

COASTAL CONSERVANCY

Staff Recommendation
April 24, 2008

MINDEGO HILL ACQUISITION

File No. 07-089-01
Project Manager: Janet Diehl

RECOMMENDED ACTION: Authorization to disburse up to \$7,500,000 to the Midpeninsula Regional Open Space District to acquire the Mindego Hill property in San Mateo County for habitat preservation, open space protection and public access.

LOCATION: Near the town of La Honda in unincorporated San Mateo County (Exhibit 1)

PROGRAM CATEGORY: San Francisco Bay Area

EXHIBITS

Exhibit 1: [Project Location Map](#)

Exhibit 2: [Mitigated Negative Declaration](#)

Exhibit 3: [Aerial Photographs](#)

Exhibit 4: [Site Photographs](#)

Exhibit 5: [Letters of Support](#)

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 seven million five hundred thousand dollars (\$7,500,000) to the Midpeninsula Regional Open Space District (“the District”) for the purpose of acquiring the Mindego Hill property (San Mateo County Assessor Parcel Numbers 080-320-060, 080-340-010 and 083-310-060) consisting of approximately 1,047 acres for habitat preservation, open space protection and public access, subject to the following conditions:

1. Prior to the disbursement of funds for the acquisition, the District shall submit for the review and approval of the Executive Officer of the Conservancy:

MINDEGO HILL ACQUISITION

- a. All relevant acquisition documents, including, without limitation, the appraisal, purchase agreement, escrow instructions, environmental or hazardous materials assessment and title report.
 - b. Evidence that sufficient funds are available to complete the acquisition.
2. The District shall pay no more than fair market value for the property, as approved by the Conservancy, based on an appraisal of the property.
 3. In carrying out the project, the District shall comply with all applicable mitigation and monitoring measures of the project that are included in the Mitigated Negative Declaration and the Mitigation Monitoring and Reporting Program attached to the accompanying staff recommendation as Exhibit 2, and with all mitigation, monitoring and other measures that are required by permit or approval for this project.
 4. The District shall permanently dedicate the property for habitat preservation, open space protection, public access and compatible agricultural use through an irrevocable offer to dedicate the property or other instrument approved by the Executive Officer of the Conservancy.
 5. Conservancy funding shall be acknowledged by erecting and maintaining a sign on the property, the design and location of which to be approved by the Executive Officer.”

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 authorization is consistent with the purposes and objectives of Chapter 4.5 of Division 21 of the Public Resources Code Sections 31160-31165, regarding the San Francisco Bay Area Conservancy Program.
3. The Conservancy has independently reviewed and considered the Mitigated Negative Declaration and Mitigation and Monitoring Program adopted by the District under the California Environmental Quality Act and attached to the accompanying staff recommendation as Exhibit 2, and finds that there is no substantial evidence that the project as mitigated will have a significant effect on the environment, as defined in 14 California Code of Regulations Sections 15074 and 15382.”

PROJECT SUMMARY:

With this proposed grant of \$7,500,000, the Midpeninsula Regional Open Space District will acquire more than a thousand acres of spectacular open lands known as Mindego Hill in the Santa Cruz Mountains near the town of La Honda. Its ridge-to-ocean views, four miles of creek corridors, and excellent trail connections to the adjacent Russian Ridge Open Space Preserve make the Mindego Hill property a critical addition to the District’s

MINDEGO HILL ACQUISITION

network of parks along Skyline Ridge (Exhibit 3). The District has committed \$15 million of its own funds to this purchase, but needs Conservancy assistance to complete the \$22.5 million purchase.

The Peninsula Open Space Trust (POST) acquired the property six months ago, having identified Mindego Hill as one of its top five priorities for almost 30 years. Both POST and the District had been very concerned that the property would be lost to private development, once the family that owned it for more than 50 years was ready to sell. There are 27 density credits on the land that could have been subdivided and sold on the private market, according to a density analysis prepared by the county planning department. A more likely outcome of a private sale would have been a single buyer building a luxury estate and permanently closing off access to the land.

To preclude such a scenario, POST communicated with the owners over the years, working toward a conservation purchase. This past October, POST was successful in acquiring the property, having raised private funds to help cover the costs of property acquisition and management until the land can be transferred to public ownership.

The District took the first step in acquiring the property from POST on March 25, when it authorized spending \$15 million toward the purchase. This authorization was contingent on the District finding matching funds to reach the \$22.5 million purchase price, which is its appraised value. With the proposed Conservancy grant, the District will be able to close escrow by the end of June.

Although POST and the District originally intended to open the property to public use soon after buying it, the presence of a debris landfill on the property necessitates that the property remain closed until the landfill is either removed or remediated on site, as prescribed by the appropriate regulatory agencies. The District will assume the landfill removal agreement negotiated by POST with the former owners, the True family. Chris True will continue to lease the property for cattle grazing through October 2008.

To evaluate the environmental effects of the proposed acquisition, property clean-up and landfill removal, the District prepared an Initial Study and a Mitigated Negative Declaration (MND) under the California Environmental Quality Act (see CEQA section, below). Staff has reviewed the MND, adopted by the District on March 25, 2008, and concurs that there is no substantial evidence that the project as mitigated will have a significant effect on the environment.

A preliminary use and management plan will take effect upon the close of escrow, and remain effective until the District develops a comprehensive site management plan for the property. The preliminary plan prescribes a status quo approach to the continued use and management of the property for livestock grazing and open space purposes. Until a comprehensive plan is completed, the District may hold docent-led public hikes in limited non-sensitive areas.

MINDEGO HILL ACQUISITION

The goal is to open Mindego Hill's miles of ranch roads and potential trails to the public as soon as possible, while providing for protection of its spring-fed lakes, streams and seasonal wetlands. Few private properties are better situated for public enjoyment, as the existing Mindego Hill ranch road begins exactly where the hiking trail running through the Russian Ridge Open Space Preserve currently ends. Once the property is acquired, hikers will be able to continue on for miles, from Skyline Ridge to the 2,000-plus-foot summit of Mindego Hill, to gain a view of the Pacific and surrounding foothills that is truly awe-inspiring (Exhibit 4).

Site Description:

The Mindego Hill property lies near the town of La Honda in unincorporated San Mateo County, about nine miles inland from the Pacific Ocean. Close to Silicon Valley, the ranch is accessed via a right-of-way across the adjacent Russian Ridge Open Space Preserve off Alpine Road.

The property consists of three contiguous parcels of land, totaling 1,047 acres. Elevations at the site range from about 800 feet to about 2,100 feet above sea level. The property is largely defined by the scenic promontory known as Mindego Hill. The terrain is mostly hills and valley, ridges and canyons, with few flat areas. Mixed evergreen forests extend up the ravines in long, dark fingers into the grasslands. The interface between different plant communities in these "edge zones" provide diverse habitat that is particularly rich in wildlife.

Springs can be found at the head of many ravines, supplying a dependable water source to the creeks below. These creeks feed into the greater San Gregorio Creek system, which supports endangered coho salmon, threatened steelhead trout and other fish. The property is the prime watershed for Mindego Creek and Alpine Creek, and includes two lakes, Mindego Lake and Knuedler Lake. Though currently degraded by cattle overuse, Mindego Lake is classified as an interior wetland that is habitat for such species as the endangered San Francisco garter snake and the threatened California red-legged frog, both of which have been positively identified on the property during recent wildlife surveys.

Game trails crisscross the property, with evidence of such predators as mountain lion, coyote and bobcat. Raptors using this property include sharp-shinned hawk, golden eagle, Cooper's hawk, white-tailed kite, northern harrier and peregrine falcon – all state-listed threatened or special-status species.

The property's current and historic use is residential and cattle grazing. Development on the property is confined to about a 10-acre area situated in a bowl below Mindego Hill, in the vicinity of Mindego Lake. Improvements include two older houses, a small cabin and various older farm structures relating to the owner's cattle operation. A household refuse disposal site lies in this 10-acre area (see CEQA section). The remainder of the site is undeveloped.

MINDEGO HILL ACQUISITION

Other improvements include a spring-fed water system, piping, water storage tanks, a stock watering trough, several spring boxes, corrals, a riding ring, and pasture fencing. Several miles of improved ranch roads traverse the property, with more miles of all-terrain-vehicle routes that access the remote portions of the property.

At 1,047 acres, Mindego Hill is one of the few remaining large tracts of land currently available for purchase along the Mid-Peninsula. The Skyline Ridge Corridor, of which Mindego Hill is an integral part, represents one of the largest accumulations of publicly owned recreational areas and connected habitat in the Bay Area. It is a key conservation priority for both the District and POST.

Project History:

Mindego Hill is named after Juan Mendico, a Basque farmer who established a homestead and cattle ranch there in 1859. Nearly a century later, in 1954, Admiral Arnold True and his wife, Corinne, purchased Mindego Hill. The True family has continued the tradition of ranching on the land since that time.

Since the founding of POST 31 years ago, Mindego Hill has been a “Top Five” protection priority for the organization. The District also has held Mindego Hill as a high-priority acquisition prospect, but has been unable to enter into negotiations for the property’s protection.

POST first contacted the elder Mrs. True in the early 1980s about preserving historic Mindego Hill, and she expressed interest in seeing the property protected. Following various contacts over the years, the True heirs contacted POST in late 2005 to discuss options for the ranch.

Prior to the POST contact, the True heirs had explored the possibility of developing the ranch with an up-to-27-lot residential subdivision. A density analysis was prepared by the San Mateo County Planning Department indicating that a major subdivision could possibly be approved, based on density considerations.

A purchase and sale agreement was signed between POST and the True heirs on June 28, 2007, and the property closed escrow on October 11, 2007. The District authorized acquisition of the property on March 25, 2008, and committed \$15 million of its funds (\$564,000 of which came from the per capita grant program under the Clean Water, Clean Air, Safe Neighborhood Parks and Coastal Protection Act of 2002, Proposition 40). It is seeking matching funds to complete the acquisition by the end of June.

PROJECT FINANCING:

Coastal Conservancy	\$7,500,000
Midpeninsula Regional Open Space District	<u>15,000,000</u>
Total Project Cost	\$22,500,000

MINDEGO HILL ACQUISITION

The anticipated source of funds will be the fiscal year 07/08 appropriation of the Safe Drinking Water, Water Quality and Supply, Flood Control, River and Coastal Protection Bond Act of 2006 (Proposition 84) for Coastal Conservancy state-wide acquisitions, which can be used for the acquisition and protection of land and water resources consistent with Chapter 4.5 of Division 21 of the Public Resources Code. Pursuant to Section 31162(b) of Chapter 4.5 of Division 21, this project furthers the San Francisco Bay Area Conservancy Program's goal to protect, restore, and enhance natural habitats, as discussed below.

Consistent with Proposition 84 requirements, in evaluating proposed projects that involve acquisition for the purpose of natural resource protection, the Conservancy gave priority to this project because it demonstrates the following characteristics: (1) The property provides a link to existing large blocks of protected habitat; the property is adjacent to an existing open space preserve and will connect protected areas and allow for the movement of wildlife across an approximately 3,000- acre area, which will increase the sustainability of this and surrounding properties; and (2) The project funding includes a non-state matching contribution toward the acquisition costs (See Public Resources Code Sec. 75071).

Finally, as required by Section 75071, Conservancy staff has submitted to the Resources Agency and has posted on the Conservancy's website an explanation as to how the proposed acquisition meets the criteria for Proposition 84 funding.

CONSISTENCY WITH CONSERVANCY'S ENABLING LEGISLATION:

This project is undertaken pursuant to Chapter 4.5 of the Conservancy's enabling legislation, Public Resources Code Sections 31160-31165, to address resource and recreational goals in the San Francisco Bay Area.

The Mindego Hill property is located in San Mateo County, one of the nine San Francisco Bay Area counties in which the Conservancy is authorized, under Sections 31160 and 31161 of the Public Resources Code, to undertake projects and award grants to address resource and recreational goals for the region.

Under Section 31162(b), the Conservancy may act to protect, restore, and enhance natural habitats and connecting corridors, watersheds, scenic areas, and other open-space resources of regional significance. The proposed project will protect 1,047 acres of riparian, woodland, and grassland habitat, as well as a highly scenic open space resource that connects to an existing open space preserve.

Consistent with Section 31162(d), the project will provide open space and a natural area that is accessible to the urban population of the San Francisco Bay Area for recreational purposes.

Finally, the Mindego Hill acquisition satisfies all of the criteria for determining project priority under Section 31163, as follows:

1. It is supported by adopted regional plans.

MINDEGO HILL ACQUISITION

- This acquisition would meet the goals and objectives of the Midpeninsula Regional Open Space District's Master Plan and Regional Open Space Study. The Master Plan sets forth guidelines for District acquisitions and shows the relative desirability of potential open space preservation without establishing a priority for land acquisition. The Regional Open Space Study shows the general extent of lands and public access improvements existing and under consideration by the District and other park and open space agencies to complete the District's mission. The Mindego Hill property is considered to have outstanding overall conservation values by both documents. The Master Plan classifies the property as desirable for purchase, with high interest in three habitat areas: the ridgeline area, which received the highest rating, and the creek and meadow/forest area of the property. The Regional Open Space Study also identifies the property as potential open space preservation land, being an important piece of a possible regional trail connection between La Honda Creek Open Space Preserve and Russian Ridge Open Space Preserve, as well as Sam McDonald County Park and Pescadero Creek County Park to the south.
 - The acquisition also is supported by the District's Service Plan for the San Mateo Coastal Annexation Area, approved by the District's Board of Directors on June 6, 2003 and by the San Mateo County Local Agency Formation Commission on April 7, 2004. The Service Plan sets District policy for the roughly 140,000-acre Coastside Protection Area in San Mateo County. The District's mission for the Coastal Protection Area is "to acquire and preserve in perpetuity open space land and agricultural land of regional significance, protect and restore the natural environment, preserve rural character, encourage viable agricultural use of land resources, and provide opportunities for ecologically sensitive public enjoyment and education." The Service Plan provides that the District will accomplish this mission as a cooperative endeavor with public agencies, nonprofit organizations and individual with similar goals.
 - The project is consistent with the Implementation Strategy of the San Francisco Bay Joint Venture Acquisition Goals, which prioritizes acquisition of wetland, grassland, and stream habitats.
 - The Upland Habitat Goals Project of the Bay Area Open Space Council identifies the property as part of an area that is essential for biodiversity. The Upland Habitat Goals Project aims to protect biological diversity by drafting a science-based conservation plan for the San Francisco Bay Area, identifying core areas, linkages and compatible use lands to guide protection and restoration activities of public agencies and conservation nonprofits.
 - The project meets the goals and objectives of the San Mateo County General Plan, including but not limited to its natural resource, visual quality, parks and recreation, and rural land use elements.
2. The project serves a regional constituency, in that the project will help preserve habitat and provide public access for the benefit of the population for the San Francisco Bay Area.
3. The project can be implemented immediately.

MINDEGO HILL ACQUISITION

4. The project provides benefits that would be lost if the project is not quickly implemented, as discussed in the project selection criteria below.
5. The Conservancy's funds leverage additional funding by two dollars for every one dollar contributed by the Conservancy.

CONSISTENCY WITH CONSERVANCY'S 2007 STRATEGIC PLAN GOALS & OBJECTIVES:

The Mindego Hill acquisition will achieve strategic plan goals for both the San Francisco Bay Area Conservancy Program and the Coastal Program, due to the fact that the property includes creeks that drain to the Pacific and is therefore a coastal project as well as a Bay Area project.

San Francisco Bay Area Conservancy Goals:

Consistent with **Goal 10, Objective D** of the Conservancy's 2007 Strategic Plan, the proposed project will result in the acquisition of 1,047 acres of upland wildlife habitat and other significant open space in the Bay Area.

Consistent with **Goal 11, Objective C**, the proposed project will increase the amount of land accessible to the public and provide a corridor for trails.

Consistent with **Goal 12, Objective B**, approximately 1,000 acres of the proposed acquisition are used as rangeland, and will continue to be grazed under District ownership.

Coastal Program Goals:

Consistent with **Goal 1, Objective G**, the proposed project will secure real estate for parks and connections to existing parks.

Consistent with **Goal 4, Objective A**, the proposed project will protect a significant resource property totaling 1,047 acres.

Consistent with **Goal 5, Objective C**, the proposed project will permanently protect wildlife corridors along the property's creeks and between this property and adjacent parkland.

Consistent with **Goal 7, Objective A**, approximately 1,000 acres of the proposed acquisition are used as rangeland, and will continue to be grazed under District ownership.

MINDEGO HILL ACQUISITION

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 September 20, 2007, 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 Senator Simitian, Assemblymember Mullin, Supervisor Richard Gordon, the San Mateo County Parks Department, the Bay Area Open Space Council, the Greenbelt Alliance, the Committee for Green Foothills, the Peninsula Open Space Trust and others. Letters of Support are attached as Exhibit 5.
4. **Location:** The Mindego Hill property is located in San Mateo County, within the jurisdiction of the San Francisco Bay Area Conservancy. The property includes creeks that drain to the Pacific and is therefore a coastal project as well as a Bay Area project.
5. **Need:** The District has made a very substantial contribution to the Mindego Hill purchase, but additional funds are needed to complete the acquisition.
6. **Greater-than-local interest:** Acquisition of this property will protect species of national and state-wide concern, while providing significant recreational opportunities for residents of the greater Bay Area. The property will become part of 33,000-acre complex of connected preserves.

Additional Criteria

7. **Urgency:** Mindego Hill is one of the few remaining large tracts of land currently available for purchase along the Mid-Peninsula. With its potential to be subdivided for up to 27 homes or sold as a "trophy" home site, this property would be especially attractive on the private market, if it is not acquired for public purposes.
8. **Resolution of more than one issue:** The project will offer opportunities to protect riparian zones, oak woodlands and grasslands located at Mindego Hill. Acquisition of the property also will expand the Russian Ridge Open Space Preserve and enlarge its wildlife corridor. Finally, acquisition of the property will eliminate threats of development, and will allow for public access.
9. **Leverage:** Conservancy funds are matched two to one with a local funding source. See the "Project Financing" section above.
10. **Conflict resolution:** Acquisition of the ranch for conservation purposes will resolve any potential future conflict over development of the property.

MINDEGO HILL ACQUISITION

12. **Readiness:** The District has approved \$15 million toward the purchase, and all due diligence has been completed. If the Conservancy approves the proposed \$7.5 million grant, the District will be ready to close the acquisition by the end of June.
15. **Cooperation:** The project is the result of cooperation among the private sector, the local agency and the Conservancy. POST has led the effort to acquire the property, and has enlisted private support to cover its initial acquisition and management expenses. The District will develop the property and manage it, with support from the Conservancy for the acquisition.

COMPLIANCE WITH CEQA:

The Midpeninsula Regional Open Space District (District) is the lead agency for purposes of the California Environmental Quality Act (CEQA) for this acquisition project. The proposed project consists of the purchase of the 1,047-acre Mindego Ranch property by the District, including the assignment of an existing lease, a landfill removal agreement, and an escrow agreement, as well as the concurrent adoption by the District of a Preliminary Use and Management Plan that prescribes a status quo approach to the continued use and management of the property for livestock grazing and open space purposes.

CEQA requires consideration of potential environmental effects of agency actions and approvals, unless exempt. The District prepared a Mitigated Negative Declaration (MND) and a Mitigation Monitoring and Reporting Program (MMRP) for the project (Exhibit 2). On February 14, 2008, the District posted a Notice of Intent to Adopt the MND at the County Planning Department and with the State Clearinghouse. The District received comments from two parties; copies of those comments and the District's responses are included in Exhibit 2 to this report.

On March 25, 2008, the District approved the project, adopted the MND and MMRP, and determined that there was no substantial evidence before it that the project, as mitigated, will have a significant effect on the environment. On March 27, 2008, the District filed its Notice of Determination with the County Clerk of San Mateo County.

The project is being carried out pursuant to the District's Service Plan for the San Mateo Coastal Annexation Area (Service Plan). The Service Plan sets forth specific policies, guiding principles, and implementation actions governing land purchase, use and management in the coastal protection area in furtherance of the District's mission. Projects such as the purchase of the Mindego Hill are envisioned in the Plan.

Prior to adopting the Service Plan on June 6, 2003, the District prepared a Program Environmental Impact Report (EIR) that considered the potential environmental effects of implementing the Service Plan through programs such as land purchase, providing public access to open space lands, and protecting natural resources and agricultural lands in the coastal protection area. The District certified the EIR and its Mitigation and Monitoring Plan when it adopted the Service Plan at its June 6, 2003 meeting. The

MINDEGO HILL ACQUISITION

Service Plan and the EIR are available at

http://www.openspace.org/plans_projects/downloads/MROSD-FinalSP_6_06_03.pdf

Where a project is consistent with a plan for which an EIR has already been prepared, CEQA provides that agencies are to focus environmental review on issues that were not addressed in the original EIR or where there are new opportunities to mitigate significant impacts that were not mitigated in connection with the plan adoption. Consistent with this direction, the District prepared an Initial Study (IS) and its MND to evaluate the Mindego Hill acquisition project.

The IS and MND first considered the extent to which potential environmental effects of this project were adequately analyzed and mitigated in the EIR. The analysis then focused on effects that were not evaluated as significant effects in the EIR or for which substantial reduction or avoidance may be possible due to circumstances specific to this project. Where effects were found to be significant or susceptible to further mitigation, additional mitigation measures were proposed.

Findings and Basis for Negative Declaration

Based upon substantial evidence in the record, the District found that:

1. The project will have no impact on aesthetics, agricultural resources, mineral resources, noise, population and housing, and recreation because such impacts do not arise from the proposed project, given its nature, the rural, forested setting, and the low-intensity agricultural uses that are associated with the project.
2. The project may have some limited effect on geology and soils, land use and planning, public services, transportation/traffic, and utilities and service systems, but these effects will be minor and not significant given the project's minor nature, the rural, forested setting and the low-intensity agricultural uses that are associated with the project.
3. The project will not have a significant effect with respect to air quality, biological resources, cultural resources, hazards and hazardous materials, or hydrology and water quality because of mitigation measures that have been made a part of the project as proposed by the District. These measures will reduce impacts to a less than significant level.
4. The project will not:
 - Create impacts that degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal, or eliminate important examples of the major periods of California history or prehistory, due to the project's small scale and localized nature.

MINDEGO HILL ACQUISITION

- Create impacts that are individually limited, but cumulatively considerable, based on project specific mitigations that reduce these impacts to a less than significant level.
- Create environmental effects that would cause substantial adverse effects on human beings, either directly or indirectly, based on project-specific mitigations that reduce these impacts to a less than significant level.

The District incorporated the following four Mitigation Measures into the project, in addition to the previously adopted EIR Mitigation Measures included as Attachment A to the MND (Exhibit 2 to this staff report):

- Mitigation AIR-1: The District shall adhere to existing regulations requiring abatement of lead and asbestos hazards and worker health and safety procedures during demolition of any structures.
- Mitigation BIO-1: The District shall conduct pre-demolition surveys of building structures proposed for removal, and if special-status bats are present, safely exclude the bats from the building before proceeding with the work, and time the demolition to avoid the maternity season.
- Mitigation HAZ-1a: The District shall restrict access and disturbance to the areas containing hazardous materials.
- Mitigation HAZ-1b: The District shall prepare a Site Management Plan.

The latter two mitigation measures address areas of potential environmental concern on the property that were identified in a Phase I Environmental Site Assessment and Phase II Investigations Report commissioned by POST in 2007. The primary site of concern is the corral area, where spraying of cattle with chemicals to control pests may have occurred. The other identified area of concern is an unpermitted residential debris landfill located near the True residential structure (which itself is proposed for demolition).

The investigations indicate that residual chemicals consistent with organochlorine pesticides are present in the soil at the corral at levels exceeding current California Regional Water Quality Control Board, Region 2 (“RWQCB”), Environmental Screening Levels (“ESLs”) and California Environmental Protection Agency, Department of Toxic Substances Control, California Human Health Screening Level. Lead and petroleum hydrocarbon-impacted soils are present in the landfill at levels exceeding current RWQCB ESLs. In addition to the contaminants discussed above, numerous buildings and structures exist on the site which, given the ages of the various structures, suggest that a potential exists for the presence of asbestos and lead paint associated with these structures.

Remediation to concentrations below target health risk levels is not part of this acquisition project. The District will assume a landfill-removal agreement negotiated by POST with the True family. Although this document anticipates removal of the landfill from the site unless an alternative treatment is agreed upon by separate letter, alternative methods may be considered to adequately treat the landfill, in compliance with applicable

MINDEGO HILL ACQUISITION

regulations to avoid any significant environmental effects, including treatment and remediation of the landfill in-place (without removing material from the site.)

Specific remediation plans cannot be developed until the District has completed additional investigations and agency consultations. It is not possible to evaluate the environmental effects of remediation at this time, since a number of remediation options are feasible, and to select a particular option for analysis would be speculative. Furthermore, additional approvals both by the District Board and the appropriate regulatory agencies are required before selecting a treatment option. All remediation will be conducted in accordance with the Service Plan and applicable local, state, and federal laws, including further environmental review under CEQA.

Until the contaminated areas are remediated to levels below target health risk levels or further investigations show that no exposure pathways exist, the District will restrict access to contaminated areas through the use of site access controls. These will include:

- Securing the site with fencing or other barriers of sufficient height and structural integrity to prevent unauthorized pedestrian, vehicular, or stock animal access.
- Posting “no trespassing” and “area closed” signs.
- Providing on-site meetings with site workers to inform them about security measures and reporting/contingency procedures.
- Prohibiting digging, excavating, or otherwise disturbing areas of known contamination.

Finally, prior to the remediation of property contamination, the District will prepare a Site Management Plan (SMP) for any proposed construction activities in areas identified as containing hazardous materials. The SMP shall provide site-specific information for contractors (and others) to improve their management of environmental, health and safety contingencies.

Conclusion

After reviewing the MND and MMRP, as well as the Program EIR, Conservancy staff concurs with the District’s finding that the acquisition project, as mitigated, will not have a significant effect on the environment, and recommends that the Conservancy, as a responsible agency under CEQA, also make this finding. Upon approval, staff will file a Notice of Determination.