Midpeninsula Regional Open Space District

R-12-59
Meeting 12-17
June 12, 2012

AGENDA ITEM 1

AGENDA ITEM

Adoption of a Final Environmental Impact Report for the Mount Umunhum Environmental Restoration and Public Access Project, and Approval of Phase I: Demolition (Not Including the Radar Tower)

GENERAL MANAGER'S RECOMMENDATIONS

1. Adopt the attached Resolution of the Board of Directors of the Midpeninsula Regional Open Space District (MROSD) adopting a Final Environmental Impact Report (EIR) in accordance with the California Environmental Quality Act (CEQA), for the Mount Umunhum Environmental Restoration and Public Access Project (Attachment 1).

2. Adopt the CEQA Findings of Fact as described in Attachment 2.

3. Approve the Mitigation Monitoring Response Plan for Phase I demolition of all structures (not including the radar tower) at the former Almaden Air Force Station (Attachment 3).

4. Adopt the attached Resolution, approving Phase I demolition of all structures at the former Almaden Air Force Station with the exception of the radar tower. The Board will consider the treatment of the radar tower at a subsequent meeting (Attachment 4).

SUMMARY

The Mount Umunhum Environmental Restoration and Public Access Project (Project) was developed to identify public access opportunities for the former Almaden Air Force Station (AFS) located atop Mount Umunhum and Mount Thayer in Sierra Azul Open Space Preserve. The proposed Project Description, which was tentatively approved by the Board in December 2009, was used as the basis for a robust environmental review analysis under CEQA. The Project Description encompasses all project elements that may be included in the final site design. Project elements include: demolition and clean-up of structures associated with the former Almaden AFS, construction of several parking areas, installation of minimal site amenities such as trails and picnic tables, and creation of a visitor center and backpack camp. With implementation of proposed mitigation measures, these project elements would result in no significant impacts to the environment. The Project Description includes three treatment options for the radar tower, for which there is no clear, environmentally-superior option. The Board of Directors is not being asked to make any decisions on the treatment of the radar tower at this

June 12, 2012 hearing. The purpose of this hearing is to seek Board certification of the CEQA document, and approval to move forward with the demolition and removal of the remaining structures (not including the radar tower) that are associated with the former Almaden AFS as part of the first phase of public access.

BACKGROUND

In 1986, the District acquired the former Almaden AFS, a radar station active during the Cold War, and all of its remaining facilities found on Mount Umunhum and Mount Thayer (see Report 86-20), with the intent to restore the area to a natural condition and provide public access. Under separate environmental review, remediation efforts were completed in July 2011, which removed and abated hazardous materials (including asbestos-containing materials, polychlorinated biphenyls, and lead-based paint) through a $3.2 million federal appropriation received by MROSD in 2010 (see Report 10-102).

The Project was initiated in early 2010 and a public workshop held in September 2010 to gather ideas and input from neighbors, agencies, and other interested members of the public regarding the opportunities for public access at the former Almaden AFS. Additional input was gathered via numerous stakeholder interviews, web surveys, a second public workshop, and three subsequent public hearings. The Final EIR incorporates input from responsible agencies such as Santa Clara County Parks and Recreation, Santa Clara County Planning and Development (Planning Office and Roads and Airports), California State Parks and Recreation, California State Office of Historic Preservation, as well as input received from the community and potential partners. This special meeting of June 12, 2012 provides an additional opportunity for the Board to receive further comments on the Project from agencies, organizations, and the public, all of whom have been encouraged to provide their input in writing and/or in person for Board review and consideration as the Board moves closer toward a final decision on the future development of the site.

DISCUSSION

Project Description

The Mount Umunhum Environmental Restoration and Public Access Project includes phased public access to the summit of Mount Umunhum, as well as roadway and access improvements, environmental restoration, development of public use facilities, and a range of possible amenities such as trails, observation and reflection areas, interpretive displays, picnic tables, shade structures, restrooms, camp sites, and a visitor center. Development of the former Almaden AFS into an open space destination involves the demolition of most (possibly all) of the abandoned structures on site. The only structure that may remain is the radar tower; this decision will not occur until later this summer when the Board deliberates on approving the remaining project elements, including the radar tower, during subsequent public meetings. The radar tower is an 80-foot tall, 63-foot wide, five-story concrete structure, which can be seen from the floor of the Santa Clara Valley. It was constructed as the base for a long-range radar antenna to detect foreign objects in airspace during the Cold War.

Throughout the planning process, it has become clear that, of all the project elements, the treatment of the radar tower has produced the strongest and widest range of opinions amongst public, staff, and agencies. Therefore, three options were evaluated in the Draft EIR for addressing the radar tower: sealing and retaining, retaining a portion of the structure as a publicly-accessible feature, or removing the entire structure and restoring the building footprint.

All three options also include a robust interpretive element that will serve to: 1) honor the contributions of the veterans who were stationed at the summit and the role of the Almaden AFS in the Cold War; 2) explain the significance of the site as the center of the local Native American community's creation story; and 3) highlight the unique local wildlife and native plant community that inhabits the summit and ridgelines. The three radar tower options are included as part of the Preferred Alternative for the Project for the purposes of CEQA review. As such, Certification of the Final EIR at this hearing neither affects nor determines the ultimate treatment of the tower. The Board is not being asked to make any decisions on the treatment of the radar tower at this time. Additional public meetings are scheduled for summer/fall of this year for the Board to address treatment of the radar tower and consider approval of the remainder of the Project.

Project Alternatives

Pursuant to CEQA, the Draft EIR includes a comparable evaluation of four project alternatives: 1) the No Project Alternative, which assumes neither structure removal, environmental restoration, nor public access and associated recreational facilities would occur; 2) 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) Reduced Amenities/Increased Restoration Alternative, which would include elimination of most of the "structural" public amenities, such as the visitors center, restrooms, picnic tables, shade structures, etc., and would increase the amount of environmental restoration; and 4) Shuttle Alternative, which would generally rely on shuttles rather than private vehicles to bring visitors to the summit.

The No Project Alternative was considered the environmentally superior alternative; however, the No Project alternative does not meet any objectives of the proposed project. In addition, CEQA requires that if the No Project Alternative is identified as the environmentally superior alternative, another alternative must be selected from the range as the environmentally superior alternative. The EIR concluded that because the three alternatives for implementing the project have similar environmental impacts to the preferred alternative, there is no clear environmentally superior project alternative aside from the No Project alternative.

Recommended Actions

As lead agency, the District has principal responsibility for approving and carrying out the proposed project. At the June 12, 2012 special meeting, the Board will consider four items:

1) Adoption of a Resolution certifying the EIR based on findings that the EIR was prepared in accordance with all legal requirements and reflects the District's independent judgment and analysis; that the Board of Directors has considered the EIR and all comments received during the comment period; and that there is no substantial evidence in record that the Project, as mitigated, will have a significant impact on the environment (Attachment 1);

2) Approval of a Statement of Findings of Fact (FOF) (Attachment 2),

3) Adoption of a Mitigation Monitoring Program (MMP) for the Phase I demolition (not including the radar tower) (Attachment 3); and

4) Adoption of a Resolution approving Phase I of the Project, which includes demolition of all structures except the radar tower (Attachment 4).

CEQA Overview

The environmental analysis revealed potentially significant impacts in the following areas: Cultural Resources, Biological Resources, Hydrology and Water Quality, Geology and Soils, Hazards and Hazardous Materials, Air Quality, and Traffic. All potential impacts were reduced to less-than-significant levels through the incorporation of standard mitigations measures. Several of these impact areas are associated with Phase I Demolition, and are included in the MMP (Attachment 4). Potentially significant impacts and mitigation measures are summarized below.

Cultural Resources

As discussed in Section 4.2, "Cultural Resources," the radar tower is not eligible for listing on the federal, State, or County register as a significant historic resource; therefore, MROSD considers the impact resulting from partial and full removal of the tower to be less than significant. Retaining the tower would also result in a less-than-significant impact. However, because the tower is important to some members of the public, and has been a geographic reference point for the region, voluntary mitigation measures have been added to incorporate interpretive displays and tours, which serve to further reduce this less-than-significant impact. No known archaeological resources exist on the project site; however, the Draft EIR includes mitigation measures to reduce the potential for damage to unknown archaeological resources or human remains to a less-than-significant level.

Biological Resources

As discussed in Section 4.3, "Biological Resources", demolition activities associated with the proposed project could result in potentially significant impacts to special-status bat species that could roost in the existing structures. Mitigation measures in the Draft EIR would reduce the impacts to bats to a less-than-significant level. In addition, trail construction and other proposed ground disturbance could result in potentially significant impacts to special status plant and wildlife species and habitats (including jurisdictional wetlands). The Draft EIR includes mitigation measures to reduce these impacts to a less-than-significant level. Recreational activities associated with project operation would result in a less-than-significant impact.

Hydrology and Water Quality, Geology and Soils

As discussed in Sections 4.4, "Hydrology and Water Quality," and 4.5, "Geology and Soils", ground disturbance associated with the proposed project could result in impacts to water quality related primarily to increased sediment in surface water runoff. The Draft EIR includes mitigation measures that would require preparation of a Storm Water Pollution Prevention Program (SWPPP), including best management practices (BMPs) that would reduce construction-related impacts to water quality to a less-than-significant level. The Draft EIR also includes mitigation measures to reduce potential impacts resulting from parking-lot-related pollutants entering the local drainages. Impacts related to hydrology, water quality, geology, and soils are less than significant after implementation of mitigation measures included in the Draft EIR.

Hazards and Hazardous Materials

As discussed in Section 4.6, "Hazards and Hazardous Materials," soils in certain areas of the project site may contain elevated levels of pesticides associated with the former military use. The Draft EIR includes mitigation measures to reduce impacts to construction workers and open space users to a less-than-significant level. The proposed project would result in a less-than-significant impact related to handling and transport of hazardous materials. The proposed project would also result in a less-than-significant impact associated with increased risk of wildland fire.

Air Quality
As discussed in Section 4.7, "Air Quality," the Draft EIR includes mitigation measures to reduce potential impacts related to construction-related emissions to a less-than-significant level. Mitigation measures in the Draft EIR would also reduce potential impacts related to naturally occurring asbestos (NOA) to a less-than-significant level. Air quality impacts associated with project operations would be less than significant.

Traffic and Circulation
As discussed in Section 4.10, "Traffic," the traffic generated by the construction and operation of the proposed public access plan would result in less-than-significant impacts related to the level of service on the local roadway network. The Draft EIR includes mitigation measures to reduce potentially significant impacts related to degradation of the roadway surface resulting from project construction to a less-than-significant level. Measures are also included in the project description to ensure impacts to bicycle and pedestrian safety are less than significant. The project description also includes measures to ensure that maintenance-related impacts remain less than significant.

Public Review and Comments
The Draft EIR public review period ended on February 10, 2012. In accordance with §15088 of the CEQA Guidelines, MROSD, as the lead agency, has reviewed the comments received on the Draft EIR for the Project and has prepared a Final EIR, which includes written responses to the comments received. The announcement of availability of this document was given wide distribution among the public and responsible agencies. As of May 24, 2012, the Draft EIR generated a total of 77 individual written comment letters, plus an additional 23 verbal comments from the public and agencies at the Draft EIR hearing held in January 2012. These written and verbal comments received on the Draft EIR and the responses to those comments are provided in the Final EIR, which was released on May 25, 2012 for public review. Comments received between May 25 and June 7 (Board packet mailing date) are included in Attachment 5. All additional comments received between June 8 and June 12 will be included as a late attachment and distributed at the June 12 meeting. Many comment letters raised multiple issues, not all of which were environmental issues. All comments received as of May 24 were given responses in the Final EIR as well as mailed individual response letters. Major themes of comments and responses are summarized below.

Radar Tower
Treatment of the radar tower elicited by far the most comments of any issue brought forth. These comments were addressed in Master Response #1. Many commenters shared their values, personal experiences, memories, and desires for the outcome of this decision-making process. The social importance of the tower to many of the commenters is evident from those letters: borne of personal experiences living with the tower as part of the landscape, as children growing up in the region, as adults, and as veterans; as a visual reminder of important memories relating to the Cold War in general, and this former AFS in particular; and as an object of unusual visual interest.

A few commenters disagreed with the Draft EIR's conclusion that implementation of Tower Options 2 or 3, which involve various degrees of tower removal, would result in a less-than-significant impact related to historic resources. These comments were also addressed in Master Response #1. The Draft EIR's conclusion is based on an evaluation prepared by an

expert (Page & Turnbull, Inc.) in historic resources evaluation, which explained that there are many other examples of Cold-War-era radar facilities in the US and California, which reduces the tower's historic significance. Further, the integrity of structures is an important factor in determining if an impact may be significant; in the case of the tower, its function was as the base for a radar antenna, a 125-foot-wide, 85 ton "sail" that searched for foreign objects in airspace. The antenna was removed by the Air Force when the property transferred ownership to MROSD, and lacking the radar antenna, the tower has lost the integrity of its original purpose and is therefore no longer "historically significant." The evaluation was reviewed and the conclusion confirmed by the California State Historic Preservation Officer (SHPO); SHPO is an expert agency charged with reviewing and determining historic significance of buildings, landmarks, events, etc. Notwithstanding this determination regarding historic significance, the radar tower is important to many members of the community, and offers a "story to tell" in the history of the Cold War. Thus, even though the tower is not technically historically significant, the EIR includes voluntary mitigation measures in the event that options to partially or fully remove the tower are selected, including development of interpretive media depicting the role of the site in the Cold War and honoring the contributions of the Almaden AFS veterans who were stationed at the site. While recognizing the passion expressed concerning the tower, including its potential historic value, no information was presented which would alter the significance conclusions with respect to historic resources for CEQA purposes.

Several comments were received that relate potential aesthetic impacts associated with Tower Options 2 and 3, which involve removal of most or all of the tower, respectively. Aesthetics are highly personal and subjective, to a large degree. The Draft EIR concluded that partial or full removal of the tower would not result in significant adverse changes in the viewshed. Although the partial or full removal of the tower would be noticeable, primarily to people who are accustomed to marking the location of the site by seeing the tower; however, the Draft EIR concluded that, for various reasons (the tower visually disrupts the flow of the ridgeline; it is out of character with the surrounding environment, etc.), removal of the tower would not be an adverse change to the viewshed. Many commenters disagreed with this conclusion, while others agreed.

Hang gliding

Several comments were received regarding the compatibility of hang gliding and paragliding with wildlife. The conclusions in the Draft EIR with respect to this impact have been changed to indicate the impact is potentially significant, and mitigation has been added to reduce the impact to a less than significant level. While evidence does not suggest that the potential infrequent disturbance from recreational hang gliding would reduce the range of raptors or vultures, hang gliding can induce a short-term behavioral response from raptors, such as increased vocalization, escape flight (flushing), aggressive flight displays, or defense of their territory. Agitated and aggressive behavior suggests that the nesting raptors may be disturbed when hang gliders pass too near to nesting areas. In order to minimize to the greatest extent possible the level of direct or indirect disturbance to wildlife from recreational uses, text and mitigation has been added to Impact 4.3-4 (page 4.3-28) to more clearly and thoroughly address potential impacts resulting from hang gliding.

Staffing

Commenters expressed concern that the Draft EIR understates the effects of this project on staffing demands, and furthermore, that the Draft EIR makes flawed assumptions about the feasibility and ramifications of the project and fails to address its maintenance and safety needs.

These concerns are addressed in depth in the response to comments section of the Final EIR and summarized here.

The Final EIR clarifies the fact that the concerns of the commenter are not CEQA issues, concluding that if the project results in the demand for more fire or law enforcement personnel, there would only be a significant impact if the need translated to a physical change in the environment, and the physical change resulted in significant environmental effects. Furthermore, the proposed additional staffing (the estimated equivalent of two rangers and a maintenance staff person), is believed to be sufficient to support the project based on estimated visitor levels. If visitorship exceeds expectations, MROSD will adjust staffing accordingly; however, it is not anticipated that the project, in its early phases, would create a substantial demand for staffing since access would primarily be via a trail connection to the summit. Based on interviews with current staff at similar mountaintop "destination" locations in the Bay Area, this type of site (even those accessible by vehicle) does not appear to experience elevated levels of patrol response, need for backup assistance, or afterhours trespass and vandalism on a level greater than other non-vehicle-accessible sites. Although the comments included no evidence which would suggest that the proposed staffing level would not be sufficient, staffing would be adjusted based on trends and visitation, as is standard District operating procedure.

The District already anticipates an increase in Ranger staff over the next decade, as identified in the long-term, internal "master plan" for the District's South Area, which includes converting the current Outpost into a formal South Area Field Office. When that occurs, the South Area Field Office is anticipated to be staffed with one Area Superintendent, two Supervising Rangers, and two teams of five Rangers, for a total of 13 badged peace officers, plus Supervising maintenance staff and crews. In the meantime, however, the three proposed staff members associated with this project are not contingent upon and do not trigger the building of a new field office facility. These positions would report to one of the current field office facilities, depending on the regional operational needs, consistent with current practices. Because the addition of these staff would not result in the need to construct any new facilities to house them, no physical changes to the environment would result.

Trespass and Vandalism
Commenters state that the site can be easily targeted by vandals, trespassers, and graffiti artists due to the remote location of the Project Area. The commenter offers as evidence recent trespassing occurrences at the adjacent property and comments that no steps are being taken to secure the site other than adding signage. Trespassing is an existing condition that has occurred at the site for many years, predating the initiation of the Project, and perhaps accelerated recently by the rise in scrap metal values. The District anticipates that by removing and/or sealing existing structures, as proposed, legitimizing the recreational use at the summit and regularly patrolling the project site (it will be visited by Rangers, maintenance staff, and a campground host if the campground is activated), the level of trespass will diminish as the project is implemented.

Trespass and vandalism are important issues to the District; however, they are not CEQA issues. Trespassing and vandalism are not environmental impacts. These issues only become environmental issues if increased trespass or vandalism leads to adverse physical environmental effects, such as significant urban decay or risk to public safety.

Regarding public safety, trespassers or vandals could jeopardize public safety if they increased the potential for wildland fire ignition. The Draft EIR evaluated the potential for the proposed

project to increase wildland fire risk, and indicates that risk of wildland fire ignition associated with illegal use of the site is expected to decrease as a result of the proposed project because the project would legitimize the use of the site for recreational purposes.

Although the trespassing issue is not, itself, a CEQA issue, MROSD strives to be a good neighbor and recognizes the need for continued enforcement, and collaborative efforts with all of the neighbors on the mountain, to address this problem. In addition to the signage mentioned by the commenter, additional strategies and steps that have already been taken by MROSD as deterrents to improve security at the site include:

1) Expanded closure areas;

2) Increased severity of trespass violation within hazardous areas on District land to a misdemeanor. The larger penalty associated with a misdemeanor, which includes a substantially increased ticket fee and a permanent criminal record, deters trespassers; and

3) Temporarily hired an outside security company for nighttime patrol to meet targeted needs.

The District is also preparing to install wireless security cameras in strategic locations on the project site. The internet connection and camera feed will send notifications that will be monitored.

The District anticipates that trespassing will decrease as a result of project implementation and, as a good neighbor, will continue to work with nearby property owners on this issue.

Shuttle Service

CEQA guidelines require EIRs to analyze a range of project alternatives that would avoid or substantially lessen any of the significant environmental effects of the project. Therefore, although the Project was found to have no significant environmental effects, the EIR contains a discussion of potentially feasible alternatives, including the "Shuttle Alternative" which would replace personal vehicle access to the summit with limited shuttle service on weekends and holidays from April through November. The Shuttle Alternative assumed that a new parking area would be needed at a lower elevation (potentially near Hicks and Pheasant Roads) to provide a staging area for shuttle loading and off-loading. The rest of the year, limited permits would be issued for personal vehicle use of Mt. Umunhum Road. Although the intent of the Shuttle Alternative was to provide a "greener" method of travel to the summit, the EIR concluded that actual reductions in emissions would be minor, since visitors would still be using their personal vehicles to drive to the shuttle parking lot. Also, because the Shuttle Alternative would result in similar impacts overall, it was not identified as the environmentally superior alternative.

Nevertheless, a shuttle system remains a valid option for future management and operation for the site, and the conclusions reached in the EIR do not preclude implementation of a shuttle. This option could be revisited after an easement for public access is negotiated and funding has been secured to repair, upgrade, and maintain Mt. Umunhum Road for public use. Staff analyzed the shuttle alternative from an operational and cost standpoint using assumptions about potential annual visitation, and found it to be potentially feasible if adequate demand exists, although probably not completely self-sustaining if the shuttle system is managed by the District.

To inform this analysis, staff conducted research into similar shuttle systems. The shuttle from Marin City to the Muir Woods National Monument in Marin County is the result of a unique partnership originally funded through federal grant dollars, now operated through federal and county funds, to address traffic issues through residential neighborhoods en route to Muir Woods due to high visitor demand. This shuttle provides comparable data, as it exists specifically to carry round-trip passengers to one destination on narrow, steep, and windy roads. By comparison, the shuttle system to the summit of Mount Tamalpais State Park includes multiple routes and stops, making an analysis of program revenues and costs more difficult. Public transportation is not available to the summits of Mount Diablo State Park or Mount Hamilton.

If shuttles are not regularly filled, MROSD would incur significant costs to provide this service, and it is too speculative at this time to determine whether the demand will exist and if the public would actually use the system enough to be cost-effective. Staff recommends an iterative approach to determining the suitability of the shuttle system. Opening the area to the public would determine whether public access demand regularly exceeds expectations. A brief fee study performed in 2011 revealed that the public would support paying fees to visit and/or park vehicles in order to gain access to Open Space Preserves in general. Although the specific question of willingness to pay a shuttle fee was not included in the survey, public support for visitor fees is encouraging and bodes well for potential future shuttle fees.

Because the Shuttle Alternative was analyzed and found to have no significant environmental impacts, MROSD can choose to provide shuttle service to the summit in the future, or seek partnerships with appropriate local companies to provide service, if adequate demand exists and a shuttle is found by the Board to be both desirable and feasible. Implementation of a shuttle service would not require further CEQA analysis, unless additional elements were added such that new environmental impacts could result.

Williamson Act Contracts

At least one parcel within the Project Area is known to be under a Williamson Act contract. This parcel is within the proposed site for the Bald Mountain staging area. A notice of non-renewal for this parcel was filed in 2007 and the contract will expire in 2016. Once the Project is approved and design is underway, more parcels could be revealed to be under similar Williamson Act contracts. Passive recreation and related facilities, however, are generally compatible uses under State law governing Williamson Act contracts. Some older Williamson Act contracts are more restrictive and do not allow for such uses on contracted lands. Either way, each Williamson Act contract found to apply to a particular parcel within the project area will be addressed on a case-by-case basis, in consultation with and under any approvals needed from the County, which may include a) a compatible use finding, b) an amendment to the contract to update compatible uses to comport with current State law, or c) a delay of the particular affected project phase until the applicable contract is expired. Regardless, no agricultural lands will be lost as a result of the Project, and there are no related environmental impacts.

FISCAL IMPACT

Direct costs associated with certification of the Final EIR include consultant fees, postcard printing and mailing, public meeting rental facilities, and other incidental fees, which are included in the FY2012-13 budget for the Planning Department. Further public meetings are anticipated to be held in summer and fall 2012 to consider approval of the project; costs associated with these meetings, including costs associated with public outreach, may require

additional funds. At this time, staff anticipates recommending a mid-year budget adjustment to reapportion funds associated with the various Mount Umunhum projects and move funds from Phase I implementation to site planning.

BOARD COMMITTEE REVIEW

The Sierra Azul/Bear Creek Redwoods Ad Hoc Committee has been continuously receiving information and providing feedback and guidance for the Project. In the last two years, the Committee has met many times for this purpose, specifically to review proposed project elements and to receive consensus on what elements to forward to the full Board of Directors.

PUBLIC NOTICE

Notices providing information about this special meeting of June 12, 2012, and where to review or download the Final EIR and project documents were sent to all responsible and trustee agencies on May 24, 2012. Similar notices were sent May 25, 2012 to over 3,500 interested parties, in addition to over 750 email recipients, including all individuals and organizations requesting notice. Copies of the Final EIR were mailed on May 24, 2012 to the agencies that commented on the Draft EIR. Review copies of the Final EIR and other documents were made available on May 25, 2012 at the Los Gatos Public Library, the Almaden Branch Library, the District's administrative office in Los Altos, and provided for download on the District's website.

NEXT STEPS

If the Board adopts both Resolutions and the associated Findings of Fact and Mitigated Monitoring Plan as proposed, staff will move forward with the public bidding process associated with demolition of all structures associated with the Almaden AFS, with the exception of the radar tower. A special Board meeting is scheduled to be held on July 18, 2012 for a focused open house/workshop on the three radar tower treatment options, required maintenance, and associated costs. Future Board meetings will be scheduled in the summer/fall of 2012 for the Board to consider approving remaining elements of the Project, including treatment of the radar tower.

Attachment(s)

1. Resolution Certifying the Final EIR
2. Findings of Fact for Phase I Demolition
3. Mitigated Monitoring Plan for Phase I Demolition
4. Resolution Approving Phase I Demolition (except for the radar tower)
5. Public Comments Received From May 25 to June 7, 2012

Responsible Department Manager:
Ana Ruiz, Planning Manager

Prepared by:
Meredith Manning, Senior Planner
Lisa Bankosh, Planner III

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Meredith Manning, Senior Planner

ATTACHMENT 1

RESOLUTION NO. 12-XX

RESOLUTION OF THE BOARD OF DIRECTORS OF MIDPENINSULA REGIONAL OPEN SPACE DISTRICT CERTIFYING THE FINAL ENVIRONMENTAL IMPACT REPORT FOR THE MOUNT UMUNHUM ENVIRONMENTAL RESTORATION AND PUBLIC ACCESS PROJECT

WHEREAS, the Midpeninsula Regional Open Space District (the District) is a lead agency, as provided for under §21067 of the California Environmental Quality Act; and

WHEREAS, the District is proposing a project, known as the Mount Umunhum Environmental Restoration and Public Access Project; and

WHEREAS the District determined that the project may have a significant effect on the environment and thusly concluded an environmental impact report (EIR) would be needed to satisfy the requirements of the California Environmental Quality Act with respect to informing the public and the Board of Directors of the Midpeninsula Regional Open Space District (Board of Directors) as to the environmental impacts, mitigating measures, and alternatives to said project; and

WHEREAS, a Notice of Preparation (NOP) was filed with the California Office of Planning and Research on December 13, 2010 and distributed to involved public agencies and interested parties for a 30-day public review period that concluded on January 12, 2011, to initiate the EIR process and collect written comments on the scope of issues to be addressed in the Draft EIR; and

WHEREAS, a public scoping meeting was held on December 9, 2010 to gather public input on the environmental issues to be addressed in the Draft EIR; and

WHEREAS, a Notice of Availability and Notice of Completion of a Draft EIR were published on December 13, 2011; and

WHEREAS, the Draft EIR was circulated for a 60-day period that concluded on February 10, 2012; and

WHEREAS, a public hearing on the Draft EIR was held on January 18, 2012 to gather public comments on the Draft EIR; and

WHEREAS, on May 25, 2012, the Final EIR was published and addressed all comments raised on the environmental issues associated with the project; and

WHEREAS, on June 12, 2012 the Board of Directors, as lead agency under the California Environmental Quality Act, now finds that:

1. Notice has been given in the time and in the manner required by State Law.

2. The Final EIR for the Mount Umunhum Environmental Restoration and Public Access Project was presented to the Board of Directors. The Final EIR includes the Draft EIR, all comments and recommendations received on the Draft EIR, a list of all persons, organizations, and public agencies commenting on the Draft EIR, the responses to comments made on environmental issues associated with the project, and all revisions to the Draft EIR (collectively the Final EIR for the Mount Umunhum Environmental Restoration and Public Access Project). The Board of Directors has independently reviewed and considered the information contained in the Final EIR, including comments received from the public, before approving the Mount Umunhum Environmental Restoration and Public Access Project or any elements thereof.

3. The Final EIR was completed in compliance with the California Environmental Quality Act.

4. The Final EIR reflects the Board of Directors' independent judgment and analysis.

BE IT RESOLVED AND CERTIFIED by the Board of Directors that:

1. The Final EIR was completed in compliance with the California Environmental Quality Act of 1970 (Cal. Public Resources Code section 21000 et seq.), as amended, and the State Guidelines thereto (Cal. Code of Regs. 15000 et seq.).

2. The Final EIR was presented to the Board of Directors and was independently reviewed and considered by the Board of Directors.

3. The Final EIR reflects the Board of Directors' independent judgment and analysis.

4. The Final EIR adequately addresses the environmental impacts, mitigating measures, and alternatives to the project.

* *

ATTACHMENT 2

Findings of Fact for the Demolition Phase of the Mount Umunhum Environmental Restoration and Public Access Project Environmental Impact Report

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June 12, 2012

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1.0 STATEMENT OF FINDINGS

1.1 INTRODUCTION

a. BACKGROUND AND NEED FOR THE PROJECT

The Midpeninsula Regional Open Space District's (MROSD or District) purpose 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.

In the late 1950s, the United States government procured Mount Umunhum to build the Almaden Air Force Station (AFS), a US Air Force early warning radar base that operated from 1958 to 1980. The base was constructed as part of the North American Aerospace Defense (NORAD) Command to keep watch over northern California's airspace during the Cold War. With the end of the Cold War, and as a result of advancements in satellite technology, this and other radar base sites became obsolete. The official "inactivation" date of the facility was June 30, 1980. In June 1982, control of the property and improvements was transferred to the General Services Administration (GSA). The District purchased the 44-acre base in April 1986 from the GSA.

The District acquired the former Almaden AFS and all remaining facilities at the site with the ultimate intent to restore the area to a natural condition and provide public access; however, hazardous materials associated with the construction and operation of the base had to first be removed. While a portion of hazardous materials was cleaned up by the federal government soon after the District's purchase, other materials, particularly lead-based paint and asbestos-containing construction materials used for building materials, fell outside the scope of the original federal cleanup program. The District has worked with community, state, and federal leaders to obtain federal funding to complete the remaining cleanup, and federal funds were committed in 2010 toward remediation of remaining hazardous materials. The District approved the structure abatement project in August 2010, which was complete in the summer of 2011.

b. PROJECT GOALS/OBJECTIVES

The goal of the proposed project is to establish a fiscally and environmentally sustainable visitor destination that aligns with the District's mission by balancing public access, enjoyment, and education with environmental restoration. This goal will be achieved through the following objectives:

- Create a destination that is accessible to and accommodates a broad range of user groups and introduces new visitors to open space.
- Remove or permanently cap physical hazards and restore the native landscape and habitat for wildlife as much as possible.
- Provide minimalist visitor amenities that complement and highlight the world-class views and open space experience.
- Provide ample, rich, and diverse trail experiences for hikers, bicyclists, and equestrians.
- Highlight the rich natural and cultural history of the site through self-discovery and focused interpretive and educational opportunities.

The overall project includes several elements, including removal of most or all the structures on the project site, environmental restoration, observation and reflection facilities, trails, camping facilities, a hang gliding launch and landing site, interpretive elements, and other amenities. Several structures, including a radar tower, are located on the site. The first phase, and the subject of this approval, is removal of most existing buildings, but does *not* include removal of the tower. The District is approving this first phase independently from, and in advance of, considering other elements of the project because Federal funds allocated for site clean-up (see Background discussion above) are available and can be used to remove these buildings; moreover, the ability to use these funds will expire unless used in the near future. Consideration of approval of other project elements will follow additional public workshops and design activities, which are planned to occur during summer 2012 and conclude by the end of this calendar year.

c. CEQA REQUIREMENTS FOR FINDINGS

The California Environmental Quality Act, Public Resources Code §§ 21000 *et seq*. and the regulations implementing that statute, Cal. Code Regs. tit. 14, §§ 15000 *et seq.* (the "CEQA Guidelines") (collectively, the act and the CEQA Guidelines are referred to as "CEQA") require public agencies to consider the potential effects of their discretionary activities on the environment and, when feasible, to adopt and implement mitigation measures that avoid or substantially lessen the effects of those activities on the environment. Specifically, Public Resources Code section 21002 provides that "public agencies should not approve projects as proposed if there are feasible alternatives or feasible mitigation measures available which would substantially lessen the significant environmental effects of such projects[.]" The same statute states that the procedures required by CEQA "are intended to assist public agencies in systematically identifying both the significant effects of proposed projects and the feasible alternatives or feasible mitigation measures which will avoid or substantially lessen such significant effects." Section 21002 goes on to state that "in the event [that] specific economic, social, or other conditions make infeasible such project alternatives or such mitigation measures, individual projects may be approved in spite of one or more significant effects thereof."

The mandate and principles announced in Public Resources Code Section 21002 are implemented, in part, through the requirement that agencies must adopt findings before approving projects for which EIRs are required. (See Pub. Resources Code, § 21081, subd. (a); CEQA Guidelines, § 15091, subd. (a).) For each significant environmental effect identified in an EIR for a proposed project, the approving agency must issue a written finding reaching one or more of three permissible conclusions. The three possible findings are:

(1) Changes or alterations have been required in, or incorporated into, the project which mitigate or avoid the significant effects on the environment.

(2) Those changes or alterations are within the responsibility and jurisdiction of another public agency and have been, or can and should be, adopted by the other agency.

(3) Specific economic, legal, social, technological, other considerations, including considerations for the provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or alternatives identified in the environmental impact report.

(Public Resources Code Section 21081, subd (a); see also CEQA Guidelines Sections 15091, subd. (a).)

Public Resources Code section 21061.1 defines "feasible" to mean "capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, social and technological factors." CEQA Guidelines section 15364 adds another factor: "legal" considerations. (See also *Citizens of Golden Valley v. Board of Supervisors* (*Goleta II*) (1990) 52 Cal.3d 553, 565.)

The concept of "feasibility" also encompasses the question of whether a particular alternative or mitigation measure promotes the underlying goals and objectives of a project. (*City of Del Mar v. City of San Diego* (1982) 133 Cal.App.3d 410, 417 (*City of Del Mar*).) "[F]easibility" under CEQA encompasses 'desirability' to the extent that desirability is based on a reasonable balancing of the relevant economic, environmental, social, and technological factors." (*Ibid.*; see also *Sequoyah Hills Homeowners Assn. v. City of Oakland* (1993) 23 Cal.App.4th 704, 715 (*Sequoyah Hills*); see also *California Native Plant Society v. City of Santa Cruz* (2009) 177 Cal.App.4th 957, 1001 [after weighing "'economic, environmental, social, and technological factors' … 'an agency may conclude that a mitigation measure or alternative is impracticable or undesirable from a policy standpoint and reject it as infeasible on that ground'"].)

With respect to a project for which significant impacts are not avoided or substantially lessened, a public agency, after adopting proper findings, may nevertheless approve the project if the agency first adopts a statement of overriding considerations setting forth the specific reasons why the agency found that the project's "benefits" rendered "acceptable" its "unavoidable adverse environmental effects." (CEQA Guidelines, §§ 15093, 15043, subd. (b); see also Pub. Resources Code, § 21081, subd. (b).) The California Supreme Court has stated, "[t]he wisdom of approving…any development project, a delicate task which requires a balancing of interests, is necessarily left to the sound discretion of the local officials and their constituents who are responsible for such decisions. The law as we interpret and apply it simply requires that those decisions be informed, and therefore balanced." (*Goleta II*, 52 Cal.3d at p. 576)

Because the EIR identified significant effects that may occur as a result of the project, including the demolition of existing buildings, and in accordance with the provisions of the CEQA Guidelines presented above, the District hereby adopts these Findings as part of the approval of the building demolition element of the Mount Umunhum Environmental Restoration and Public Access Project. These Findings constitute the District's best efforts to set forth the evidentiary and policy basis for its decision to approve this element of the Project in a manner consistent with the requirements of CEQA. These Findings, in other words, are not merely informational, but rather constitute a binding set of obligations that come into effect with the District's approval

of the Project. Again, this first approval extends only to the building demolition element (excluding the radar tower as that will be addressed separately after further public process).

d. ORGANIZATION OF FINDINGS

These Findings are organized into a number of sections: Section 1.1 provides the background and context of the Project and describes the need for these Findings; Section 1.2 includes a description of the Project being approved within the overall context of the entire Project; Section 1.3 describes the CEQA environmental review process for the Project; Section 1.4 describes the record of documents for the Project; Section 1.5 describes the significant environmental impacts of the Project; Section 1.6 contains the District's general Findings about the Project; Section 1.7 contains the District's Findings regarding alternatives to the Project; Section 1.8 contains District's Findings that the Project as a whole, and this element of the project, has no significant and unavoidable effects; and Section 1.9 describes the Mitigation Monitoring Plan (MMP) for this element of the Project. Because there are no significant and unavoidable impacts, a Statement of Overriding Considerations is not needed.

1.2 DESCRIPTION OF THE APPROVED PROJECT

For a complete project description, please refer to Chapter 3 of the Draft EIR, which is attached hereto as Attachment B.

a. PROJECT LOCATION

The project site is located on approximately 44 acres within the 18,000-acre Sierra Azul Open Space Preserve. The site is located on the summits of Mount Umunhum and Mount Thayer, in the southern Santa Cruz Mountains. The project site is the site of the former Almaden Air Force Station (AFS), which was decommissioned in 1980. The project site consists of the former military complex comprised of operations, housing and support structures and self-contained infrastructure requirements (water, sewer, electrical). Among these is the five-story high, massive concrete "radar tower" formerly used as the base supporting an 85-ton radar sail. The sail was removed by the federal government before the District purchased the property. The buildings have been abandoned for 30 years, and due to the passage of time, vandalism, and extreme weather conditions, the structures are severely dilapidated. As a result of recent clean-up activities, centered in removing lead based paint and asbestos-containing material, most of the existing buildings have been substantially altered and deconstructed, with siding removed and other similar alterations. The main site access road, Mt. Umunhum Road, begins at Hicks Road and continues for approximately five miles to the entrance of the former Almaden AFS near the summit.

b. PROJECT DESCRIPTION

For a complete project description please refer to Chapter 3 of the Draft EIR.

As described in the Draft EIR, individual components of the project may be phased as funding and other constraints are removed. The overall project includes:

1. **Demolition of all structures associated with the former Almaden AFS (except the radar tower) on Mount Umunhum and Mount Thayer. This is the project being approved with these findings.**

2. Three options under consideration for the radar tower: (1) retain and seal, (2) remove most of the structure but leave a publically accessible foundation, or (3) remove the entire structure and environmentally restore the footprint. Additional subsequent workshops will be held to discuss these options and other elements of the project.

3. Environmental Restoration: following demolition of structures, the landform and habitat on the site would be restored in suitable areas to as near original condition as possible.

4. Observation, Reflection, and Ceremonial Facilities: a trail and viewpoint would provide interpretive features of the site's natural, Native American, and military cultural history.

5. Trails: a variety of trails and regional trail connections where feasible, based on land ownership and other considerations.

6. Camping Facilities: up to 10 seasonal campsites would be provided, primarily for hikers and bicyclists, with limited availability to visitors arriving by vehicles with disabled placards. Camping would be allowed May 1 through October 31.

7. Hang Gliding: A hang gliding launch site and landing area would be provided, with restrictions on the numbers of people using the facilities at any one time.

8. Parking, Circulation, Access: a new parking/staging area would be constructed on Mt. Umunhum road at the Bald Mountain trailhead with additional parking at the summit in the future. Mt. Umunhum Road pavement conditions would be improved and safety signage would be added.

9. Other components of the project would include benches, picnic tables, utilities, and staffing.

Only the first element, demolition of existing buildings except the radar tower, is being considered for approval at this time. All other project elements would be considered over the next several months in subsequent additional public meetings.

1.3 ENVIRONMENTAL REVIEW PROCESS

MROSD has prepared an EIR, pursuant to the requirements of CEQA, to analyze the potential effects of the Project on the environment. As required by CEQA, MROSD has conducted a thorough public outreach effort during the environmental review process so as to ensure that District decision makers and members of the public are informed about the potential for significant adverse effects on the environment from proposed activities.

The District began its public outreach effort at the outset of the current CEQA process. Prior to initiation of the Draft EIR, MROSD held a public meeting to receive input on project features and preferences. This public meeting was held September 30, 2010. A public open house was held on November 18, 2010, to present the results of the first meeting and obtain further public feedback. A public scoping meeting on the issues to be addressed in the Draft EIR was held on December 9, 2010. Following these meetings, a notice of preparation (NOP) of this Draft EIR was released for public review, with the review period running from December 13, 2010 through January 12, 2011. The Draft EIR was circulated for a 60-day review period, which exceeds CEQA 45-day requirements specified in CEQA Guidelines §15105. The Draft EIR review period began December 12, 2011 and ended February 10, 2012. A public hearing to receive oral comments on the Draft EIR was held January 18, 2012. The Final EIR was released May 25, 2012.

MROSD has done public and agency outreach, and has met with hundreds of members of the public and many public agencies. Additionally, although the comment period on the Draft EIR closed February 10, 2012, the District responded to all comments received on the Draft EIR prior to the May 25, 2012 release of the Final EIR, even if the comments were received after February 10.

1.4 DESCRIPTION OF THE RECORD

For purposes of CEQA and these Findings, the record before MROSD Board of Directors is composed of all documents relating to the Project in MROSD's files on this matter, including, without limitation:

a. The Notice of Preparation prepared for the Project;

b. The Draft EIR for the Mount Umunhum Environmental Restoration and Public Access Project, together with all appendices to the Draft EIR;

c. All comments or documents submitted by public agencies or by members of the public during or after the comment period on the Draft EIR or up to MROSD Board of Directors' approval of the Project;

d. The Final EIR for the Mount Umunhum Environmental Restoration and Public Access Project;

e. The Mitigation Monitoring Plan (MMP) for the demolition of existing buildings included as a separate attachment;

f. All findings and resolutions adopted by the Board of Directors in connection with the Project and all documents cited or referred to therein;

g. All staff reports and presentation materials related to the Project;

h. All studies conducted for the Project and contained in, or referenced by, staff reports, the Draft EIR, the Final EIR or the MMP;

i. All public reports and documents related to the Project prepared for or by MROSD, including, without limitation, all planning documents;

j. All documentary and oral evidence received and reviewed at public hearings, meetings and workshops related to the Project, the Draft EIR, the Final EIR or the MMP;

k. All other public reports and documents relating to the Project that were used by MROSD staff or consultants in the preparation of the Draft EIR, the Final EIR or the MMP; and

l. All other documents, not otherwise included above, required by Public Resources Code section 21167.6.

1.5 SIGNIFICANT ENVIRONMENTAL IMPACTS OF THE PROJECT

The EIR identifies significant impacts to a number of environmental resources related to the entire Project:

- Cultural Resources
- Biological Resources

- Hydrology and Water Quality
- Geology and Soils
- Hazards and Hazardous Materials
- Air Quality
- Traffic and Circulation

All of these significant impacts can be reduced to a less-than-significant level through changes or alterations to the project.

With respect to the demolition of existing structures, which are the subject of these findings, the EIR identifies significant effects to the same environmental resources as the project, although significant impacts within each of the resource areas differ in some cases from the overall project. As described below (Section 1.8), mitigation measures are available to reduce each of these impacts to a less-than-significant level, and the District has adopted such measures. (It should also be noted that MROSD will voluntarily commit to measures to reduce fire risk, even though the Draft EIR concludes the impact to be less than significant.)

1.6 GENERAL FINDINGS

a. CERTIFICATION OF THE EIR

In accordance with CEQA, MROSD Board of Directors has considered the effects of the Project on the environment, as shown in the Draft and Final EIRs and the whole of the administrative record prior to taking any action on the Project. The Final EIR was presented to the Board of Directors and released for public review on May 25, 2012. The Board of Directors has reviewed and considered the Draft and Final EIRs and the information relating to the environmental impacts of the Project contained in those documents and has certified that the EIR has been prepared and completed in compliance with CEQA. A copy of the Board of Directors' resolution certifying the EIR is included as a separate attachment. By these Findings, the Board ratifies and adopts the conclusions of the Final EIR as set forth in these Findings, except where such conclusions are specifically modified by these Findings. The Final EIR and these Findings represent the independent judgment and analysis of the Board of Directors.

b. CHANGES TO THE DRAFT EIR; NO NEED TO RECIRCULATE

In the course of responding to comments received during the public review and comment period on the Draft EIR, certain portions of the Draft EIR have been modified and new information has been added. No information has revealed the existence of: (1) a significant new environmental impact that would result from the Project or an adopted mitigation measure; (2) a substantial increase in the severity of an environmental impact; (3) a feasible project alternative or mitigation measure not adopted that is considerably different from others analyzed in the Draft EIR that would clearly lessen the significant environmental impacts of the Project; or (4) information that indicates that the public was deprived of a meaningful opportunity to review and comment on the Draft EIR. Consequently, MROSD finds that the amplifications and clarifications made to the Draft EIR in the Final EIR do not collectively or individually constitute significant new information within the meaning of Public Resources Code §21092.1 and CEQA Guidelines §15088.5. Recirculation of the Draft EIR or any portion thereof, is therefore not required.

c. Evidentiary Basis for Findings

These Findings are based upon substantial evidence in the entire record before the District. The references to the Draft EIR and Final EIR set forth in the Findings are for ease of reference and are not intended to provide an exhaustive list of the evidence relied upon for these Findings.

d. Findings Regarding Mitigation Measures

i. Mitigation Measures Adopted

The mitigation measures herein referenced are those identified in the Final EIR and adopted by the District as set forth in the MMP.

ii. Impact After Implementation of Mitigation Measures.

As stated in these Findings, in accordance with CEQA Guidelines §15092, MROSD finds that environmental effects of the demolition phase of the Project will not be significant or will be mitigated to a less than significant level by the adopted mitigation measures. MROSD has substantially lessened or eliminated all significant environmental effects. MROSD finds that the mitigation measures incorporated into and imposed upon the demolition phase of the Project will not have new significant environmental impacts that were not analyzed in the Draft EIR.

iii. Relationship of Findings and MMP to Final EIR

These Findings and the MMP are intended to summarize and describe the contents and conclusions of the Draft and Final EIR pertaining to the demolition phase for policymakers and the public. MROSD will implement all measures contained in the Final EIR. In the event that there is any inconsistency between the descriptions of mitigation measures in these Findings or the MMP and the Final EIR, MROSD will implement the measures as they are described in the Final EIR. In the event a mitigation measure recommended in the Final EIR has inadvertently been omitted from these Findings or from the MMP, such a mitigation measure is hereby adopted and incorporated in the Findings and/or MMP as applicable.

e. Location and Custodian of Records

Pursuant to Public Resource Code §15091, MROSD is the custodian of the documents and other materials that constitute the record of proceedings upon which the decision is based, and such documents and other materials are located at MROSD's Administrative Office, 330 Distel Circle, Los Altos, CA 94022. Copies of the Draft and Final EIRs are also available at MROSD's website at http://www.openspace.org/plans_projects/mt_umunhum.asp.

1.7 Alternatives

In accordance with Section 15126.6 of the State CEQA Guidelines, a range of reasonable alternatives to the project that could, potentially, accomplish the basic project objectives are addressed in the EIR. However, MROSD finds that specific economic, legal, social, technological, or other considerations, as enumerated in the discussion of alternatives, below, make infeasible each of the alternatives considered in the EIR.

Chapter 6, Alternatives, of the Draft EIR provides an analysis of the comparative impacts anticipated from four alternatives to the proposed project: 1) the No Project Alternative, which assumes no demolition, environmental restoration, or public access and associated facilities would occur; 2) 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) Reduced Amenities/Increased Restoration Alternative, which includes elimination of most of the "structural" public amenities, such as the visitors center, restrooms, picnic tables, shade structures, etc., and would increase the amount of environmental restoration; and 4) Shuttle Alternative, which would generally rely on a shuttle service versus private vehicles to access the site via Mount Umunhum Road.

As discussed in Section 6, although the No Project Alternative would not avoid or substantially reduce any environmental impacts of the proposed project, it would result in a greater reduction than the other three alternatives and would therefore be considered the environmentally superior alternative. However, CEQA requires that if the No Project alternative is identified as the environmentally superior alternative, another alternative must be selected from the range as the environmentally superior. In this case, all three of the other alternatives result in similar impacts to the proposed project. However, the proposed project itself involves minimal development, includes environmental restoration, and is designed to be low impact. Consequently, with implementation of proposed mitigation measures, the proposed project results in no significant impacts to the environment. Therefore, none of the Alternatives avoids or substantially reduces a significant impact of the proposed project. Furthermore, because the level of impact is similar between the proposed project and all of the Alternatives (except for No Project), there is no clear environmentally superior alternative aside from the No Project Alternative.

In addition, the EIR evaluated the potential for environmental impacts resulting from three options for the existing radar tower: 1) retain and seal the structure onsite; 2) remove a majority of the structure but leave a publically accessible foundation; and 3) remove the entire structure and environmentally restore the footprint. There is not a clear environmentally superior option for the radar tower. Because the radar tower is not considered to be eligible for listing as an historic resource, demolition would not be considered a significant impact. Furthermore, retaining the radar tower is less aesthetically desirable than removing the tower. Mitigation measures are included in the EIR to reduce the impacts related to tower demolition (i.e. dust and air quality emissions) to a less-than-significant level. Retention of the tower also requires mitigation to reduce hazards associated with the nearby slope. Option 2 would be the least environmentally superior option (although negligibly so) because it shares the environmental impacts of the other two options and does not avoid any of their impacts. However, Option 2 could still be considered by the District along with the other two radar tower options because the impacts are relatively similar. Since no option is considered environmentally superior, MROSD could consider each radar tower option equally.

Of all the alternatives considered, only the No Project Alternative and the Limited Ground Disturbance Alternative would reduce impacts associated with demolition of existing buildings; therefore, they are the only alternatives considered in these findings. MROSD finds that these two alternatives are infeasible due to social and other considerations. As described in the EIR, although these two alternatives may reduce some of the significant impacts, mitigation measures adopted to implement the demolition phase would reduce all significant impacts to a less than significant level, including those relating to ground disturbance. Further, since no actions would occur under the No Project Alternative, this alternative would not meet any objectives of the proposed project, including creating a destination accessible to a broad user group, removal of physical hazards, and restoration of the native landscape. The Limited Ground Disturbance Alternative similarly would not meet most project objectives, including restoration of the native landscape. Because these two alternatives do not meet key project objectives, MROSD finds the alternatives to be infeasible.

1.8 FINDINGS OF FACT

MROSD Board of Directors has reviewed the Final EIR for the Mount Umunhum Environmental Restoration and Public Access Phase Project, consisting of the Draft EIR (December 2011) and the Final EIR (May 2012), which together form the Final EIR. MROSD Board of Directors has considered the public record on the demolition phase of the project, which, in addition to the above documents and this Statement of Findings, is composed of the following element:

> Mitigation Monitoring Plan (MMP) for the Demolition Phase of the Mount Umunhum Environmental Restoration and Public Access Phase Project, dated June 2012. The MMP meets the requirements of Section 21081.6 of the Public Resources Code by providing a monitoring plan designed to ensure compliance during project implementation with mitigation measures adopted by MROSD.

All relevant project documents are on file at MROSD's Administrative Office, 330 Distel Circle, Los Altos, CA 94022.

Pursuant to Public Resources Code Section 21081, for each significant effect identified in the EIR, MROSD must make one or more of the findings described in Section 1.1 above.

After reviewing the public record, composed of the aforementioned elements, the Board of Directors of MROSD hereby make the following findings regarding the significant effects of the proposed project, pursuant to Public Resources Code Section 21081 and Section 15091 of the State CEQA Guidelines. The numeric references for each impact refer to the impact/mitigation label included in the EIR.

a. CULTURAL RESOURCES

Significant Effect: Impact 4.2-3: Construction-Related Impacts on Presently Undocumented Cultural Resources

Because the project is located in an area where "unique" or "historical" resources (per CEQA criteria) could be encountered during project implementation, disturbances of such resources would constitute a **potentially significant impact**.

Finding

Changes or alterations have been required in, or incorporated into, the project by MROSD that mitigate or avoid the significant effects on the environment.

Facts in Support of Finding

MROSD has adopted the following mitigation measures that will reduce discovery of undocumented cultural resource impacts to less-than-significant levels:

Mitigation Measure 4.2-3—Protection of Undocumented Cultural Resources

During all ground-related construction activities (i.e., grading, excavation, etc.) on the project site, if cultural materials (e.g., unusual amounts of shell, animal bone, glass, ceramics, structure/building remains) are inadvertently encountered, all work shall stop within 50 feet of the find until a qualified archaeologist can assess the significance of the find. A reasonable effort will be made by the District to avoid or minimize harm to the discovery until significance is determined and an appropriate treatment can be identified and implemented. Methods to protect finds include fencing and covering remains with protective material such as culturally sterile soil or plywood. If vandalism is a threat, 24-hour security will be considered and evaluated based on threat level, remoteness of site, materials found, significance of find, etc. Construction operations outside 50-feet of the find can continue during the significance evaluation period and while mitigation is being carried out; however, if the archaeologist determines that the nature of the find may signify a high potential for other finds in the area, the construction will be monitored by an archaeologist within 100-feet of the find. If a discovered resource is identified as significant and cannot be avoided, a qualified archaeologist will develop an appropriate treatment plan to minimize or mitigate the adverse effects. The District will not proceed with construction activities within 100 feet of the find until the treatment plan has been reviewed and approved by the General Manager. The treatment effort required to mitigate the inadvertent exposure of significant cultural and/or historical resources will be guided by a research design appropriate to the discovery and potential research data inherent in the resource in association with suitable field techniques and analytical strategies. The recovery effort will be detailed in a professional report in accordance with current professional standards. Any non-grave associated artifacts will be curated with an appropriate repository. Project construction documents shall include a requirement that project personnel shall not collect cultural and/or historical resources encountered during construction. This measure is consistent with federal guideline 36 CFR 800.13(a) for invoking unanticipated discoveries.

Implementation of this mitigation measure would ensure that potential undocumented cultural resource impacts would be addressed. Resources would be protected, and an archaeologist would ensure that any resources that are uncovered are treated in accordance with CEQA's and federal requirements. Therefore, this potentially significant cultural resource impact would be reduced to a **less-than-significant** level.

Significant Effect: Impact 4.2-4: Construction-Related Impacts on Presently Undocumented Human Remains

Because construction activities associated with the project could potentially result in the disturbance of presently undocumented prehistoric or historic-era interments, human remains, and/or associated grave-related articles, this impact would be **potentially significant**.

Finding

Changes or alterations have been required in, or incorporated into, the project by MROSD that mitigate or avoid the significant effects on the environment.

Facts in Support of Finding

MROSD has adopted the following mitigation measures that will reduce discovery of undocumented human remains to less-than-significant levels:

Mitigation Measure 4.2-4--Protection of Presently Undocumented Human Remains.

In accordance with the California Health and Safety Code, if human remains are uncovered during ground-disturbing activities, potentially damaging excavation in the area of the burial will be halted and the Santa Clara County Coroner and a professional archaeologist will be contacted to determine the nature and extent of the remains. The MROSD Project Manager will also be notified immediately. The coroner is required to examine all discoveries of human remains within 48 hours of receiving notice of a discovery on private or state lands (Health and Safety Code, Section 7050.5[b]). If the coroner determines that the remains are those of a Native American, he or she must contact the Native American Heritage Commission (NAHC) by phone within 24 hours of making that determination (Health and Safety Code, Section 7050[c]).

Following the coroner's findings, the State of California, project contractor, an archaeologist, and the NAHC-designated Most Likely Descendant (MLD) will determine the ultimate treatment and disposition of the remains and take appropriate steps to ensure that additional human interments are not disturbed. The responsibilities for acting upon notification of a discovery of Native American human remains are identified in Section 5097.9 of the California Public Resources Code.

The State of California will ensure that the immediate vicinity (according to generally accepted cultural or archaeological standards and practices) is not damaged or disturbed by further development activity until consultation with the MLD has taken place. The MLD will have 48 hours to complete a site inspection and make recommendations after being granted access to the site. A range of possible treatments for the remains, including nondestructive removal and analysis, preservation in place, relinquishment of the remains and associated items to the descendants, or other culturally appropriate treatment may be discussed. Assembly Bill (AB) 2641 suggests that the concerned parties may extend discussions beyond the initial 48 hours to allow for the discovery of additional remains. AB 2641(e) includes a list of site protection measures and states that the landowner shall implement one or more of the following measures:

- *record the site with the NAHC or the appropriate Information Center,*
- *utilize an open-space or conservation zoning designation or easement, and/or*
- *record a document with the county in which the property is located.*

The landowner or their authorized representative shall rebury the Native American human remains and associated grave goods with appropriate dignity on the property in a location not subject to further subsurface disturbance if the NAHC is unable to identify a MLD, or if the MLD fails to make a recommendation within 48 hours after being granted access to the site. The landowner or their authorized representative may also reinter the remains in a location not subject to further disturbance if they reject the recommendation of the MLD, and mediation by the NAHC fails to provide measures acceptable to the landowner.

Implementation of this mitigation measure would ensure that potential undocumented human remains discovery impacts would be addressed. Resources would be protected in accordance with State law, and all processes laid out by the NAHC would be followed. Therefore, this potentially significant cultural resource impact would be reduced to a **less-than-significant** level.

b. BIOLOGICAL RESOURCES

Significant Effect: Impact 4.3-1, Loss of Bat Colonies During Building Demolition.

Implementation of the proposed project involves demolition of existing abandoned buildings and other structures. These buildings provide potential roost structures for common and special-status bats. Demolition, sealing, or other construction activities at these facilities could result in disturbance to active bat colonies that could affect the survival of young or adult bats. Loss of an active bat colony would be considered a **significant impact**.

Finding

Changes or alterations have been required in, or incorporated into, the project by MROSD that mitigate or avoid the significant effects on the environment.

Facts in Support of Finding

MROSD has adopted the following mitigation measure that will reduce to less-than-significant levels effects to bat colonies.

Mitigation Measure 4.3-1 - Conduct Survey before Structure Demolition, Consult with DFG, and Develop Exclusion Methods and Compensatory Mitigation if Appropriate.

Surveys for roosting bats on the project site will be conducted by a qualified biologist. Surveys will consist of a daytime pedestrian survey looking for evidence of bat use (e.g., guano) and/or an evening emergence survey to note the presence or absence of bats. The type of survey will depend on the condition of the buildings. If no bat roosts are found, then no further study is required. If evidence of bat use is observed, the number and species of bats using the roost will be determined. Bat detectors may be used to supplement survey efforts, but are not required.

If roosts of pallid, Townsend's big-eared, or western mastiff bats are determined to be present and must be removed, the bats will be excluded from the roosting site before the facility is removed. A program addressing compensation, exclusion methods, and roost removal procedures will be developed in consultation with DFG before implementation. Exclusion methods may include use of one-way doors at roost entrances (bats may leave but not reenter), or sealing roost entrances when the site can be confirmed to contain no bats. Exclusion efforts may be restricted during periods of sensitive activity (e.g., during hibernation or while females in maternity colonies are nursing young). The loss of each roost (if any) will be replaced in consultation with DFG and may include construction and installation of bat boxes suitable to the bat species and colony size excluded from the original roosting site. Roost replacement will be implemented before bats are excluded from the original roost sites. MROSD has successfully constructed bat boxes elsewhere that have subsequently been occupied by bats. Once the replacement roosts are constructed and it is confirmed that bats are not present in the original roost site, the structures may be removed or sealed.

Implementation of these mitigation measures would reduce significant impacts associated with potential impacts to bat colonies to a **less-than-significant** level by surveying for their presence prior to demolition, excluding roosting bats prior to demolition, and compensating for loss of any roost.

Significant Effect: Impact 4.3-2, Loss of Special-status Species During Ground-Disturbing Activities.

Implementation of the project could result in the degradation of habitat and loss of several special-status species, including rare plants, special-status amphibians and reptiles, and nesting birds. Special-status species are protected under ESA, CESA, California Fish and Game Code, CEQA or other regulations. Ground-disturbing activities related to demolition could result in a substantial adverse effect on these species. Therefore, the potential loss of special-status species is considered a **significant impact**.

Finding

Changes or alterations have been required in, or incorporated into, the project by MROSD that mitigate or avoid the significant effects on the environment.

Facts in Support of Finding

MROSD has adopted the following mitigation measure that will reduce to less-than-significant levels effects to special-status species.

Mitigation Measure 4.3-2(c) - Avoid and Minimize Impacts to Golden Eagle, White-tailed Kite, and Other Nesting Birds.

To minimize potential disturbance to nesting birds, project activities shall occur during the non-breeding season (September 16-February 14), unless it is not feasible to do so, in which case the following measures shall also be applied.

Removal of trees greater than 6 inches diameter at breast height (dbh) shall be limited to the greatest degree possible.

If construction activity is scheduled to occur during the nesting season (February 15 to September 15), MROSD shall utilize a qualified biologist to conduct preconstruction surveys and to identify active nests on and within 500 feet of the project site that could be affected by project construction. The surveys shall be conducted no less than 14 days and no more than 30 days before the beginning of demolition in a particular area. If no nests are found, no further mitigation is required.

If active nests are found, impacts on nesting raptors and songbirds shall be avoided by establishment of appropriate buffers around the nests. No project activity shall commence within the buffer area until a qualified biologist confirms that any young have fledged or the nest is no longer active. A 500-foot buffer around raptor nests and 50-foot buffer around songbird nests are generally adequate to protect them from disturbance, but the size of the buffer may be adjusted by a qualified biologist in consultation with DFG depending on site specific conditions. Monitoring of the nest by a qualified biologist during and after demolition activities will be required if the activity has potential to adversely affect the nest.

Implementation of these mitigation measures would reduce significant impacts associated with potential impacts to nesting birds to a **less-than-significant** level.

C. HYDROLOGY AND WATER QUALITY, GEOLOGY AND SOILS

Significant Effect: Impacts 4.4-1 and 4.5-2, Potential Short-Term Construction-Related Soil Erosion and Water Quality Impairment.

Project construction activities could generate sediment, erosion, and other nonpoint source pollutants in on-site stormwater, which could drain to off-site areas. On-site earthmoving and soil stockpiling activities could result in sheet erosion during rain events. This would be a potentially significant impact.

Finding

Changes or alterations have been required in, or incorporated into, the project by MROSD that mitigate or avoid the significant effects on the environment related to construction-related soil erosion and water quality impairment.

Facts in Support of Finding

MROSD has adopted the following mitigation measure that will reduce to less-than-significant levels effects to soil erosion and water quality impairment:

Mitigation Measure 4.4-1 and 4.5-2—Reduction of Erosion

a. Prior to earthmoving activities, MROSD will consult with Santa Clara County Department of Public Works for Municipal Regional Permit review and will also consult with the San Francisco Bay Basin Regional Water Quality Control Board (RWQCB) to acquire the appropriate regulatory approvals that may be required to obtain Section 401 water quality certification, State Water Resources Control Board (SWRCB) statewide National Pollutant Discharge Elimination System (NPDES) stormwater permit for general construction activities, and any other necessary site-specific waste discharge requirements. No grading or other soil disturbance will occur until the appropriate regulatory approvals and permits have been issued.

b. Prior to any earthmoving activities, as required under the NPDES stormwater permit for general construction activity, MROSD will prepare and submit the appropriate Notice of Intent and prepare the SWPPP and other necessary engineering plans and specifications for pollution prevention and control. The SWPPP will identify and specify the use of erosion sediment control BMPs, means of waste disposal, nonstormwater management controls, permanent post-construction BMPs, and inspection and maintenance responsibilities. The SWPPP will also specify the pollutants that are likely to be used during construction and that could be present in stormwater drainage and nonstormwater discharges.

c. Construction techniques will be identified that would reduce the potential runoff, and the SWPPP will identify the erosion and sedimentation control measure to be implemented. BMPs designed to reduce erosion of exposed soil may include, but are not limited to:

- *Use temporary mulching, seeding, or other suitable stabilization measures to protect uncovered soils;*
- *Store materials and equipment to ensure that spills or leaks cannot enter the storm drain system or surface water;*
- *Water exposed areas for dust control;*

- *Minimize off-site sediment transport on vehicles using techniques such as gravel driving surfaces to knock soil off tires at exit points ; and*

- *Use barriers, such as perimeter silt fencing, to minimize the amount of uncontrolled runoff that could enter drains or surface waters.*

d. The SWPPP will also specify spill prevention and contingency measures, identify types of materials used for equipment operation, and identify measures to prevent or clean up spills of hazardous materials used for equipment operation. Emergency procedures for responding to spills will also be identified. The SWPPP will identify personnel training requirements and procedures that would be used to ensure that workers are aware of permit requirements and proper installation and performance inspection methods for BMPs specified in the SWPPP. The SWPPP will also identify the appropriate personnel responsible for supervisory duties related to implementation of the SWPPP. All construction contractors will be required to retain a copy of the approved SWPPP on the construction site.

Implementation of the mitigation measures above would ensure that runoff and sediment is controlled. These actions would reduce these impacts to a **less-than-significant** level.

d. HAZARDS AND HAZARDOUS MATERIALS

Significant Effect: Impact 4.6-1, Exposure to Existing Hazardous Materials.

Small quantities of asbestos were documented in the shallow soils around the existing structures. Pesticides were also identified above acceptable levels. Excavation activities during demolition could result in the exposure of construction workers and the general public to existing hazardous materials contamination. This impact is considered a significant impact.

Finding

Changes or alterations have been required in, or incorporated into, the project by MROSD that mitigate or avoid the significant effects on the environment related to exposure to asbestos and pesticides in the soil during demolition.

Facts in Support of Finding

The MROSD has adopted the following mitigation measure that will reduce the potential effects related exposure to asbestos and pesticides in the soil to less-than-significant levels:

Mitigation Measure 4.6-1—Exposure to Existing Hazardous Materials

Following demolition of structures, but prior to any grading activity or public access within the former Almaden Air Force Station, MROSD will hire a qualified hazardous materials specialist to prepare a focused pesticide soil testing and remediation program. The soil testing program will be prepared according to the recommendations in Northgate's Sampling and Analysis Report. Based on the focused soil testing program, the perimeters and depths of soils containing contamination above residential ESLs shall be specifically defined. Once these areas are defined, construction barriers or fencing shall be placed around the areas prior to initiating construction within other areas of the project site. No construction or public access may occur within the demarcated areas of contamination until the following remediation occurs: The qualified hazardous materials specialist will prepare a remediation plan for

excavation and disposal of contaminated soils. The goal of the remediation plan will be to remove all soils containing chemical concentrations in excess of California human health screening levels and render excavated soil suitable for disposal at an appropriate landfill, unless the soils can be suitably treated on site, to below screening levels, in which case the soils can be disposed onsite. Soil removal activity will be completed in accordance with state and local regulatory requirements that provide specific targets for protection of human health.

Implementation of the above mitigation would reduce potential impacts associated with exposure to asbestos and pesticides in soils. This would reduce this impact to a ***less-than-significant*** *level.*

Less than Significant Effect: Impact 4.6-5: Exposure of People or Structures to Wildland Fires.

Even though more people would use the site than under existing conditions, and it is generally recognized that the potential for ignition is higher with increased visitorship, the overall potential for ignition is decreased when comparing the effects of placing legitimate users in a site with current illegal use. The proposed project would reduce the existing potential for ignition of a wildfire by legitimizing public use of the site and patrolling or monitoring user activities, thereby substantially restricting common ignition sources. Implementation of the project would result in a **less-than-significant impact.**

Finding

Although mitigation is not required to reduce this impact to a less-than-significant level, MROSD has nevertheless volunteered to make changes or alterations in the project that further reduce this impact.

Facts in Support of Finding

MROSD has adopted the following mitigation measures that will further reduce this already less-than-significant impact associated with wildland fires:

Mitigation Measure 4.6-5—Reduction of Wildland Fire Hazard During Demolition

Prior to initiation of construction (including activities associated with mitigation measures, such as vegetation clearing), MROSD's contractor will prepare a fire prevention plan. This fire prevention plan will include such measures as a list of tools to have on hand, proof of spark arrestors on all gas-powered engines, a description of available communications, specifications for the supply of water to have on hand, and descriptions of other actions that will reduce the risk of ignition and immediate control of an incipient fire. This requirement should be included in the contract with the District.

To minimize the risk of wildfire ignition, all motorized vehicles, including earth-moving equipment, used during this project will be equipped with spark arresters, per California Public Resources Code 4442, and Health and Safety Code 13001 and 13005. Other motorized vehicles used on the project site will not be parked where vegetation may come in contact with exhaust systems and catalytic converters.

Implementation of the above mitigation measures would reduce potential wildland fires during the demolition phase. This impact would remain **less-than-significant**.

e. AIR QUALITY

Significant Effect: Impact 4.7-1, Generation of Construction Emissions of NOX and PM10.

Demolition activities associated with the project would generate exhaust and evaporative emissions of ozone precursors, Reactive Organic Gases (ROG) and Oxides of Nitrogen (NOX), Particulate Matter under 10 microns (PM10) exhaust, and Particulate Matter under 2.5 microns (PM2.5) exhaust. Construction-generated emissions of ROG, NOX, PM10 exhaust, and PM2.5 exhaust would not exceed Bay Area Air Quality Management District's (BAAQMD's) respective quantitative thresholds. Therefore, construction-generated emissions of ROG and NOX, PM10exhaust, and PM2.5 exhaust would not substantially contribute to emissions concentrations that exceed the National Ambient Air Quality Standards (NAAQS) or California Ambient Air Quality Standards (CAAQS) and would not violate or contribute substantially to the San Francisco Bay Area Air Basin's (SFBAAB's) nonattainment status with respect to ozone or particulate matter. However, emissions of fugitive PM10 dust (not exhaust, as described above) emitted during demolition, excavation, earth movement, and other ground disturbance activities would be substantial. Thus, construction-related emissions of fugitive dust (PM10 and PM2.5) could violate or contribute substantially to the SFBAABs nonattainment status with respect to PM10 and PM2.5, expose sensitive receptors to substantial pollutant concentrations, and/or conflict with air quality planning efforts. This would be a **significant impact**.

Finding

Changes or alterations have been required in, or incorporated into, the project by MROSD that mitigate or avoid the significant effects on the environment related to construction emissions.

Facts in Support of Finding

MROSD has adopted the following mitigation measure that will reduce the potential effects related to construction emissions to less-than-significant levels:

Mitigation Measure 4.7-1

MROSD and all construction contractors shall implement the following basic control measures during construction, per BAAQMD's Air Quality Guidelines:

- *All un-compacted exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) shall either be watered two times per day when average winds exceed 20 miles per hour (mph) or covered with a dust palliative (e.g., mulch, straw). If watered, watering shall be done at a frequency adequate to maintain minimum soil moisture of 12%. Moisture content can be verified by lab samples or moisture probe.*

- *All haul trucks transporting soil, sand, demolished building materials, or other loose material off-site shall be covered.*

- *Erosion control seed mix shall be planted in disturbed areas where appropriate as soon as possible and watered as needed for up to three years.*

- *During windy days, the simultaneous occurrence of excavation, grading, and ground-disturbing construction activities on the same area at any one time shall be limited. Activities shall be phased to reduce the amount of disturbed surfaces at any one time.*

- *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.*

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

- *All roadways, driveways, and sidewalks that are planned as part of the project to be paved shall be completed as soon as possible. Any building pads shall be laid as soon as possible after grading unless seeding or soil binders are used.*

- *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 measures (ATCM) Title 13, Section 2485 of California Code of Regulations [CCR]). Clear signage about this requirement shall be provided for construction workers and truck drivers at all access points.*

- *All construction equipment shall be maintained and properly tuned in accordance with manufacturer's specifications. All equipment shall be checked by a certified mechanic and determined to be running in proper condition prior to operation.*

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. BAAQMD's phone number shall also be visible to ensure compliance with applicable regulations.

Implementation of these mitigation measures would reduce potential emissions impacts so they are below BAAQMD thresholds. This would reduce this impact to a **less-than-significant** level.

Potentially Significant: Effect 4.7-5, Exposure of Sensitive Receptor to Fugitive Dust Emissions Containing Naturally Occurring Asbestos (NOA).

During construction-related earth movement activities, including building demolition, serpentine soils may be disturbed. Without appropriate controls, nearby sensitive receptors could be exposed to localized high levels of re-entrained fugitive PM10 dust, potentially including NOA. As a result, this impact would be considered a potentially significant impact.

Finding

Changes or alterations have been required in, or incorporated into, the project by MROSD that mitigate or avoid the significant effects on the environment related to exposure to naturally occurring asbestos.

Facts in Support of Finding

The MROSD has adopted the following mitigation measure that will reduce impacts associated with naturally occurring asbestos to a less-than-significant level:

Mitigation Measure 4.7-5

Utilizing a qualified geologist, project-related construction and grading would be sited to avoid ultramafic rock to the maximum extent feasible. If construction or grading in ultramafic substrates would be unavoidable, MROSD shall conduct an investigation to determine whether and where NOA is present within the areas where demolition would occur. The site investigation shall include the collection of soil and rock samples by a qualified geologist. If

the site investigation determines that NOA is present within the area of building demolition, then MROSD shall comply with the requirements of BAAQMD's naturally occurring asbestos program by submitting an Asbestos Dust Mitigation Application and any other applicable notification forms to BAAQMD pursuant to BAAQMD's Air Toxic Control Measure (ATCM) Inspection Guidelines Policies and Procedures. Completion of the Asbestos Dust Mitigation Application largely consists of the development of an asbestos dust control plan, which specifies measures for preventing or minimizing the generation of NOA-containing dust associated with track-out onto paved public roads, active storage piles, inactive disturbed surfaces and storage piles, traffic on un-paved surfaces and roads, earthmoving activities, off-site transport of materials, and stabilization of disturbed soil surfaces post construction. In order to fulfill the requirements of Section 93105 of the California Health and Safety Code, "Asbestos Airborne Toxic Control Measure for Construction, Grading, Quarrying, and Surface Mining Operations," the asbestos dust control plan shall specify measures, such as periodic watering to reduce airborne dust and ceasing construction during high winds, that shall be taken to ensure that no visible dust crosses the property line. Measures in the Asbestos Dust Control Plan may include but shall not be limited to dust control measures required by Mitigation Measure 4.7-1. MROSD shall submit the plan to BAAQMD for review and approval before construction. Upon approval of the asbestos dust control plan by BAAQMD, the MROSD shall ensure that construction contractors implement the terms of the plan throughout the construction period.

Implementation of these mitigation measures would reduce potential emissions impacts because they would meet BAAQMD standards and California Health and Safety Code requirments. This would reduce this impact to a ***less-than-significant*** *level.*

f. TRAFFIC AND CIRCULATION

Potentially Significant Effect, Impact 4.10-1, Construction Traffic.

Project construction activities would generate traffic associated with the delivery of materials and equipment to the project site and construction worker trips. In addition, trucks would be a safety concern for bike riders along these roads. Therefore, this impact would be considered **potentially significant**.

Finding

Changes or alterations have been required in, or incorporated into, the project by MROSD that mitigate or avoid the significant effects on the environment related to construction traffic.

Facts in Support of Finding

MROSD has adopted the following mitigation measure that will reduce construction traffic to a less-than-significant level:

Mitigation Measure 4.10-1—Construction Traffic

MROSD shall implement the following mitigation measures to improve roadway condition/operation during and after construction. These measures would be required with or without removal of the radar tower.

- *Provide necessary temporary improvements (e.g. pothole repairs) to Mt. Umunhum Road.*
- *Survey the demolition truck route between Mt. Umunhum Road and Almaden Expressway (or Camden Avenue) before project initiation and after all work is completed. Provide repair as required to all road segments with documented pavement degradation due to project trucks.[Post signs along the narrower*

two-lane sections of construction haul routes informing bike riders as well as local drivers of dates and times of potential truck traffic.

- *Post signs of potential delay in advance of construction/excavation sites along Mt. Umunhum Road.*
- *Ensure communication links between truck drivers so they are aware when there will be uphill and downhill truck traffic at the same time on Mt. Umunhum Road and/or Hicks Road.*

Survey Mt. Umunhum Road on a weekly basis during all demolition off haul, excavated material haul and any fill importation to determine whether pavement condition remains adequate in all locations along Mt. Umunhum Road for safe truck traffic activity. If not, provide interim pavement repairs as needed.

Implementation of these mitigation measures would reduce potential safety impacts during demolition activities. This would reduce this impact to a less-than-significant level.

1.9 MITIGATION MONITORING PLAN

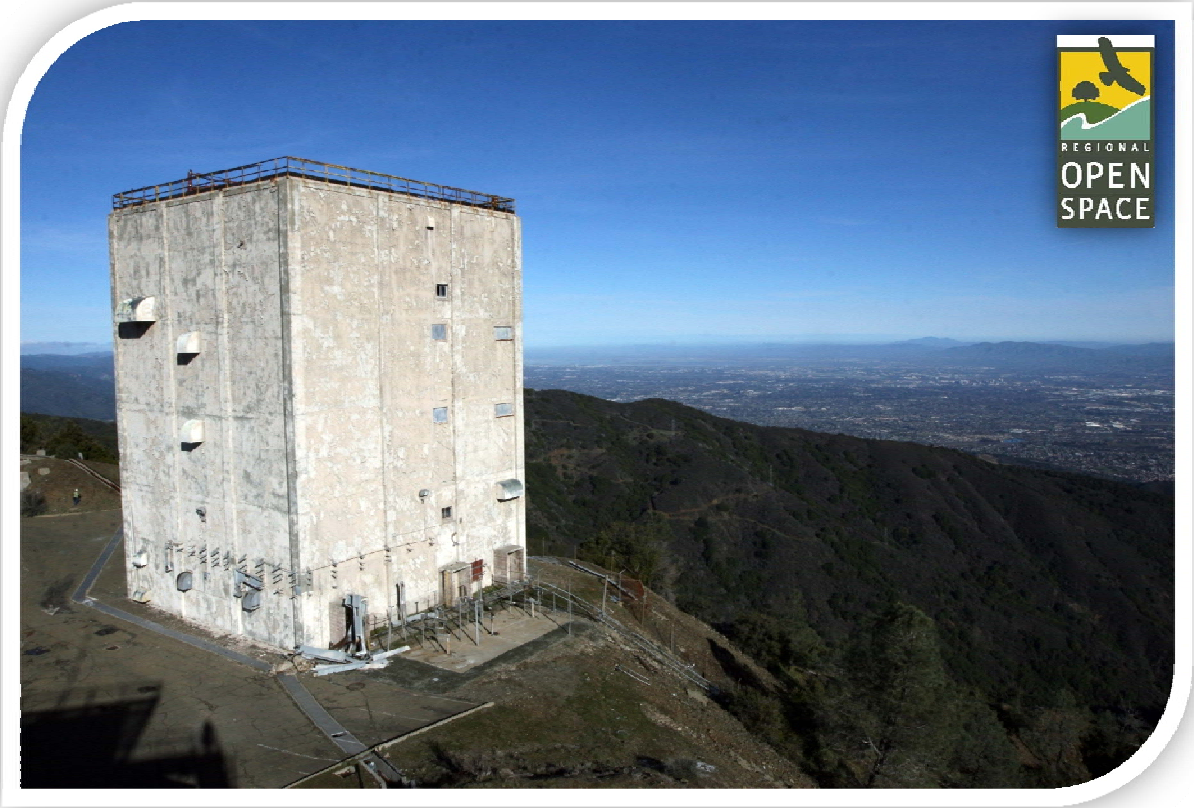
CEQA Section 21081.6 requires that when a public agency is making the findings required by Section 21081, the public agency shall adopt a reporting or monitoring program for the changes made to the project or conditions of project approval to mitigate or avoid significant effects on the environment.

Because mitigation measures have been adopted to mitigate or avoid significant environmental effects of the project, a Mitigation Monitoring Plan has been prepared for the proposed project and is adopted along with these findings.

ATTACHMENT 3

Mount Umunhum Environmental Restoration and Public Access Project

Mitigation Monitoring Plan for Demolition of All Structures (Excluding Radar Tower)



PREPARED FOR:
Midpeninsula Regional Open Space District
330 Distel Circle
Los Altos, CA 94022

June 2012

Mount Umunhum
Environmental Restoration and Public Access Project

Mitigation Monitoring Plan for Demolition of All Structures

(Excluding Radar Tower)

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June 2012

1 INTRODUCTION

1.1 MITIGATION MONITORING PLAN

In compliance with the State CEQA Guidelines § 15097 (a), when significant effects are identified in an EIR, the Lead Agency is required to adopt a program for reporting or monitoring mitigation measures that were adopted or made conditions of approval for the proposed project. This Mitigation Monitoring Plan (MMP) has been developed for the demolition phase (excluding demolition of the radar tower) of the Mount Umunhum Environmental Restoration and Public Access Project, consistent with the requirements of § 15097. The intent of the MMP is to prescribe and enforce a means for properly and successfully implementing the mitigation measures identified within the Environmental Impact Report for this project. Unless otherwise noted, the Midpeninsula Regional Open Space District (MROSD or District) shall be responsible for complying with and funding all mitigation measures identified herein.

1.2 COMPLIANCE CHECKLIST

The intent of the MMP is to ensure the effective implementation and enforcement of adopted mitigation measures and permit conditions. The MMP is intended to be used by District staff and mitigation monitoring personnel to ensure compliance with mitigation measures during project implementation. Mitigation measures identified in this MMP were developed in the Environmental Impact Report prepared for the proposed project, as modified to address only the demolition phase. The MMP will provide for monitoring of construction activities as necessary and in-the-field identification and resolution of environmental concerns.

Monitoring and documenting the implementation of mitigation measures will be coordinated by the MROSD. The table attached to this report identifies the mitigation measure, the responsible agency for the monitoring action, and timing of the monitoring action. MROSD will be responsible for fully understanding and effectively implementing the mitigation measures contained within the MMP, and will be responsible for ensuring compliance.

During implementation of Phase I Demolition of the project, MROSD will assign an inspector who will be responsible for field monitoring of mitigation measure compliance. The inspector, who could be one or more employees of MROSD with appropriate knowledge, skills, and abilities to carry out inspections, will report to the project manager identified for MROSD and will be thoroughly familiar with permit conditions and the MMP. In addition, the inspector will be familiar with construction contract requirements, construction schedules, standard construction practices, and mitigation techniques. In order to track the status of mitigation measure implementation, field-monitoring activities will be documented on compliance monitoring report worksheets. The time commitment of the inspector will vary depending on the intensity and location of project activities. Aided by the attached table, the inspector will be responsible for the following activities:

- On-site monitoring of implementation activities as frequently as needed to ensure compliance with the adopted mitigation measures.
- Reviewing construction plans and equipment staging/access plans to ensure conformance with adopted mitigation measures.
- Ensuring contractor knowledge of and compliance with the MMP.
- Verifying the accuracy and adequacy of contract wording.
- Having the authority to require correction of activities that violate mitigation measures. The inspector shall have the ability and authority to secure compliance with the MMP.

- Acting in the role of contact for property owners or any other affected persons who wish to register observations of violations of project permit conditions or mitigation. Upon receiving any complaints, the inspector shall immediately contact the construction representative. The inspector shall be responsible for verifying any such observations and for developing any necessary corrective actions in consultation with the construction contractor and MROSD.
- Obtaining assistance as necessary from technical experts, as needed, in order to develop site- specific procedures for implementing the mitigation measures.
- Maintaining a log of all significant interactions, violations of permit conditions or mitigation measures, and necessary corrective measures.

1.3 MITIGATION MONITORING PLAN

The following table indicates the mitigation measure number, the mitigation measure text, the monitoring agency, implementation timing, and an area to record monitoring compliance.

Mitigation Monitoring Plan				
Mitigation Measure No.	Measure Description	Monitoring Agency	Implementation Schedule	Monitoring Compliance Record (Name/Date)
4.2-3	**Protection of Undocumented Cultural Resources** During all ground-related construction activities (i.e., grading, excavation, etc.) on the project site, if cultural materials (e.g., unusual amounts of shell, animal bone, glass, ceramics, structure/building remains) are inadvertently encountered, all work shall stop within 50 feet of the find until a qualified archaeologist can assess the significance of the find. A reasonable effort will be made by the District to avoid or minimize harm to the discovery until significance is determined and an appropriate treatment can be identified and implemented. Methods to protect finds include fencing and covering remains with protective material such as culturally sterile soil or plywood. If vandalism is a threat, 24-hour security will be considered and evaluated based on threat level, remoteness of site, materials found, significance of find, etc. Construction operations outside 50-feet of the find can continue during the significance evaluation period and while mitigation is being carried out; however, if the archaeologist determines that the nature of the find may signify a high potential for other finds in the area, the construction will be monitored by an archaeologist within 100-feet of the find. If a discovered resource is identified as significant and cannot be avoided, a qualified archaeologist will develop an appropriate treatment plan to minimize or mitigate the adverse effects. The District will not proceed with construction activities within 100-feet of the find until the treatment plan has been reviewed and approved by the General Manager. The treatment effort required to mitigate the inadvertent exposure of significant cultural and/or historical resources will be guided by a research design appropriate to the discovery and potential research data inherent in the resource in association with suitable field techniques and analytical strategies. The recovery effort will be detailed in a professional report in accordance with current professional standards. Any non-grave associated artifacts will be curated with an appropriate repository. Project construction documents shall include a requirement that project personnel shall not collect cultural and/or historical resources encountered during construction. This measure is consistent with federal guideline 36 CFR 800.13(a) for invoking unanticipated discoveries.	MROSD	During Construction	

Mitigation Monitoring Plan				
Mitigation Measure No.	Measure Description	Monitoring Agency	Implementation Schedule	Monitoring Compliance Record (Name/Date)
4.2-4	**Protection of Presently Undocumented Human Remains.** In accordance with the California Health and Safety Code, if human remains are uncovered during ground-disturbing activities, potentially damaging excavation in the area of the burial will be halted and the Santa Clara County Coroner and a professional archaeologist will be contacted to determine the nature and extent of the remains. The MROSD Project Manager will also be notified immediately. The coroner is required to examine all discoveries of human remains within 48 hours of receiving notice of a discovery on private or state lands (Health and Safety Code, Section 7050.5[b]). If the coroner determines that the remains are those of a Native American, he or she must contact the Native American Heritage Commission (NAHC) by phone within 24 hours of making that determination (Health and Safety Code, Section 7050[c]). Following the coroner's findings, the State of California, project contractor, an archaeologist, and the NAHC-designated Most Likely Descendant (MLD) will determine the ultimate treatment and disposition of the remains and take appropriate steps to ensure that additional human interments are not disturbed. The responsibilities for acting upon notification of a discovery of Native American human remains are identified in Section 5097.9 of the California Public Resources Code. The State of California will ensure that the immediate vicinity (according to generally accepted cultural or archaeological standards and practices) is not damaged or disturbed by further development activity until consultation with the MLD has taken place. The MLD will have 48 hours to complete a site inspection and make recommendations after being granted access to the site. A range of possible treatments for the remains, including nondestructive removal and analysis, preservation in place, relinquishment of the remains and associated items to the descendants, or other culturally appropriate treatment may be discussed. Assembly Bill (AB) 2641 suggests that the concerned parties may extend discussions beyond the initial 48 hours to allow for the discovery of additional remains. AB 2641(e) includes a list of site protection measures and states that the landowner shall implement one or more of the following measures:	MROSD	During Construction	

Mitigation Monitoring Plan				
Mitigation Measure No.	Measure Description	Monitoring Agency	Implementation Schedule	Monitoring Compliance Record (Name/Date)
	〉 record the site with the NAHC or the appropriate Information Center, 〉 utilize an open-space or conservation zoning designation or easement, and/or 〉 record a document with the county in which the property is located. The landowner or their authorized representative shall rebury the Native American human remains and associated grave goods with appropriate dignity on the property in a location not subject to further subsurface disturbance if the NAHC is unable to identify a MLD, or if the MLD fails to make a recommendation within 48 hours after being granted access to the site. The landowner or their authorized representative may also reinter the remains in a location not subject to further disturbance if they reject the recommendation of the MLD, and mediation by the NAHC fails to provide measures acceptable to the landowner.			
4.3-1	**Conduct Survey before Structure Demolition, Consult with DFG, and Develop Exclusion Methods and Compensatory Mitigation if Appropriate.** Surveys for roosting bats on the project site will be conducted by a qualified biologist. Surveys will consist of a daytime pedestrian survey looking for evidence of bat use (e.g., guano) and/or an evening emergence survey to note the presence or absence of bats. The type of survey will depend on the condition of the buildings. If no bat roosts are found, then no further study is required. If evidence of bat use is observed, the number and species of bats using the roost will be determined. Bat detectors may be used to supplement survey efforts, but are not required. If roosts of pallid, Townsend's big-eared, or western mastiff bats are determined to be present and must be removed, the bats will be excluded from the roosting site before the facility is removed. A program addressing compensation, exclusion methods, and roost removal procedures will be developed in consultation with DFG before implementation. Exclusion methods may include use of one-way doors at roost entrances (bats may leave but not reenter), or sealing roost entrances when the site can be confirmed to contain no bats. Exclusion efforts may be restricted during periods of sensitive activity (e.g., during hibernation or while females in maternity colonies are nursing young). The loss of each roost (if any) will be replaced in consultation with DFG	MROSD	Prior to Demolition of Structures	

Mitigation Monitoring Plan				
Mitigation Measure No.	Measure Description	Monitoring Agency	Implementation Schedule	Monitoring Compliance Record (Name/Date)
	and may include construction and installation of bat boxes suitable to the bat species and colony size excluded from the original roosting site. Roost replacement will be implemented before bats are excluded from the original roost sites. MROSD has successfully constructed bat boxes elsewhere that have subsequently been occupied by bats. Once the replacement roosts are constructed and it is confirmed that bats are not present in the original roost site, the structures may be removed or sealed.			
4.3-2(c)	**Avoid and Minimize Impacts to Golden Eagle, White-tailed Kite, and Other Nesting Birds** To minimize potential disturbance to nesting birds, project activities shall occur during the non-breeding season (September 16-February 14), unless it is not feasible to do so, in which case the following measures shall also be applied.	MROSD	During Construction	
	Removal of trees greater than 6 inches dbh shall be limited to the greatest degree possible.	MROSD	During Construction	
	If construction activity is scheduled to occur during the nesting season (February 15 to September 15), MROSD shall utilize a qualified biologist to conduct preconstruction surveys and to identify active nests on and within 500 feet of the project site that could be affected by project construction. The surveys shall be conducted no less than 14 days and no more than 30 days before the beginning of demolition in a particular area. If no nests are found, no further mitigation is required.	MROSD	Prior to Approval of Grading/Improvement Plans AND no fewer than 14 days and no more than 30 days prior to construction	
	If active nests are found, impacts on nesting raptors and songbirds shall be avoided by establishment of appropriate buffers around the nests. No project activity shall commence within the buffer area until a qualified biologist confirms that any young have fledged or the nest is no longer active. A 500-foot buffer around raptor nests and 50-foot buffer around songbird nests are generally adequate to protect them from disturbance, but the size of the buffer may be adjusted by a qualified biologist in consultation with DFG depending on site specific conditions. Monitoring of the nest by a qualified biologist during and after demolition activities will be required if the activity has potential to adversely affect the nest.	MROSD	Prior to and During Construction	

Mitigation Monitoring Plan				
Mitigation Measure No.	Measure Description	Monitoring Agency	Implementation Schedule	Monitoring Compliance Record (Name/Date)
4.4-1	a. Prior to earthmoving activities, MROSD will consult with Santa Clara County Department of Public Works for Municipal Regional Permit review and will also consult with the San Francisco Bay Basin Regional Water Quality Control Board (RWQCB) to acquire the appropriate regulatory approvals that may be required to obtain Section 401 water quality certification, State Water Resources Control Board (SWRCB) statewide National Pollutant Discharge Elimination System (NPDES) stormwater permit for general construction activities, and any other necessary site-specific waste discharge requirements. No grading or other soil disturbance will occur until the appropriate regulatory approvals and permits have been issued.	MROSD	Prior to Earthmoving Activities	
	b. Prior to any earthmoving activities, as required under the NPDES stormwater permit for general construction activity, MROSD will prepare and submit the appropriate Notice of Intent and prepare the SWPPP and other necessary engineering plans and specifications for pollution prevention and control. The SWPPP will identify and specify the use of erosion sediment control BMPs, means of waste disposal, nonstormwater management controls, permanent post-construction BMPs, and inspection and maintenance responsibilities. The SWPPP will also specify the pollutants that are likely to be used during construction and that could be present in stormwater drainage and nonstormwater discharges.	MROSD	Prior to Earthmoving Activities	
	c. Construction techniques will be identified that would reduce the potential runoff, and the SWPPP will identify the erosion and sedimentation control measure to be implemented. BMPs designed to reduce erosion of exposed soil may include, but are not limited to: 〉 Use temporary mulching, seeding, or other suitable stabilization measures to protect uncovered soils; 〉 Store materials and equipment to ensure that spills or leaks cannot enter the storm drain system or surface water; 〉 Water exposed areas for dust control; 〉 Minimize off-site sediment transport on vehicles using techniques such as gravel driving surfaces to knock soil off tires at exit points ; and 〉 Use barriers, such as perimeter silt fencing, to minimize the amount of uncontrolled runoff that could enter drains or surface waters.	MROSD	Prior to and During Construction	

Mitigation Monitoring Plan				
Mitigation Measure No.	Measure Description	Monitoring Agency	Implementation Schedule	Monitoring Compliance Record (Name/Date)
	d. The SWPPP will also specify spill prevention and contingency measures, identify types of materials used for equipment operation, and identify measures to prevent or clean up spills of hazardous materials used for equipment operation. Emergency procedures for responding to spills will also be identified. The SWPPP will identify personnel training requirements and procedures that would be used to ensure that workers are aware of permit requirements and proper installation and performance inspection methods for BMPs specified in the SWPPP. The SWPPP will also identify the appropriate personnel responsible for supervisory duties related to implementation of the SWPPP. All construction contractors will be required to retain a copy of the approved SWPPP on the construction site.			
4.6-1	Following demolition of structures, but prior to any grading activity or public access within the former Almaden Air Force Station, MROSD will hire a qualified hazardous materials specialist to prepare a focused pesticide soil testing and remediation program. The soil testing program will be prepared according to the recommendations in Northgate's Sampling and Analysis Report. Based on the focused soil testing program, the perimeters and depths of soils containing contamination above residential ESLs shall be specifically defined. Once these areas are defined, construction barriers or fencing shall be placed around the areas prior to initiating construction within other areas of the project site. No construction or public access may occur within the demarcated areas of contamination until the following remediation occurs: The qualified hazardous materials specialist will prepare a remediation plan for excavation and disposal of contaminated soils. The goal of the remediation plan will be to remove all soils containing chemical concentrations in excess of California human health screening levels and render excavated soil suitable for disposal at an appropriate landfill, unless the soils can be suitably treated on site, to below screening levels, in which case the soils can be disposed onsite. Soil removal activity will be completed in accordance with state and local regulatory requirements that provide specific targets for protection of human health.	MROSD	Following demolition and prior to any grading and public access	

Mitigation Monitoring Plan				
Mitigation Measure No.	Measure Description	Monitoring Agency	Implementation Schedule	Monitoring Compliance Record (Name/Date)
4.6-5	**Reduction of Wildland Fire Hazard During Demolition** Prior to initiation of construction (including activities associated with mitigation measures, such as vegetation clearing), MROSD's contractor will prepare a fire prevention plan. This fire prevention plan will include such measures as a list of tools to have on hand, proof of spark arrestors on all gas-powered engines, a description of available communications, specifications for the supply of water to have on hand, and descriptions of other actions that will reduce the risk of ignition and immediate control of an incipient fire. This requirement should be included in the contract with the District. To minimize the risk of wildfire ignition, all motorized vehicles, including earth-moving equipment, used during this project will be equipped with spark arresters, per California Public Resources Code 4442, and Health and Safety Code 13001 and 13005. Other motorized vehicles used on the project site will not be parked where vegetation may come in contact with exhaust systems and catalytic converters.	MROSD	Prior to and During Construction	
4.7-1	MROSD and all construction contractors shall implement the following basic control measures during construction, per BAAQMD's Air Quality Guidelines: 〉 All un-compacted exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) shall either be watered two times per day when average winds exceed 20 miles per hour (mph) or covered with a dust palliative (e.g., mulch, straw). If watered, watering shall be done at a frequency adequate to maintain minimum soil moisture of 12%. Moisture content can be verified by lab samples or moisture probe. 〉 All haul trucks transporting soil, sand, demolished building materials, or other loose material off-site shall be covered. 〉 Erosion control seed mix shall be planted in disturbed areas where appropriate as soon as possible and watered as needed for up to three years. 〉 During windy days, the simultaneous occurrence of excavation, grading, and ground-disturbing construction activities on the same area at any one time shall be limited. Activities shall be phased to reduce the amount of disturbed surfaces at any one time.	MROSD	During Construction	

Mitigation Monitoring Plan				
Mitigation Measure No.	Measure Description	Monitoring Agency	Implementation Schedule	Monitoring Compliance Record (Name/Date)
	〉 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. 〉 All vehicle speeds on unpaved roads shall be limited to 15 mph. 〉 All roadways, driveways, and sidewalks that are planned as part of the project to be paved shall be completed as soon as possible. Any building pads shall be laid as soon as possible after grading unless seeding or soil binders are used. 〉 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 measures (ATCM) Title 13, Section 2485 of California Code of Regulations [CCR]). Clear signage about this requirement shall be provided for construction workers and truck drivers at all access points. 〉 All construction equipment shall be maintained and properly tuned in accordance with manufacturer's specifications. All equipment shall be checked by a certified mechanic and determined to be running in proper condition prior to operation. 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. BAAQMD's phone number shall also be visible to ensure compliance with applicable regulations.			
4.7-5	Utilizing a qualified geologist, project-related construction and grading would be sited to avoid ultramafic rock to the maximum extent feasible. If construction or grading in ultramafic substrates would be unavoidable, MROSD shall conduct an investigation to determine whether and where NOA is present within the areas where demolition would occur. The site investigation shall include the collection of soil and rock samples by a qualified geologist. If the site investigation determines that NOA is present within the area of building demolition, then MROSD shall comply with the requirements of BAAQMD's naturally occurring asbestos program by submitting an Asbestos Dust Mitigation Application and any other applicable notification forms to BAAQMD pursuant to BAAQMD's Air Toxic Control Measure (ATCM) Inspection Guidelines Policies and Procedures. Completion of the Asbestos Dust Mitigation Application largely consists of the development of an asbestos dust control plan, which specifies	MROSD	Prior to and during Demolition	

Mitigation Monitoring Plan				
Mitigation Measure No.	Measure Description	Monitoring Agency	Implementation Schedule	Monitoring Compliance Record (Name/Date)
	measures for preventing or minimizing the generation of NOA-containing dust associated with track-out onto paved public roads, active storage piles, inactive disturbed surfaces and storage piles, traffic on un-paved surfaces and roads, earthmoving activities, off-site transport of materials, and stabilization of disturbed soil surfaces post construction. In order to fulfill the requirements of Section 93105 of the California Health and Safety Code, "Asbestos Airborne Toxic Control Measure for Construction, Grading, Quarrying, and Surface Mining Operations," the asbestos dust control plan shall specify measures, such as periodic watering to reduce airborne dust and ceasing construction during high winds, that shall be taken to ensure that no visible dust crosses the property line. Measures in the Asbestos Dust Control Plan may include but shall not be limited to dust control measures required by Mitigation Measure 4.7-1. MROSD shall submit the plan to BAAQMD for review and approval before construction. Upon approval of the asbestos dust control plan by BAAQMD, the MROSD shall ensure that construction contractors implement the terms of the plan throughout the construction period.			
4.10-1	**Construction Traffic** MROSD shall implement the following mitigation measures to improve roadway condition/operation during and after construction. These measures would be required with or without removal of the radar tower. 〉 Provide necessary temporary improvements (e.g. pothole repairs) to Mt. Umunhum Road. 〉 Survey the demolition truck route between Mt. Umunhum Road and Almaden Expressway (or Camden Avenue) before project initiation and after all work is completed. Provide repair as required to all road segments with documented pavement degradation due to project trucks. 〉 Post signs along the narrower two-lane sections of construction haul routes informing bike riders as well as local drivers of dates and times of potential truck traffic. 〉 Post signs of potential delay in advance of construction/excavation sites along Mt. Umunhum Road. 〉 Ensure communication links between truck drivers so they are aware when there will be uphill and downhill truck traffic at the same time on Mt. Umunhum Road and/or Hicks Road.	MROSD	During and After Construction	

Mitigation Monitoring Plan				
Mitigation Measure No.	Measure Description	Monitoring Agency	Implementation Schedule	Monitoring Compliance Record (Name/Date)
	Survey Mt. Umunhum Road on a weekly basis during all demolition off haul, excavated material haul and any fill importation to determine whether pavement condition remains adequate in all locations along Mt. Umunhum Road for safe truck traffic activity. If not, provide interim pavement repairs as needed.			

ATTACHMENT 4

RESOLUTION NO. 12-XX

RESOLUTION OF THE MIDPENINSULA REGIONAL OPEN SPACE DISTRICT BOARD OF DIRECTORS APPROVING DEMOLITION OF ALL ON-SITE STRUCTURES EXCEPT FOR THE RADAR TOWER AS THE FIRST PHASE OF THE MOUNT UMUNHUM ENVIRONMENTAL RESTORATION AND PUBLIC ACCESS PROJECT

WHEREAS, the Midpeninsula Regional Open Space District (MROSD or the District) acquired the former Almaden Air Force Station (AFS) and all remaining facilities at the site in 1980; and

WHEREAS, the primary goal for the overall Mount Umunhum Environmental Restoration and Public Access Project is to establish a fiscally and environmentally sustainable visitor destination that aligns with the District's mission by balancing public access, enjoyment, and education with environmental restoration; and

WHEREAS the overall project description as analyzed in the EIR includes several elements, including three (3) options for a radar tower, parking, trails, campsites, cultural and natural resource interpretation, a visitor center, and demolition of existing buildings on the site but not necessarily including demolition of the radar tower; and

WHEREAS, common to all options analyzed is the demolition of the existing buildings on the site separate, apart from, and excluding the radar tower; and

WHEREAS, federal funds were committed in 2010 toward abatement of remaining hazardous materials, and the abatement project for removal of hazardous materials on existing on-site structures was completed in the summer of 2011; and

WHEREAS, many of the abated structures remain in disrepair and pose a physical hazard to the public in their current condition, thus requiring the site to remain closed to public access; and

WHEREAS, federal funds remain available for a period of time and such funds can be used to demolish some or all structures on the site; and

WHEREAS, the District certified that an EIR was prepared for the proposed project, including all elements, and that the EIR was completed in compliance with the California Environmental Quality Act; and

WHEREAS, a Mitigation Monitoring Plan has been prepared to address demolition of all buildings except the radar tower; and

WHEREAS, the Board has conducted multiple planning meetings, as well as a number of hearings related to the project and the CEQA process, and has reviewed all project materials including the EIR and its appendices, staff reports, and attachments; and

WHEREAS, the Board will continue to hold additional public workshops and design activities related to public access in the Project Area, including treatment of the radar tower, and will not make a decision on the radar tower until a later date after allowing for additional discussion and review of information.

BE IT RESOLVED by the Board of Directors that demolition of all buildings on the project site, except the radar tower, is approved.

* *

ATTACHMENT 5

Public Correspondence Regarding the Final Environmental Impact Report for
Mount Umunhum Environmental Restoration and Public Access Project
From Public Release of FEIR on May 25, 2012 to Board Packet Release on June 7, 2012

1. -----Original Message-----
Sent: Monday, June 04, 2012 1:15 PM
To: BOARD; Clerk; Vicky Gou; General Information
Subject: 06/04/2012 - - Contact Board
First Name: P
Last Name: Bernal
Ward / Location: San Jose
Comments:
I am writing to support SAVING the Air Force Tower at Mount Umunhum. Thank you.

2. -----Original Message-----
Sent: Monday, June 04, 2012 4:09 PM
To: BOARD; Clerk; Vicky Gou; General Information
Subject: 06/04/2012 - Contact Board
First Name: Robert
Last Name: Pedretti
Ward / Location: San Jose
Comments:
As a member of the County of Santa Clara Historical Heritage Commission I urge you to preserve the building which can be seen for miles. Not only is a hiking trail a visitor goal but an interesting building like this which reflects a critical time in our history is a must to save. The option of cutting the walls to half is ludicrous. If there is objection to it's visibility then paint it to blend in but don't destroy it.

3. -----Original Message-----
Sent: Monday, June 04, 2012 4:12 PM
To: BOARD; Clerk; Vicky Gou; General Information
Subject: 06/04/2012 - - Contact Board
First Name: Angela
Last Name: Faulkner
Ward / Location: San Jose, Ca
Comments:
I am writing to let you know how important it is for the generations to come that the radar tower on Mount Umunum be preserved! You cannot make progress into the future without an understanding of the past, and how that past has shaped current views and societies across the globe. Providing a physical building and location that can be touched and seen is a more powerful reminder of our history than merely a paragraph in a book. Do not take away the opportunity for future generations to learn about the cold war and the radar station on Mount Umunum!

4. -----Original Message-----
Sent: Monday, June 04, 2012 7:46 PM
To: BOARD; Clerk; Vicky Gou; General Information
Subject: 06/04/2012 - - Contact Board
First Name: Jan
Last Name: Paull
Ward / Location: San Jose
Comments:
I wish the old radar tower base on Mt. Umunhum be saved.

5. -----Original Message-----
Sent: Monday, June 04, 2012 6:05 PM
To: BOARD; Clerk; Vicky Gou; General Information
Subject: 06/04/2012 - - Contact Board
First Name: michael
Last Name: shea
Ward / Location: san jose
Comments:
I am writing to urge that the radar tower on mt. umunhum be preserved. It has been so visible from all over Almaden for so many years, it would be a shame to remove it. We need to preserve historical buildings such as this one in order that some of them are around for others to remember.
Sincerely, Michael A. Shea MD

6. -----Original Message-----
Sent: Monday, June 04, 2012 10:15 PM
To: BOARD; Clerk; Vicky Gou; General Information
Subject: 06/04/2012 - Contact Board
First Name: James
Last Name: Zetterquist
Ward / Location: San Jose
Comments:
Dear Board,
I would like to thank you for your fine work that has resulted in making our community a better place to live and raise a family. Though your main objective is to provide open space for the community to enjoy, I hope you will consider preserving the Air Force Radar Tower that sits atop Mount Umunhum. You have a wonderful opportunity on this project to protect nature, make open space available and preserve an important part of our heritage . In this day and age of drawing lines in the sand and refusing to compromise, I hope you will do all that you can to make this a win/win for all involved.
Respectfully,
James Zetterquist
(8th generation resident of Santa Clara County)

7. -----Original Message-----
Sent: Tuesday, June 05, 2012 10:05 AM
To: BOARD; Clerk; Vicky Gou; General Information
Subject: 06/05/2012 - - Contact Board
First Name: Ginny
Last Name: Kaminski
Comments:
Save the tower on Mount Umunhum. It is part of our history and land mark! Someday I hope it can be open to the public.

8. -----Original Message-----
Sent: Tuesday, June 05, 2012 8:15 AM
To: BOARD; Clerk; Vicky Gou; General Information
Subject: 06/05/2012 - - Contact Board
First Name: Beth
Last Name: Wyman
Phone Number:
Ward / Location: Morgan Hill, CA 95037
Comments:
PLEASE KEEP THE TOWER. ALL OF IT!
It IS historical and meaningful to most valley residents, and absolutely does NOT represent the "Cold War" or "the Military". Instead, it identifies Umunhum! With very little effort, the structure could be used as a Viewing Lookout and a Museum and, also, a frame for extraordinary art that would be enjoyed by millions.
Please, please, please consider this.
Yours truly,
Beth Wyman
Active Valley resident since 1960; Retired Professor of Historic Preservation SJSU; Retired County Homeless Coordinator; Author of several books on local history; Mother, grandmother; Former Mayor of Morgan Hill.

9. -----Original Message-----
Sent: Tuesday, June 05, 2012 2:08 PM
To: BOARD; Clerk; Vicky Gou; General Information
Subject: 06/05/2012 - - Contact Board
First Name: Sharon
Last Name: Knowles
Ward / Location: San Jose
Comments:
I lived for years near Blossom Hill Rd. where the sail on Mt. Umunhum was both seen and heard. Losing the tower would be a great loss to the history of the valley. Please keep it.

10. -----Original Message-----
From: Ellen Finch
Sent: Monday, May 21, 2012 12:00 PM
To: MROSD - Mt. Um
Cc: me Finch
Subject: please save Mt Um radar tower
I haven't been able to attend the public meetings so far, but I wanted to add my strong plea to keep the radar tower on Mt. Umunhum. I moved here in 1968 and that was the earliest orienting landmark that I learned, and after all these years it seems like an integral part of my own history as well as that of the Santa Clara Valley. It's unique-- so much more distinctive than almost anything on any other mountain--is there really anything else like it anywhere? And it provides a glimpse of who we were technologically and historically.

11. -----Original Message-----
Sent: Thursday, May 24, 2012 8:02 PM
To: Board ; District Clerk ; Web ; Information
Subject: 05/24/2012 - - Contact Board
First Name: Doug
Last Name: Brawner
Phone Number:
Ward / Location:, Texas
Comments:
I am writing this letter in regards to the Almaden Afs radar cube.I am a former Air Force member of the former AFS 682 Radar Grp.I was there in 1968-1970,during that time I was married close to that cube,and worked in the building right next to it.You can always tell where the base was when you are down in the valley. I have been in the Phillipines,Viet Nam,Japan, Hawaii,Laos,Cambodia,but nothing will ever match Almaden. The view,the beauty the people,it was my Home away from home. So I'm asking you to PLEASE let the cube stay as a land mark for us Veterans to aways remember the base that we whose called Home. Thank You.

12. -----Original Message-----
Sent: Monday, June 04, 2012 4:19 PM
To: BOARD; Clerk; Vicky Gou; General Information
Subject: 06/04/2012 - - Contact Board
First Name: Richard
Last Name: Weir
Ward / Location: Mountain View
Comments:
Keep the tower intact. In fact, make it accessible to the public. They paid for it and it is a relic of the Cold War. Do not be so quick to demolish that which has a history.

13. -----Original Message-----

FACSIMILE

TO: Steve Abbors	DATE: June 6, 2012
COMPANY: Midpeninsula Regional Open Space District	FROM: Carol Price
CC:	Number of Pages w/Cover: 1
Fax #: 1-650-691-0485	Re: Mt. Umunhum Tower
Urgent/Take Action ☐ For Review/FYI ☑ Please Comment ☐ Please Reply ☐	
Original to Follow by Mail ☐ Original will not be mailed ☐	

COMMENTS

Steve,
I am writing on behalf of a colleague of mine who has strong ties to Mount Umunhum and the Tower.
As summer employment in his early teens, he personally spent many hours with a survey crew laying out the infrastructure for buildings (including the Tower) utilities and roadways.
The Tower is an important landmark for our valley, and we definitely want to Save the Tower and preserve it. I don't think people know much about the history of the tower. If they did, they might understand why those of us who have lived here since the '40's and '50's are quite disturbed that the tower may be demolished. What type of contribution/donation would be needed from Santa Clara Valley residents in order to Save the Tower? Please raise this question at the next meeting.

Thank you.

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14. -----Original Message-----
From: Greg & Machiko
Sent: Sunday, June 03, 2012 10:16 AM
To: General Information
Cc: Basim Jaber
Subject: Just my thought: Mt. Umunhum
Dear Midpeninsula Regional Open Space District;
Hi all,
I would like to thank you all for your work with Mt. Umunhum and opening the area up to the public. I grew-up in San Jose and attended Del Mar HS in the early 1980's. My bedroom window had a perfect view of the radar station, even remember having my AM radio (KFRC in the early 80's) catch a small tone with each sweep of the radar.

Ever since I was around 12 years old, I would ride my bicycle from my home (by Leigh and Dry Creek) to the top of the mountain (first gate to the AFS) on many occasions... best of times riding up there after a snow storm. As I got older and got my drivers license, this area was my area with my Jeep CJ-5... camping many times on the mountain and getting to know the care-takers of the closed station.

I am certain that my memories of Mt. Umunhum run as deep as many others. I do understand that you have a few different versions of what to do at the top of the mountain with the radar cube. My only wish is that the radar building (big box) remains. It is a huge icon for the South Bay (such a Moffett Field Hangars).Please, I am only one person, but truly wish that the Almaden Air Force Station Radar Building remains for people to look-up and talk about the history...

Thank you for your time and thank you for all your efforts with preserving the Umunhum/Guadalupe area!

Respectfully Yours,
- Greg

15. -----Original Message-----
Sent: Monday, June 04, 2012 4:40 PM
To: BOARD; Clerk; Vicky Gou; General Information
Subject: 06/04/2012 - - Contact Board
First Name: Milt
Last Name: Peddy
Ward / Location: San Jose
Comments:
The Almaden Air Force tower is an icon of the Santa Clara Valley and represents commitment to our Freedom! I was built with the support and hardware from our valley and stands tall to represent us.

16. -----Original Message-----
From: Mike DAmelio
Sent: Tuesday, June 05, 2012 3:11 PM
To: MROSD - Mt. Um
Subject: Re: Reminder: FEIR + Upcoming Meeting Information for the Mount Umunhum Environmental Restoration and Public Access Project

To whom it may concern,

Please keep Tower and see history, add a LED AMERICAN FLAG to FACE of Tower, and at various Holidays, can be changed to a Christmas, Hanukah etc., theme.
San Jose needs what would be the only signature building we have, not to mention the Tower could be seen every evening across the south bay area.
We in SAN JOSE will never have a HIGH RISE BUILDING to distinguish us as a real big city, lets a least have the TOWER ON THE MT., LIT UP WITH "LEDS"

Regards,

Mike D'Amelio
SAN JOSE, CA

17. -----Original Message-----
From: Fred Nichols
Sent: Sunday, June 03, 2012 10:50 AM
To: "Scott Herhold"
Cc: MROSD - Mt. Um; Fred Nichols
Subject: The tower on Mt. Umunhum

Dear Mr. Herhold: While I understand the case you are trying to make regarding the tower on the top of Mt. Umunhum, I will use your arguments regarding the structures on the tops of Mt. Tamalpais, Mt. Diablo, and Mt. Hamilton to suggest that it is now time that we restored *one* of our treasured mountain peaks to its *natural* state to honor the memory and traditions of those first "Americans" who inhabited the area for thousands of years, i.e., long before the cold war of the mid 20th century.

In no way do I want to denigrate the role of those who served on top of Mt. Umunhum during the Cold War. I was serving aboard a US Navy destroyer off the coast of Cuba during those infamous "Thirteen Days in October" of 1962, staring down a Soviet submarine that we learned, decades later, was armed with a nuclear-tipped torpedo. Thus, I know a little bit about the tension of the times and threat that we faced. But the relatively brief occupancy by the Air Force alone does not justify leaving an ugly hulk of structure on the top of this lovely mountain that for a vastly longer period was revered in its natural state by the first inhabitants of the region.

My vision for the top Mt. Umunhum would be one that retains no trace of the military installation other than the road to the top for providing access for those who cannot walk to the top themselves. I strongly favor a shuttle service to the top so that visitors' cars can be left at the bottom. Also at the bottom could be a visitor's center that provided informational displays of the natural and human history of the mountain, including that of the brief period of military occupancy.

This is a wonderful opportunity to demonstrate that we can return a beautiful but blighted spot to its natural state by replacing the human imprint with plantings of native vegetation, allowing the mountaintop ecosystem to restore itself for the enjoyment of all, human and otherwise.

Fred Nichols