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.

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<tr>
<th>File</th>
<th>APN(s)</th>
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<td>70833001; 70833005-007; 70847015; 71217014; 71217017; 71217020; 71217021; 71217026; 71217027; 74202012; 74205015; 74206032; 74208031; 74208033; 74208057; 74208058; 74209007; 74209036; 74209037; 74209038; 74209039; 74209040; 74209041; 74209042; 74209043; 74209046; 74209049; 74209050; 74210003; 74210013; 74210015; 74210017; 74210018; 74210019; 74210020; 74210021; 74210022; 74212007; 74212009; 74213008; 74213009; 74213011; 74233003</td>
<td>July 8, 2013</td>
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Project Name: Calero County Park Trails Master Plan  
Project Type: Trails Master Plan

Owner: County of Santa Clara  
Applicant: County of Santa Clara, Parks and Recreation Department

Project Location

Calero County Park consists of approximately 4,442 acres of land located partially within the City of San Jose and partially in unincorporated Santa Clara County approximately 10 miles south of the city center and outside the urban services area. The main entrance to the park is located at 23205 McKean Road, approximately three miles southwest of U.S. Highway 101.

Project Description

The proposed Draft Calero County Park Trails Master Plan (Trails Master Plan) provides a framework for expansion of the existing park trail system into a multi-use trail network over 10-year time period, while supporting protection and enhancement of the sensitive cultural and environmental resources within the park. The proposed Trails Master Plan will:

- Allow 966 acres of newly acquired areas in the park to be opened for recreational trail use;
- Expand the existing trail system by approximately 14.7 miles to 35.9 miles at build-out;
- Designate 23.8 miles of trails as multi-use, to be shared by hikers, bicyclists and equestrians;
- Retain 7.5 miles of trails as limited use for equestrian and hiking only;
- Designate 1.8 miles of trails as hiking only;
- Remove 4.9 miles of existing service road and trails and restore to native landscape;
- Remove dogs on-leash restriction on most trails in the park;
- Upgrade existing in-stream creek channel crossings with bridges spanning the creek/drainage ways or other crossing techniques to minimize in-channel hiking, bicycle, and equestrian water quality disturbance;
- Expand existing trail head staging facilities at Calero Park Ranger Station;
- Create new trail head staging facility off McKean Road;
- Create new trail head staging facility off Almaden Road;
- Install new fences, gates, signage, picnic and rest facilities and pet waste stations; and
- Install surface drainage facilities at new and existing trail head facilities that will maintain or improve storm water quality.
As outlined above, the Trails Master Plan nearly doubles the mileage of the existing trail system. Equestrians and hikers currently use approximately 20 miles of trails. At final build-out, the expanded Calero County Park’s trail system will have grown to approximately 36 miles and will offer many trails for walkers with dogs on-leash and mountain bikers while still retaining historic, limited trail use for equestrians and hikers on some trails. In addition, the Trails Master Plan will provide regional trail connections as identified in the Santa Clara County Countywide Trails Master Plan (1995).

The full text of the Draft Trails Master Plan and Initial Study may be viewed at the following locations:

- County of Santa Clara Parks and Recreation Department Administration Offices: 298 Garden Hill Drive, San Jose, CA 95132
- Calero County Park Ranger Office: 23205 McKean Road, San Jose, CA 95120
- Casa Grande: 21350 Almaden Road, San Jose, CA 95120
- Almaden Library Reference Desk: 6445 Camden Avenue, San Jose, CA 95120
- County of Santa Clara Parks and Recreation Department website: www.parkhere.org

Purpose of Notice

The purpose of this notice is to inform you that the County of Santa Clara Parks & Recreation Department Staff has recommended that a Mitigated Negative Declaration be adopted for this project. Action is tentatively scheduled on this proposed Mitigated Negative Declaration before the County of Santa Clara Board of Supervisors on October 8, 2013 in the Board Chambers, 70 W. Hedding, San Jose. It should be noted that the 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. Meeting information will be posted on the County of Santa Clara’s website at www.sccgov.org under Board Agendas or contact the Office of the Clerk of the Board at (408) 299-5001.

Review Period

The public review period for this document begins on July 10, 2013 and ends August 9, 2013 at 5:00 pm. Public comments regarding the correctness, completeness, or adequacy of this Mitigated Negative Declaration are invited. Such comments should be based on specific environmental concerns. Written comments must be received on or before the close of the public review period and should be addressed to the County of Santa Clara, Department of Parks and Recreation, Planning and Development Section, 298 Garden Hill Drive, Los Gatos, CA 95032, Tel (408) 355-2236, attention Elish Ryan, Park Planner or via email to Elish.Ryan@prk.sccgov.org. Oral comments may be made at the meeting. A file containing additional information on this project may be reviewed at the Department of Parks and Recreation office or online at www.parkhere.org. 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

Santa Clara Valley Water District
Santa Clara Valley Habitat Agency

This document has also been distributed to various public agencies through the State Clearinghouse.

The full text of the Initial Study may be viewed at the County of Santa Clara Parks and Recreation Department website: www.parkhere.org

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 the proposed project could not have a significant effect on the environment, or although the proposed project could initially have a significant effect on the environment, there will not be a significant effect on the environment because of mitigation measures that have been incorporated into the project.

This finding is based on the following considerations

The initial study indicates that the proposed project has the potential to result in significant adverse environmental impacts. However, the mitigation measures identified in the initial study would reduce the impacts to a less than significant level. There is no substantial evidence, in light of the whole that the project, with mitigation measures incorporated, may have a significant effect on the environment.
See the following project-specific conditions (mitigation and avoidance) measures:

A. Air Quality

AQ-1. The Trails Master Plan will be revised to include best management practices for dust control on unpaved parking lots.

AQ-2. The following Air District basic construction mitigation measures will be incorporated into the Trails Master Plan and/or all future construction documents:

a. All exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) shall be watered two times per day. Material stockpiles may be covered in accordance with Trails Master Plan Stormwater Pollution Prevention Plan best management practices No. 1.

b. All haul trucks transporting soil, sand, or other loose material off-site shall be covered.

c. All visible mud or dirt track-out onto adjacent public roads shall be removed using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited.

d. All vehicle speeds on unpaved roads shall be limited to 15 mph.

e. All roadways, driveways, and sidewalks to be paved shall be completed as soon as possible. Building pads shall be laid as soon as possible after grading unless seeding or soil binders are used.

f. Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to 5 minutes (as required by the California airborne toxics control measure Title 13, Section 2485 of California Code of Regulations [CCR]). Clear signage shall be provided for construction workers at all access points.

g. All construction equipment shall be maintained and properly tuned in accordance with manufacturer's specifications. All equipment shall be checked by a certified visible emissions evaluator.

h. Post a publicly visible sign with the telephone number and person to contact at the lead agency regarding dust complaints. This person shall respond and take corrective action within 48 hours. The Air District’s phone number shall also be visible to ensure compliance with applicable regulations.

AQ-3. The following measures shall be incorporated into the Trails Master Plan and/or all future construction documents, applicable to areas identified as containing serpentine rock, if soil disturbance is anticipated during construction of the trail or abandonment of old trails:

a. Upon determination of a precise trail alignment, soil sampling shall be conducted in not less than one location for each one-half mile of alignment within the area identified as containing serpentine rock, and in any case, no less than one sample for any trail segment within the area identified as containing serpentine rock. California Air Resources Board Test Method 435 should be used unless otherwise directed by the Air District.

b. Soil samples shall be analyzed by an approved laboratory for asbestos materials content, and characterized as to concentration and resultant potential for adverse health effects to workers or trail users.

c. If asbestos levels are high enough to warrant precautions, County Parks shall develop a mitigation plan in accordance with Asbestos Airborne Toxic Control Measure for Construction, Grading, Quarrying, and Surface Mining Operations (California Air Resources Board 2009).

B. Biology

BIO-1. To avoid impacts to special-status plants, for the impact area of each project phase, focused botanical surveys will be conducted prior to construction by a qualified biologist or County Parks Natural Resource Program staff for all special-status plant species with potential to occur in the various plant communities as identified above. The surveys will conform to current protocols established by the CDFW and CNPS, and will include surveys during the appropriate blooming periods for every target species (which will overlap for many species during spring months). Optimal survey times vary from year to year depending on temperature, rainfall amount and
timing, etc., so will be confirmed by the monitoring of known reference populations for as many target species in the project vicinity as possible. The final field positioning of each project component will avoid all observed special-status plant species occurrences.

BIO-2. To avoid potential adverse impacts to nesting birds (including raptors), trail building/construction activities (including any tree trimming/removal or generation of loud, sustained noises) should be scheduled to take place outside the breeding bird season (February 1 through August 31). If trail building/construction activities will occur during the breeding bird season, then a qualified biologist or County Parks Natural Resource Program staff will conduct a pre-construction survey for nesting birds to ensure that no nests would be disturbed during project implementation. This survey will be conducted no more than 15 days prior to the initiation of disturbance activities during the early part of the nesting season (February 1 through April 30) and no more than 30 days prior to the initiation of disturbance activities during the late part of the nesting season (May 1 through August 31).

If no active nests are present within 500 feet of project activities, then activities can proceed as scheduled. However, if an active nest is detected during the survey within 500 feet of project activities, then the establishment of a protective buffer zone around each active nest (typically 250 to 500 feet for raptors but possibly 1,000 to 1,300 feet for ground-nesting and/or special-status raptors, with appropriate setback distance to be determined by a qualified biologist or County Parks Natural Resource Program staff) and 75 to 250 feet for passerines [perching and songbird species]) will be clearly delineated or fenced by the qualified biologist or County Parks Natural Resource Program staff until the juvenile bird(s) have fledged (left the nest), unless the biologist determines that proposed activities would not impact nesting success or fledgling/juvenile rearing. Limited monitoring of active nests located within 500 feet of trail or facility construction is recommended in order to monitor nesting activities and to prevent nest failure or abandonment.

BIO-3. To avoid/minimize impacts to special-status animals, for each project phase, impact areas will be positioned away from high quality habitat features such as burrows or wetlands as determined prior to construction by a qualified biologist or County Parks Natural Resource Program staff through a trail location survey. In particular, new trails and facilities will be sited in the field prior to construction to avoid potential American badger den sites/active burrows, seasonal wetlands, and other features that could provide habitat for special-status species. Further, temporary exclusion barriers will be utilized to keep wildlife out of construction sites, as deemed appropriate by a qualified biologist or Parks Natural Resource Program staff. Construction monitoring will be conducted periodically by a qualified biologist or Parks Natural Resource Program staff to ensure that disturbance limits are correctly established and that avoidance/minimization measures are implemented properly.

BIO-4. To minimize/avoid impacts to Santa Clara Valley Habitat Plan covered species, all applicable conditions listed in Table 7, Valley Habitat Plan Covered Species: Conditions on Covered Activities, for each covered species with potential to be impacted will be implemented during each phase of the project.

BIO-5. Mitigation will be required for the removal of any tree which measures over thirty-seven and seven-tenths (37.7) inches in circumference (twelve (12) inches or more in diameter) measured four and one-half (4.5) feet above the ground, or which exceeds twenty (20) feet in height. In compliance with the Santa Clara County Tree Preservation Ordinance, an administrative permit will be obtained from the County Planning Department prior to removal of protected trees on the project site and any stipulated mitigation will be completed, such as the planting of replacement trees in appropriate sites.
C. Cultural Resources

CR-1. County of Santa Clara Parks and Recreation Department will ensure that the two previously unrecorded historic resources (home site and a wooden barn) noted during the archaeological survey are documented on Department of Parks and Recreation (DPR) forms and recorded to the California Historic Resources Information System (CHRIS).

CR-2. Prior to construction, staging areas and trails plans will be finalized in consultation with a qualified historian to avoid areas of known historic sensitivity.

CR-3. Due to the possibility that significant previously unknown historic resources might be found during future construction activities, the following language will be incorporated into the Trails Master Plan and/or all future construction documents:

“If historic resources (i.e. historic sites, and/or isolated historic objects that appear likely to have historic or cultural significance) are discovered during construction, work shall be halted at a minimum of 200 feet from the find, County of Santa Clara, Parks and Recreation Department shall be notified, and the area shall be staked off. County of Santa Clara, Parks and Recreation Department shall retain a qualified professional historian that meets the Secretary of the Interior’s Standards and Guidelines for Professional Qualifications in history, to evaluate and determine the significance of the find. If the find is determined to be significant, appropriate mitigation measures shall be formulated and implemented.”

CR-4. Prior to construction, staging areas and trails plans will be finalized in consultation with a qualified archaeologist to avoid areas of known archaeological sensitivity. Where this is not feasible, archaeological monitoring shall be carried out during earthmoving activities for trail construction within sensitive areas, as defined in the Archaeological Investigation. In the event that proposed trails pass through recorded archaeological resources, an archaeological testing program will be developed for these areas consistent with professional archeological standards and State and County requirements. The nature and extent of the testing program will be dependent on the level of site disturbance, and topological and environmental factors.

CR-5. Due to the possibility that significant buried prehistoric cultural resources might be found during future construction and trail improvement activities, the following language will be incorporated into the Trails Master Plan and/or all future construction documents:

“If prehistoric archaeological resources (including but not limited to dark soil containing shellfish or groundstone) are discovered during construction, work within the immediate vicinity of the find will be halted at a minimum of 200 feet from the find and the area will be staked off. County of Santa Clara, Parks and Recreation Department will then determine if it is feasible 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 has been completed. The County of Santa Clara Parks and Recreation Department will retain a qualified professional historian and/or archaeologist that meets the Secretary of the Interior’s Standards and Guidelines for Professional Qualifications in archaeology to evaluate and determine the significance of the find. If the find is determined to be significant, appropriate mitigation measures will be formulated and implemented.”

CR-6. In the event of an accidental discovery or recognition of any human remains, the following language will be incorporated into the Trails Master Plan and/or all future construction documents in accordance with CEQA Guidelines section 15064.5(e):

“If human remains are found during construction there will be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent human remains until the coroner of Santa Clara
County is contacted to determine that no investigation of the cause of death is required and procedures outlined in the County Ordinance Relating to Indian Burial Grounds (County of Santa Clara, 1987) and State Public Resources Code can be implemented. If the coroner determines the remains to be Native American the coroner will contact the Native American Heritage Commission within 24 hours.

The Native American Heritage Commission will identify the person or persons it believes to be the most likely descendent from the deceased Native American. The most likely descendent may then make recommendations to County of Santa Clara or the person responsible for the excavation work, for means of treating or disposing of, with appropriate dignity, the human remains and associated grave goods as provided in Public Resources Code Section 5097.98. The County of Santa Clara or it’s authorized representative will rebury the Native American human remains and associated grave goods with appropriate dignity on the property in a location not subject to further disturbance if: a) the Native American Heritage Commission is unable to identify a likely descendent or the likely descendent failed to make a recommendation within 24 hours after being notified by the commission; b) the descendent identified fails to make a recommendation; or c) the County or it’s authorized representative rejects the recommendation of the descendent, and the mediation by the Native American Heritage Commission fails to provide measures acceptable to the landowner.”

D. Land Use and Planning

See BIO-4 above

E. Recreation

The potential for impacts as a result of park expansion is evaluated throughout the Initial Study. Where project implementation is identified to result in environmental impacts, mitigation is provided to ensure that impacts are reduced to a less than significant level. See mitigation measures provided in this subsection.

F. Transportation/Traffic

T-1. The tree located about 400 feet south the Ranger Station entrance on the east edge of McKean Road of the entrance shall be trimmed to increase and sight distance to a minimum distance of 430 feet. The trimming shall be regularly maintained to ensure sight distance is preserved.

T-2. The following improvements will be incorporated into the Trails Master Plan and implemented prior to opening the Rancho San Vicente Staging Area:

a. A Rectangular Rapid Flashing Beacon (RRFB) or other pedestrian crossing provisions to be developed in coordination with County of Santa Clara Roads and Airports Department prior to final design and implementation shall be installed on McKean Road at the Fortini Road intersection to alert drivers of crossing pedestrians.

b. A high-visibility crosswalk adjacent to the RRFB or other pedestrian crossing provisions to be developed in coordination with County of Santa Clara Roads and Airports Department prior to final design and implementation shall be installed to direct pedestrians to the proper crossing location on McKean Road.

c. Pedestrian and equestrian warning signs (W11-2 and W11-7) shall be placed approximately 20 feet in advance of the high-visibility crosswalk on McKean Road. Actual configuration to be further coordinated with County of Santa Clara Roads and Airports Department prior to implementation.

d. The Rancho San Vicente driveway entrance shall include one inbound and one outbound lane.

e. Remove a vehicle parking space at the trail entrance to provide adequate space to enter and exit the trail.

f. An eastbound right-turn deceleration lane and a westbound left-turn pocket shall be added on McKean Road. The deceleration lane and turn-pocket shall extend approximately 200 feet from the intersection. Actual configuration to be further coordinated with County of Santa Clara Roads and Airports Department prior to final design and implementation.

g. The Rancho San Vicente entrance sign shall be installed perpendicular to McKean Road to maximize its visibility.
Almaden Road Staging Area Improvements

T-3. The following improvements will be incorporated into the Trails Master Plan and implemented prior to completing improvements at the Almaden Road Staging Area:

a. Pedestrian and equestrian warning signs (W11-2 and W11-7) shall be installed on Almaden Road to alert drivers for pedestrians and equestrians in the roadway. Actual configuration to be further coordinated with County of Santa Clara Roads and Airports Department prior to implementation.

b. The Almaden Road staging driveway entrance shall include one inbound and one outbound lane.

c. The Almaden Road staging area entrance sign shall be installed perpendicular to Almaden Road to maximize its visibility.

Note: A reporting or monitoring program must be adopted for measures to mitigate significant impacts at the time the Mitigated Negative Declaration is adopted or the project is approved, in accord with the requirements of Section 21081.6 of the Public Resources Code.

Prepared by:
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Santa Clara County Parks

Approved by:
Julie Mark, Deputy Director
Santa Clara County Parks

Revised 5/09/10