

Notice of Intent to Adopt A Mitigated Negative Declaration

A notice, pursuant to the California Environmental Quality Act of 1970, as amended (Public Resources Code 21,000, et sec.) that the following project when implemented will not have a significant impact on the environment.

File	TAZ	APN(s)	Date
None		51728011, 51702030, 54410001, 54410005, 54419011, 54407023, 54418005, 54410006, 51704062, 51704063, 51703005, 51706004, 51704034, 54410009, 54404025, 54410011, 54417002, 51737006, 51705062, 54409003, 54410010, 54404015, 54409002, 54409004, 54408012, 51706021, 51704064, 51706022, 51703034, 54409009, 54410004, 51701011, 51704061, 54408013, 54404017, 54410003, 54410012, 54420011, 54407014, 54411019, 50346002	4/23/2008
Project Name		Project Type	
Sanborn Park Trails Master Plan		Public Facility, Regional Park, Master Plan Development	
Owner		Applicant	
Santa Clara County Parks and Recreation Department		Santa Clara County Parks and Recreation Department	
Project Location			
Sanborn County Park 16055 Sanborn Road, Saratoga, CA 95070			
Project Description (attach additional pages as necessary)			
<p>The Sanborn County Park Trails Master Plan defines an expanded trail system to meet the changing recreational and interpretive needs of a diverse and growing population. Sanborn County Park is estimated to be operating below visitor capacity, thus the 3,688-acre park provides an immediate opportunity to attract and serve more park visitors. Sanborn County Park has the lowest density of trails (trail miles per park acreage) of all the County parks that do not include large reservoirs. Expansion of the trail system makes the park more available and attractive to the park users.</p> <p>The Sanborn County Park Trails Master Plan approximately doubles the length of the existing trail system. The current trail system provides 19 miles of trails for hikers and equestrians. This Trails Master Plan expands the system to approximately 38 miles of trails for hikers, dog walkers, equestrians and mountain bikers. Forty named trails are proposed ranging from short one-quarter mile loops to five-mile long distance trails.</p> <p>Three regional trails are planned within Sanborn County Park: the Bay Area Ridge Trail, the Juan Bautista de Anza National Historic Trail and the Saratoga to Sanborn Trail. These trails support dual use or multiple use. These regional routes reflect current visitor demands for multiple use trails. Trail uses within the park will be expanded based upon the changing interests of the public. The once rural and agricultural character of the "Valley of Heart's Delight" has steadily been giving way to high tech culture of "Silicon Valley." This cultural evolution has brought with it a change in desired trail uses. This plan reflects the trail use changes of the regional trail systems and of the residents of Santa Clara County.</p> <p>This plan dismantles the existing trail system and weaves segments of these trails into the new routes. The majority of the existing system is integrated into this plan, but in two areas the trails are reorganized, and in some instances closed or rerouted, to better protect park resources, improve circulation and reduce visitor confusion. The two areas of trail reorganization are the Day Use Area situated between the Youth Science Institute and Walden West and the parklands located east of Sanborn Road near the confluence of Sanborn and Aubry Creeks.</p> <p>The Trails Master Plan identifies alignments for three planned regional trails, improves internal park circulation between distant regions of the park, strengthens and expands the environmental education use of the trails in the center of the park, adds diversity to the trail experiences and provides both short-term and long-range solutions to trail access from the central Day Use Area.</p> <p>The full text of the Initial Study and Mitigated Negative Declaration may be viewed at the following locations: Santa Clara County Parks and Recreation Dept. Offices, 298 Garden Hill Dr. Los Gatos; County Parks Dept. website at www.parkhere.org; Santa Clara County Clerk Recorder's Office, 70 W. Hedding St. San Jose; Saratoga Public Library at 13650 Saratoga Ave. Saratoga; Sanborn County Park Ranger Office at 16055 Sanborn Rd. Saratoga.</p>			

Purpose of Notice

The purpose of this notice is to inform you that the County Parks & Recreation Department Staff has recommended that a Mitigated Negative Declaration be adopted for this project. Action is scheduled on this proposed Mitigated Negative Declaration before the County of Santa Clara **Board of Supervisors** on **8/12/2008** in the **Board Chambers, 70 W. Hedding, San Jose**. Where a date is not given, a separate notice will be sent to you informing you of the meeting date. If the Mitigated Negative Declaration is adopted, the decision may be protested upon filing an appeal with the Planning Office. It should be noted that adoption of a Mitigated Negative Declaration does not constitute approval of the project under consideration. The decision to approve or deny the project will be made separately.

Review Period

The public review period for this document is from Tuesday, April 29, 2008 to Monday, June 2, 2008. Public comments regarding the correctness, completeness, or adequacy of this Negative Declaration are invited and must be received on or before the close of the public review period. Such comments should be based on specific environmental concerns. Written comments should be addressed to John Falkowski, **County of Santa Clara, Department of Parks and Recreation, Planning and Development Section, 298 Garden Hill Drive, Los Gatos, CA 95032, Tel(408) 355-2200**. Oral comments may be made at the meeting noted above. A file containing additional information on this project may be reviewed at the Department of Parks and Recreation Administration Offices. When requesting to view this file, please refer to the project title appearing at the top of this form.

Responsible Agencies sent copy of this document

There are no responsible agencies for this project.

Basis for Negative Declaration Recommendation

The Planning and Development Section of the Department of Parks and Recreation has reviewed the initial study for the project and, based upon substantial evidence in the record, finds that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case since the mitigation measures have been added to the project.

This finding is based on the following considerations (See Note below)

Based on the environmental evaluation presented in the Initial Study, the Project will not cause significant adverse effects related to aesthetics, air quality, agricultural resources, hazards and hazardous materials, hydrology/water quality, land use/planning, mineral resources, noise, population/housing, public services, recreation, transportation/traffic and utilities/service systems. In addition, substantial adverse effects on humans, either direct or indirect, will not occur. The Project does not affect any important examples of the major periods of California prehistory or history. Nor will the project 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.

Best Management Practices (BMPs) have been incorporated into the project to ensure that project-related effects are minimized or avoided. Successful implementation of these design guidelines and BMPs by County Park staff would ensure the minimization of air quality impacts related to construction dust, avoidance of spread of sudden oak death syndrome, avoidance of geological hazards, and minimization of erosion and siltation of creeks and other water bodies.

Along with the BMPs listed in Chapter 2 of the Initial Study the following mitigation measures, also listed in Chapter 3 of the Initial Study, will ensure that all impacts remain less than significant:

Biological Impact: Trail construction could affect populations or individual plants, listed by CNPS as rare, threatened or endangered. The listing covers three plants that could occur at Sanborn County Park: King's Mountain manzanita, Santa Cruz Mountains manzanita, and round-headed coyote-mint.

Mitigation Measure BIO-1: If a trail alignment is within suitable habitat for any of the three plant species, preconstruction plant surveys will occur after the preliminary trail alignment has been flagged. If any special status plant species are found within the affected area including a 15 foot buffer on either side of the trail alignment, trail segments will be rerouted and include a 15 foot buffer where feasible to avoid significant populations of these plants. If re-routing proves to be infeasible, the County Parks Department would consult with the appropriate regulatory agencies to determine if the special status plants could be relocated.

Biological Impact: If trails are present within a creek corridor or adjacent upland habitat, California red legged frog (CRLF), southwestern pond turtle (WPT), and San Francisco dusky-footed woodrat nests could be disturbed by project activities or by vehicle or human access.

Mitigation Measure BIO-2: The following avoidance measures for WPT, CRLF, and dusky-footed woodrat shall be implemented:

1. Preconstruction Surveys

There is low potential for the presence of CRLF at Sanborn, due in part to the presence of bullfrogs and sparse emergent vegetation along most aquatic features. The creeks, "Walden Pond", and Lake Ranch Reservoir provide only marginal breeding habitat. However, to ensure that CRLF do not occur in the project area, one daytime survey for CRLF will be performed in the two days prior to the start of project implementation activities. The entire work area, including any burrows, rocks and woodpiles that may be disturbed by construction activities, will be inspected for CRLF. If CRLF is detected, work will be delayed and the United States Fish and Wildlife Service (USFWS) would be contacted for guidance on how to proceed (due to its status as a Federally Threatened species).

If during this survey a WPT is detected, the WPT will be observed to determine if it is moving through the area in which it was detected or if the WPT is occupying the habitat for nesting, foraging, or basking. During construction activities within the immediate area of the WPT detection, an onsite monitor will work with construction crews. If the WPT is relocated during construction activities, the monitor will observe the WPT and alert work crews to delay work if the WPT is within the work area or begins to move toward or into the work area. If the WPT appears to be traveling from upland habitat to a nearby aquatic site such as Lake Ranch Reservoir or vice versa, work shall cease until the WPT has traveled a safe distance from the immediate project site. The monitor shall observe the WPT from a distance to ensure it does not wander back into the work area. If the WPT is relocated and appears to be occupying the habitat within the project footprint for activities such as nesting, basking, or foraging, the County or its representatives will contact CDFG for guidance (due to its status as a State Species of Special Concern).

If during this survey a dusky-footed woodrat house is detected, and assuming the house is of the San Francisco dusky-footed woodrat sub-species, the County will complete one of the following avoidance/minimization measures. These measures are listed in order of priority, where the first measure is the preferred measure to be implemented as it provides the least amount of impact to the woodrat. If the first measure cannot be implemented due to extenuating site conditions, the second shall be implemented and so forth down the list.

- a. The trail alignment will be rerouted to avoid the woodrat house by at least 50 feet.
- b. If the trail cannot be rerouted at least 50 feet from the house, it will be rerouted as far away from the nest as possible but not closer than 5 feet from the house. Safety and/or silt fencing (for houses downslope) will be erected around all houses within 25 feet of the trail alignment to avoid impacts during construction.
- c. If the project footprint must go directly through or within 5 feet of a house, CDFG should be consulted with one of the two following options:
 - 1. If the house appears inactive (e.g. no scat or fresh leaves and twigs), approval will be sought from CDFG to dismantle the house and replace the lost resource by building an artificial house. One artificial house should be built for every one existing inactive house that is dismantled.
 - 2. If the house appears active, approval will be sought from CDFG to 1) trap the occupant(s) of the house, 2) dismantle the house, 3) construct a new artificial house with the materials from the dismantled house, and 4) release the occupant into the new artificial house. The new house should be placed no more than 20 feet from its original location and as far from the project footprint as necessary to be protected from construction activities. If the house is to be moved downslope of the project footprint, extra precautions should be taken, such as a debris barrier, to stop falling/sliding materials from impacting the new house. Houses should only be moved in the early morning during the non-breeding season (October through February). If trapping has occurred for three consecutive nights and no woodrats have been captured, the house should be dismantled and a new house constructed.

2. Employees and Contractor Education Program. An employee education program will be conducted prior to the initiation of project activities. The program will consist of a brief presentation by persons knowledgeable in federally listed and state special status species biology and legislative protection to explain concerns to contractors and their employees. The program would include the following: a description of CRLF, WPT, and woodrat and their habitat needs; an explanation of the status of CRLF, WPT, and woodrat and their protection under state and federal laws; and a list of measures being taken to reduce impacts to CRLF, WPT, and woodrat during project activities. Crews will be instructed that if a CRLF is found, it is to be left alone and the project foreman and County Parks staff must be notified immediately. County Parks Department staff will notify the USFWS. Likewise, if a WPT nest or woodrat house is found in the project footprint, it is to be left alone and all operations should cease. Notify Project site lead and County Parks Department staff (if site lead is a contractor) or notify Parks Natural Resource Program Supervisor (NRPS) if Project Lead is parks staff.

3. **Daily Monitoring.** During the construction phase of the project, a qualified biologist, County natural resource staff, or a trained, on-site monitor will check the site in the morning every day before construction activities begin for the presence of CRLF, WPT, woodrat or other wildlife present within the work area. If CRLF, WPT, or woodrat is found, the monitor shall have the authority to halt construction in the immediate area and immediately notify appropriate County Parks Department staff (Natural Resource Program Supervisor or designated staff). If the monitor is County Parks natural resource staff, or qualified biologist, they will have the authority to notify the appropriate regulatory agency for guidance on procedure. Subsequent recommendations made by the USFWS or CDFG shall be followed. The monitor would not handle or try to relocate any special-status species.

4. **Speed Limit.** Vehicles shall not drive more than 5 miles per hour within the construction area if these species have been determined to be present. If any WPT, CRLF, or woodrat are seen in the path of a vehicle, the vehicle shall stop until the animal is out of the path. Parked vehicles shall be thoroughly checked underneath before they are moved to ensure that no WPT, CRLF or woodrat are on the ground below the vehicle.

Biological Impact: Implementation of the *Sanborn Trails Plan* could impact nesting birds, if present. Activities include trail construction or the removal or trimming of shrubs or trees for trail and bridge construction and trail realignment or obliteration.

Mitigation Measure BIO-3: Nesting Migratory Birds: All vegetation clearing, including trimming of shrubs or trees will take place outside the migratory bird nesting season (March 1 - July 31). If vegetation removal must occur during the nesting season, a survey for nesting migratory birds will occur within five days prior to the start of clearing or construction activities. Every attempt will be made to ensure completion of the vegetation clearing and trimming activities within the five-day period. If more than five days elapse between the initial nest search and the beginning of construction activities, another nest survey will be conducted. If any active nest(s) are detected, all vegetation clearing activities will be suspended and a 50-foot radius buffer established. All vegetation clearing activities within 50-feet of the active nest(s) will take place after the nest(s) are no longer active and chicks have fledged. CDFG generally accepts a 50-foot radius buffer around passerine and non-passerine land bird nests; however the County natural resource staff shall have flexibility to reduce or expand the buffer depending on the specific circumstances.

Nesting Raptors: All vegetation clearing, including trimming of shrubs or trees, and/or construction activities, will take place outside the raptor-nesting season (February 1- July 31). If such activities must occur during the raptor-nesting season, all suitable raptor-nesting habitat within 500 feet of the impacted area will be surveyed for active raptor nests. If an active raptor nest is located within 500 feet of the construction area, a no-activity buffer of 250 feet will be erected around the nest while it is active to protect the nesting raptors. Every attempt will be made to protect trees and nests that contain active raptor nests. CDFG generally accepts up to a 250-foot buffer radius for raptors, however, the County natural resource staff, in consultation with CDFG, may have flexibility to reduce or expand the buffer depending on the specific circumstances such as for nests not within the line of sight of construction activity.

Cultural Impact CUL-1: Trail construction and other ground disturbing activities as part of the *Sanborn Trails Plan* could result in disturbance of known or unknown historic, archaeological, or paleontological resources.

Mitigation Measure CUL-1: Develop and implement a historic, pre-historic, and paleontological resource training program for construction personnel.

Mitigation Measure CUL-2: Design and site planned trails to avoid historic and pre-historic sites. In some cases trails will be routed to historic or pre-historic sites for interpretive purposes.

Mitigation Measure CUL-3: Where ground disturbing work will occur in locations where prehistoric or historic sites have been previously documented, evaluation of the site would be performed consistent with professional archeological standards and State and County requirements. An appropriate treatment plan will be developed and implemented to evaluate affected archaeological sites that are determined eligible for listing in the National Register of Historic Places (NRHP) or the California Register of Historical Resources (CRHR) and cannot be avoided by construction.

Mitigation Measure CUL-4: Where ground disturbing work will occur in locations where historic, pre-historic, or paleontological sites have been determined to have a high probability of occurring, field surveys will be conducted within the vicinity of the proposed final trail alignments.

In the event previously undocumented pre-historic resources are discovered during the project construction (including but not limited to dark soil containing shellfish, bone or groundstone) work within the immediate vicinity of the find will be halted until procedures outlined in the County Ordinance Relating to Indian Burial Grounds (County of Santa Clara, 1987) and State Public Resources Code can be implemented and most likely descendants notified.

Mitigation Measure CUL-5: If historic, pre-historic, or paleontological resources are discovered during construction, then the priority will be to relocate the trail to avoid and/or minimize impacts. If the trail cannot be rerouted and impacts cannot be avoided, then work will cease in the area until the archaeological evaluation and treatment plan has been completed.

Note: Those measures necessary to mitigate or avoid significant environmental effects are identified by an asterisk. A reporting or monitoring program must be adopted for measures to mitigate significant impacts at the time the Negative Declaration is approved in accord with the requirements of Section 21081.6 of the Public Resources Code.

Prepared by:

Antoinette Romeo, Park Planner
Santa Clara County Parks

Antoinette Romeo
signature

4/22/08
date

Approved by:

Julie Mark, Deputy Director
Santa Clara County Parks

Julie Mark
signature

4.22.08
date

FOR CLERK-RECORDER FILING STAMP
ENDORSED
APR 24 2008
FILE NO. REGINA ALCOMENDRAS, County Clerk-Recorder
Santa Clara County
By [Signature] Deputy

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POSTED ON 4-24-08 THROUGH 5-24-08
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Brenda Davis, County Clerk
BY [Signature] DEPUTY

1/5/00

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