evaluated the project under the criteria for funding restoration projects provided in Pub. Res. Code § 75071. The restoration component of the project is appropriate for funding given that the project meets the following criteria: (1) Habitat Linkages: the project will help to restore existing protected areas linked to and within the 18,000-acre Sierra Azul Open Space Preserve, as discussed above, and will help facilitate wildlife movement and botanical transfer. (2) Watershed Protection: by performing landform re-contouring and native plant restoration, the project will help to protect the headwaters of three major creek systems within the Guadalupe Creek Watershed. Mount Umunhum summit forms the headwaters of Los Gatos Creek, Guadalupe Creek, and Alamitos Creek, which combined serve as main sources of drinking water for over one million residents of the Santa Clara Valley. (3) Non-State Match: the project is supported by a significant non-state matching contribution toward the restoration, stewardship and management costs.

In addition to the funds listed above, MROSD in-kind contributions to the project include extensive staff and volunteer time totaling approximately \$768,917.

CONSISTENCY WITH CONSERVANCY'S ENABLING LEGISLATION:

The Project is consistent with Chapter 4.5 of Division 21 of the Public Resources Code Sections 31160 et seq. regarding San Francisco Bay Area projects.

The Project is located in Santa Clara County, which is within the nine-county San Francisco Bay Area, consistent with Section 31162.

Pursuant to Section 31162(a), the Conservancy may grant awards that will “improve public access to and around the bay, coast, ridge tops, and urban open spaces . . . through completion . . . of regional bay, coast, and ridge trail systems . . . consistent with locally and regionally adopted master plans and general plans and through the provision and preservation of related facilities, such as interpretive centers, picnic areas, staging areas, and campgrounds.” Consistent with Section 31162(a), the Project will improve public access by constructing a staging area and spur of the Bay Area Ridge Trail to the summit of Mount Umunhum, and visitor facilities at the summit including an interpretive loop trail, observation and reflection areas, and picnic tables. Consistent with this section, the project is designed to protect sensitive habitat and is consistent with locally adopted plans, as discussed in the project description section above.

Pursuant to Section 31162(b), the Conservancy may grant awards that will “protect, restore, and enhance natural habitats and connecting corridors, watersheds, scenic areas, and other open-space resources of regional importance.” In addition, under Section 31165, the Conservancy may undertake projects and award grants “for activities that are compatible with the preservation, restoration, or enhancement of ocean, coastal, bay, or watershed resources, or that facilitate environmental education related to these resources.” Consistent with Section 31162(b), the Project includes native plant restoration and construction of an interpretive loop trail at the summit of Mount Umunhum, a scenic and open-space resource of regional importance, as discussed in the project description.

Pursuant to Section 31162(c), the Conservancy may grant awards to “assist in the implementation of the policies and programs of . . . the adopted plans of local governments and special districts.” As described above, the Project will implement the policies and programs of the MROSD and a variety of other local and regional plans.

The Project satisfies all of the criteria for determining project priorities under the San Francisco Bay Program (as articulated in Section 31163(c)) in that:

- 1) The project is consistent with approved plans including: *MROSD's Regional Open Space Study and Master Plan*, and the *Santa Clara County Countywide Trails Master Plan*;
- 2) The project serves a regional constituency by enhancing public access and habitat in Santa Clara County (see Exhibit 4);
- 3) The project can be implemented in a timely way as the MROSD is prepared to begin work upon project approval;
- 4) The improvement of public access at Mount Umunhum provides an opportunity for public access and habitat benefits that could be lost without this funding; and

- 5) The project includes significant matching funds from the MROSD at a ratio of 1.9 MROSD dollars to each Conservancy dollar.

**CONSISTENCY WITH CONSERVANCY'S 2013
STRATEGIC PLAN GOAL(S) & OBJECTIVE(S):**

Consistent with **Goal 12, Objective B** of the Conservancy's 2013-2018 Strategic Plan, the proposed project will construct recreational facilities including picnic and staging areas, and interpretive signage.

Consistent with **Goal 12, Objective I**, the proposed project will construct 1.7 miles of regionally significant public trail to enable linkage of the Bay Area Ridge Trail with the summit of Mount Umunhum.

**CONSISTENCY WITH CONSERVANCY'S
PROJECT SELECTION CRITERIA & GUIDELINES:**

The proposed project is consistent with the Conservancy's Project Selection Criteria and Guidelines, last updated on November 10, 2011, in the following respects:

Required Criteria

1. **Promotion of the Conservancy's statutory programs and purposes:** See the "Consistency with Conservancy's Enabling Legislation" section above.
2. **Consistency with purposes of the funding source:** See the "Project Financing" section above.
3. **Support of the public:** The project is supported by state and county representatives including Representative Mike Honda, Senators Barbara Boxer and Dianne Feinstein, Representative Sam Blakeslee, Representative Zoe Lofgren, and Representative Rich Gordon. Many regional non-profit organizations support the project, including Peninsula Open Space Trust, BARTC, Responsible Organized Mountain Pedalers and Santa Clara Valley Audubon Society, to name a few. The MROSD enjoys this popular support because the Project has the unique opportunity to provide world-class, low-intensity recreation and enjoyment as another jewel in the crown of major peaks surrounding the San Francisco Bay. (See Exhibit 4).

The MROSD engaged in widespread stakeholder outreach for the Project during summer 2010, reaching out and interviewing nearly 30 separate groups in an effort to disseminate early information and obtain input. Throughout this process, the MROSD was made aware of the broad support for the Project across all entities, including equestrian, hiking, cycling, non-profit, for-profit, neighbor, community, historical, and cultural groups. (See Exhibit 3, comments on Draft Environmental Impact Report).

4. **Location:** The proposed project is located within Santa Clara County, within the jurisdiction of the San Francisco Bay Area Conservancy Program.

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5. **Need:** If no funds were available from the Conservancy, the MROSD would likely adopt a minimalist approach to providing public access to the summit of Mount Umunhum, which would consist of a multi-use trail to the summit from the existing Barlow Trail. Other improvements, including the staging area, summit area amenities (ADA trail, interpretive signs, benches, picnic tables, ceremonial circles, vault toilets, etc.) would occur only with Conservancy funding. Peak annual visitor levels for the Project are projected to range from 20,000-25,000 people with minimal amenities, to as much as 35,000-40,000 people if all facilities were constructed, including public vehicle access on Mt. Umunhum Road and a visitor center at the summit.

One of the greatest project opportunities that would be lost if the project is not implemented in the near future is the momentum and excitement that has been generated as a result of public involvement at numerous meetings. Currently there is high public involvement and interest, including offers of volunteer efforts, to help accelerate public access to the summit of Mount Umunhum.

A great number of early visitors are anticipated to arrive with the sole intention of seeing the radar tower up close before disposition of the tower is settled. Another project benefit that would be lost if the project was not implemented in the near future is the opportunity to provide to this particular group a greater understanding of the full history of the site to frame a more complete picture of its past.

6. **Greater-than-local interest:** The Project site is anticipated to be an important recreational destination for visitors from the entire Bay Area and beyond (see expected visitor projections in #5 above).
7. **Sea level rise vulnerability:** The project site is not located near a shoreline, but is instead a mountaintop of approximately 3,500 feet in elevation, and is therefore not vulnerable to future sea level rise.

Additional Criteria

8. **Leverage:** See the “Project Financing” section above.
9. **Readiness:** The MROSD is ready to implement the Project upon authorization from the Conservancy.
10. **Vulnerability from climate change impacts other than sea level rise:** The project is located in the rugged Santa Cruz Mountains, so many of the potential impacts from climate change relate to increased risk of fire and the availability of water due to decreased precipitation in the mountain range. The project has a number of features to adapt to these changes including locating gates along key points to allow for safe closure of Mt. Umunhum Road when needed; the proposed environmental restoration will recreate original drainage and elevational contours to the greatest extent feasible; native vegetation will be planted, resulting in substantially less impermeable surface area; upgrades to Mt. Umunhum Road would facilitate storm water runoff during extreme storm events; nonpotable water would be stored onsite for fire protection (and horses); and smoking would be prohibited in the Project Area, consistent with all other Preserves.

11. Minimization of greenhouse gas emissions: The objective of the Project is to expand open space, restore native habitat, and provide low-intensity recreation to the public during daylight hours. While there are short- and long-term impacts associated with GHG emissions, they have been minimized to the greatest extent feasible. Short-term GHG emissions are associated with construction of the parking/staging area near Bald Mountain, the trail to the summit, and summit amenities. Construction-related emissions are primarily generated from mobile sources including trucks delivering construction materials, heavy equipment such as mini-excavator and bulldozer, and passenger vehicles. GHG emissions associated with construction would occur over a finite period and then cease. Because emissions that fall into this category are primarily from mobile sources, Best Management Practices (BMPs) were targeted at reducing the contributions from these sources. These include: 1) re-use of construction materials, including concrete already onsite at the summit, for seating and trail surfaces, thus eliminating truck trips up and down the mountain to access landfills; 2) opportunity for construction firms to reside onsite at the summit throughout the duration of construction, thus reducing or eliminating worker commute trips; 3) shutting down diesel equipment rather than allowing to idle for long periods of time.

Indirect GHG emissions are associated with off-site utility providers serving a project. For this project, no electricity would be required, with the exception of the possibility of powering pumps for conveyance of water from neighboring private landowner's water storage tanks.

COMPLIANCE WITH CEQA:

Pursuant to the California Environmental Quality Act (CEQA), the MROSD, as lead agency, adopted the full project as described in the Final Environmental Impact Report (FEIR) on October 17, 2012 (Exhibit 3). The FEIR considered four alternatives to the full project that was ultimately adopted: 1) the "No Project Alternative," which assumes neither structure removal, environmental restoration, nor public access and associated recreational facilities would occur; 2) the "Limited Ground Disturbance Alternative," which would eliminate nearly all of the proposed components of the project that would require ground disturbance, including environmental and landform restoration and regional trail connections; 3) the "Reduced Amenities/Increased Restoration Alternative," which would include elimination of most of the "structural" public amenities, such as the visitor center, restrooms, picnic tables, shade structures, etc., and would increase the amount of environmental restoration; and 4) the "Shuttle Alternative," which would generally rely on shuttles rather than private vehicles to bring visitors to the summit. After adopting the FEIR, the MROSD filed its Notice of Determination with the County Clerk of Santa Clara County on October 23, 2012.⁵ No challenges to the project were made within the filing period. The MROSD found in its October 17, 2012 findings that all potentially significant impacts from the project were either avoided or mitigated, and no findings of overriding consideration were required.

⁵ Partly in response to fire concerns, and partly to ensure the analysis of campground siting is done in a larger context, the MROSD Board of Directors deferred consideration of a backpack camp from the Project on September 19, 2012, and directed staff to include a review of suitable backpack camps as part of the larger Sierra Azul Open Space Preserve Master Plan Project.

With respect to the work pertaining to the proposed Project, the Initial Study identified potentially significant impacts in the areas of cultural resources, biological resources, hydrology and water quality, and air quality. Mitigation measures were incorporated into the project to assure that these potential impacts were eliminated or reduced to less than significant levels, as discussed in the FEIR and the MMP, attached to this staff recommendation as Exhibit 3. As a result of public comment, some modifications were made to the project to respond to concerns in the following areas:

Biological Resources

Effects of Increased Recreation on Native Species and Interference with Wildlife Movement.

Significant impacts associated with disturbance to birds from hang gliding and other recreational activities are reduced in the FEIR to a less-than-significant level by the following additional measures: educating hang glider pilots and other recreational users of the potential disturbance for birds, establishing an incident reporting program for hang-glider and raptor interactions, and by monitoring incidents and taking appropriate action to reduce any increased agitation levels in native birds and raptors resulting from proposed hang gliding activities. (See Mitigation Measure 4.3-4).

Effects of Increased Fire Hazard from Campground. Responding to public comment, the EIR was amended to address the possible increase in fire hazards associated with establishment of a public campground within the project. Mitigation measures were amended and added to increase signage, provide education on fire hazards to campers and closure of the campground during high fire danger events (“Red Flag Warnings”). In response to comments from the Santa Clara County FireSafe Council, the grantee will install at least one FireSafe camera and establish a monitoring and recordkeeping system, install signage indicating that fire detection cameras are in use and that rule violators will be fined and develop an adaptive management strategy for the proposed campground. The adaptive management strategy will be prepared in coordination with a qualified wildland fire prevention expert and will establish a limit for the frequency of fire/smoking reports and detections.

Cultural Resources

Construction-Related Impacts on Presently Undocumented Cultural Resources. In response to tribal concerns over on undocumented cultural resources and at the suggestion of MROSD Director Kishimoto, Mitigation Measure 4.2-3 was amended to include review of any treatment plan by the grantee General Manager where cultural resources are found within 100 feet of construction activities.

Other Impacts

Many public comments surrounded the DEIR’s discussion of alternatives for the radar tower with some requesting preservation, others requesting complete demolition, and other options between these two. As mentioned above, the MROSD decided to forestall the decision on the radar tower pending further discussion. However, in response to comments from the County of Santa Clara Department of Planning and Development the FEIR notes that none of the onsite structures or objects is eligible for listing on the National Register of Historic Places within state, local, or national historical contexts and the state the State Historic Preservation Officer concurred with the FEIR findings.

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Other technical amendments were made to the FEIR and MMP to conform to local grading and water quality standards. The grantee also received public comment on the following issues: level of environmental restoration; water quality issues (erosion and potential introduction of pathogens); preserving the cultural history at the site; bicycle safety and auto safety hazards; vehicle access; educational opportunities; facilities for bird watching; trail connections, and relation to regional open space facilities; appropriate evaluation and handling of potential cultural artifacts and human remains; dog restrictions; traffic hazards related to gate placement and illegal parking; trespassing and security related issues; and costs associated with the larger project. All of these issues are adequately treated in the FEIR.

After reviewing the environmental documents Conservancy staff concur with the MROSD that the project, as finally approved, reduces, avoids or mitigates all potential effects of the proposed project to a less-than-significant level. Accordingly, Conservancy staff recommends that the Conservancy find that there is no substantial evidence that the proposed project, with the identified measures to avoid, mitigate or reduce the possible significant environmental effects, will have a significant effect on the environment.

Upon approval, staff will file a Notice of Determination.