



Midpeninsula Regional
Open Space District

R-14-147
Meeting 14-34
December 10, 2014

AGENDA ITEM 5

AGENDA ITEM

Proposed Exchange of Real Property Interests between Ridge Vineyards, Inc., located at 18100 Montebello Road, Cupertino, CA (Portions of Santa Clara County Assessor's Parcel Numbers 351-38-006, -009, -011, and -012) and Midpeninsula Regional Open Space District (District) at Monte Bello Open Space Preserve (Portion of Santa Clara County Assessor's Parcel Number 351-39-004), and Approval of the Re-circulated Initial Study and Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program in accordance with the California Environmental Quality Act

GENERAL MANAGER'S RECOMMENDATIONS

A handwritten signature in black ink, appearing to be "JMA".

1. Approve the Re-circulated Initial Study and Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program in Accordance with the California Environmental Quality Act (CEQA), and adopt the findings set out in the draft Resolution.
2. Adopt a Resolution authorizing the execution of the Fee and Easement Exchange Agreement between Ridge and the District and all other documents needed for the property exchange.
3. Adopt the Use and Management Plans as recommended, and designate the property interests conveyed to the District as an addition to Monte Bello Open Space Preserve.
4. Dedicate the fee and easement property interests as public open space pursuant to the District's Annual Policy for Dedication of Lands.

SUMMARY

The District is considering entering into an agreement with Ridge Vineyards, Inc., (Ridge) to exchange fee and easement property interests to protect scenic views, prohibit residential and non-agricultural development, protect existing wildlife corridors, provide for sensitive reestablishment of historic vineyards through sustainable and organic agricultural uses that are compatible with existing public trail use, and resolve a long-standing encroachment at Monte Bello Open Space Preserve (Preserve). The land exchange would result in 46.15 acres of protected open space, agriculture, and scenic views for the District (11.93 acres in fee title and 34.22 acres under a conservation easement), and 42.85 acres of new land for vineyard cultivation for Ridge (8.94 net acres in fee title and 33.91 acres under an agricultural easement).

DISCUSSION

The District and Ridge have long sought to protect the scenic and rural character along Monte Bello Ridge, restrict future residential and non-agricultural development, protect existing wildlife corridors, conserve the world-class agricultural resources in a manner which mutually benefits public and private interests, and resolve a building encroachment issue. The proposed project reflects a partnership between Ridge and the District to meet these goals and consists of an exchange of property interests between Ridge and the District.

On December 11, 2013, the District's Board of Directors was scheduled to consider the proposed exchange agreement with Ridge; however, at the end of the Mitigated Negative Declaration (MND) circulation period for public comments, a number of Montebello Road neighbors raised concerns regarding groundwater use and other issues. In response to these concerns, consideration of the proposed exchange agreement was postponed so that staff could gather additional information from the community and respond to their concerns. To better understand the community's concerns, the following public meetings were held:

- December 3, 2013, District staff met with Montebello Road neighbors at the District Administrative Office
- April 14, 2014 a community meeting was held at Picchetti Winery focused on a hydrology study of the project area
- May 19, 2014, Ridge held a meeting at their property to discuss Ridge's vehicle use of Montebello Road and Ridge's vineyard irrigation practices
- June 14, 2014, a site tour of the proposed exchange properties from Waterwheel Creek and the Ridge Vineyard facility was held

At these four meetings, some community members raised concerns about the impacts of the proposed property exchange on hydrology, traffic, vineyard implementation, recreational use, and habitat fragmentation. The Re-circulated Initial Study and Mitigated Negative Declaration have been revised to address these issues and include additional mitigation measures to ensure any impacts will not be significant. The property exchange documents require compliance with these mitigation measures.

Proposed Property Exchange (Fee and Easement)

The proposed property exchange includes the following components:

Fee Title Land Exchange (see Attachment 1)

The District and Ridge will exchange equal amounts of fee title property (11.93 acres):

- Ridge will convey 11.93 acres of natural open space land to the District. This land is located east of, and is highly visible from, the western segment of Waterwheel Creek Trail.
- The District will convey 11.93 acres of land to Ridge, resolving the winery facility encroachment, providing for covenants, conditions and restrictions (CC&Rs) on a portion of the acreage, and providing for vineyard farming subject to a conservation easement on the remaining acreage.

Agricultural and Conservation Easement Exchange (see Attachment 2)

The District and Ridge will exchange conservation and agricultural easements:

- Ridge will convey to the District a conservation easement of 34.22 acres, protecting scenic and rural characteristics, restricting residential development and non-agricultural uses, and allowing continued vineyard agricultural use.
- The District will convey to Ridge an agricultural easement of 33.91 acres of public land within the Preserve allowing for the sensitive reestablishment of vineyards in areas historically cultivated with vineyards in the early 20th Century.

A detailed accounting of the proposed land and easement exchange is shown below:

Land Exchange to the District		
Fee Title	Conservation Easement over Ridge Land	Total Acreage of Protected Open Space/Agriculture/Views
11.93 ac. - open space - prohibits development of 1 legal parcel	34.22 ac. - 8.94 ac. open space to vineyards - 25.28 ac. in vineyard use prohibits development of 3 legal parcels	46.15 ac. - Protects open space and prohibits any future development of 4 legal parcels

In addition, as noted below, 2.99 ac. of other land to be conveyed in fee by the District to Ridge would be subject to CC&R's to minimize impacts of future site improvements.

Land Exchange to Ridge		
Fee Title	Agricultural Easement over District Land	Total Acreage for New Vineyards
11.93 ac. - 8.94 ac. open space to vineyards - 2.99 ac. , resolves encroachment, subject to CC&Rs to protect viewshed	33.91 ac. - open space to vineyards where historic terraces are located	42.85 ac. = (8.94 + 33.91)
		Total Acreage Exchange to Ridge
		45.84 ac. = (42.85 + 2.99)

The proposed exchange will result in permanently prohibiting the development of four legal parcels, and 25.28 acres of Ridge’s existing vineyard land will be protected by easement from residential development or conversion to non-agricultural uses. The 11.93 acre fee property proposed for conveyance to Ridge will be restricted for vineyard planting (8.94 acres) or subject to a recorded CC&R’s (2.99 acres) to protect views from Waterwheel Creek Trail and surrounding open space and park land.

The 11.93 acre fee property and the 33.91 acre agricultural easements being conveyed to Ridge are dedicated public open space and can be exchanged under Public Resources Code section 5540.5. However, a maximum of 40 acres may be exchanged in a calendar year. Therefore, the

proposed exchange includes the transfer of the 11.93 acre fee property by December 31, 2014, and transfer of the agricultural and conservation easements transfer by March 31, 2015.

Property Description and Regional Context

As shown in Attachments 1 and 2, the subject properties are located on Montebello Ridge within and along the perimeter of the Preserve in unincorporated Santa Clara County. Included within the project area is Ridge's production winery located at 18100 Montebello Road, Cupertino, CA. The project area slopes downward from Montebello Road, which defines most of the northern boundary.

Monte Bello Ridge sits on a rare patch of limestone, created by San Andreas Fault movement. Cresting at approximately 2,657 feet, the project area is highly visible from public open space and County parkland in the upper Stevens Creek watershed. At its highest point, the project area is also highly visible from the Santa Clara Valley floor to the east. In recent years, large visible estate residences have been developed on Monte Bello Ridge, altering the scenic natural character of the area.

The properties involved in the land and easement exchange currently consist of both active and abandoned vineyards, a portion of Ridge's existing production winery, and undeveloped grassland and chaparral.

District Land

The subject portion of the Preserve primarily consists of undeveloped open space in a natural condition, although remnants of old rootstock vines are detectable in some areas where farming previously occurred. Annual grassland with interspersed native perennial grasses carpet the rolling plateaus, and coyote brush scrub, chamise chaparral, and scrub oak chaparral grow profusely on slopes. Underneath this vegetation lies the limestone-based soils that are renowned for wine-grape growing. Public access facilities in the project area consist of an unpaved permit parking area and the eastern segment of Waterwheel Creek Trail. A historic unpaved road system interconnects Ridge's vineyards to Waterwheel Creek Trail and other historic ranch roads on the Preserve. At the eastern edge of the parking area and Waterwheel Creek Trail is a steep and densely vegetated drainage which provides a wildlife habitat corridor from Monte Bello Ridge to Stevens Creek to the south, which will be preserved as part of the proposed exchange agreement.

Ridge Vineyards Land

Ridge's Montebello facility is a privately-owned vineyard and winery originally established as Monte Bello Vineyards in 1886. The subject portion of Ridge's land includes existing vineyards, a production winery, farm labor housing, related agricultural buildings and facilities, and undeveloped open space. However, Ridge's winery building and related facilities encroach onto a small portion of the Preserve, dating prior to public purchase of the land by the District in 1974.

Approximately 25.28 acres of the conservation easement property already contain vineyards. On its vineyards, Ridge uses sustainable, organic practices, such as cover cropping, minimal tilling, and integrated pest management. Raptor roosts and bird boxes are employed to assist

in insect and rodent control. The unfarmed portions of the property are steeply sloping, with rocky outcrops in between annual grassland, oak woodlands and chaparral.

TERMS AND CONDITIONS / PLANNING CONSIDERATIONS

The properties being proposed for exchange are within unincorporated Santa Clara County and are zoned as HS (Hillside) requiring a 20- to 160-acre minimum lot size based upon a slope density formula. The Ridge-owned properties consist of four legal parcels having a potential density of four residential sites. These four parcels are considered legal nonconforming parcels.

The proposed conservation and agricultural easements will restrict future use of the affected land to organic and sustainable agriculture and agriculture-related activities and preserve it as open space. The proposed District conservation easement on Ridge Vineyards' property (34.22 acres) will limit future use to open space and agriculture. Access to the conservation easement area is limited to easement monitoring purposes only, and no public access rights are granted. Cultivation of vineyards will be the only permitted use of the agricultural easement. The District will monitor the conservation and agricultural easements and the farming practices pursuant to the provisions of the conservation and agricultural easements to ensure ongoing compatibility with natural resources and adjacent low-intensity recreation at the Preserve.

As part of the transaction, a 2.99-acre portion of District land conveyed to Ridge, which includes the winery building encroachment, will become subject to a recorded Covenants, Conditions, and Restrictions (CC&Rs) that require new site improvements to be visually compatible with, or screened from view from surrounding open space vantage points.

Additionally, the District will grant Ridge a road license allowing trails and roadways on District land to be used for agricultural purposes in three locations:

- A 500 foot long unsurfaced path parallel to Montebello Road connecting Ridge's conservation easement property to the District agricultural easement property. This roadway does not affect public trail use;
- A 500 foot segment of unsurfaced roadway near Ridge's winery, which does not affect public trail use; and
- Waterwheel Creek Trail to Montebello Road Trail and Montebello Road Trail to the northwest boundary of Ridge's property with prior notification to District (use would occur during harvest season between September 1 through November 15).

Recreational use of Waterwheel Creek Trail, Montebello Road Trail, and the permit parking area will continue, and as part of the license, Ridge will coordinate with the Skyline Field Office to post warning signs alerting trail users to the possible presence of farm equipment on the trail, which will typically result in 3 to 6 trips during weekday mornings during each harvest season, but will not exceed 10 trips overall.

Ridge has the legal rights to 50% of the water from the spring below Waterwheel Creek Trail, which is located on District property. Ridge used the existing springwater system for agricultural watering until 2006 when the electrical system failed. As part of the exchange, Ridge will be granted a water infrastructure license to access, repair, rehabilitate, and operate this

spring water system and to transport water via underground waterlines through a portion of District property. Rehabilitation work may require installation of a new springbox and water lines within a small, shallow wetland area. Ridge will consult with the State Department of Fish and Wildlife on a Streambed Alteration Agreement for this work.

Ridge plans to use the proposed land and easements conveyed by the District to reestablish vineyards on land historically used for viticulture and access the farmed properties. New vineyards will follow organic and sustainable practices. Approximately 42.85 acres may be planted with new vines, (8.94 acres of the conservation easement property and 33.91 acres of the agricultural easement property). Ridge would incorporate erosion control, irrigation management, and disease, weed, and pest management practices into the project. The establishment of vineyards would be phased and would take place over a period of more than fifteen years.

Ridge will need to prepare land for the planting of new wine grapevines. Existing grassland or chaparral vegetation would be removed in each block prior to starting. In a 9.33-acre area above Waterwheel Creek Trail, the land was terraced in the early 1900s to accommodate grapevines. Minor grading will be required to restore these existing terraces to a usable condition, and a 1.67-acre plot would be newly terraced. The remainder of the new vineyard areas (approximately 31 acres) would be tilled to a depth of 1.5 to 2.5 feet to facilitate new grapevine root penetration. All vine rows will follow the land contour to the extent possible to minimize erosion potential. Deer fencing consisting of six-foot woven galvanized mesh would be installed to protect the newly planted vines. In addition, the new vineyard area would include unpaved farm roads (“avenues”) to provide access and setbacks to create a buffer between planted acreage and adjacent uses. Vineyard development will not occur between November 16 and March 31 to reduce the potential for erosion during the rainy season.

The easterly 21.97 acre area of the agricultural easement is proposed to be planted on the south east facing slopes, which will minimize the scenic impact from the eastern segment of Waterwheel Creek Trail and the permit parking area. On the easterly 21.97 acre area of the agricultural easement, Ridge plans to install one or two new groundwater wells to provide water for irrigation and fire protection purposes, and install up to two new 10,000 gallon water tanks partially below-grade, as well as water distribution lines, electrical lines, and solar panels. Ridge will consider the geology, rock formation and location of nearby wells to ensure the new wells are located an adequate distance from existing wells on private properties to avoid affecting water levels at neighbor’s wells. In addition the project includes pumping rate limitations for any new wells installed by Ridge.

Drip irrigation systems would irrigate the newly planted vines, which are typically watered only during the first 10 years after planting, except in extreme drought conditions. New agricultural structures permitted within the conservation and agricultural easements will be rustic in nature, limited to 14 feet in height using earth tones, and will not exceed 250 square feet.

Before Ridge can begin installation of its vineyards, the District must first approve an Installation Plan. Then, before Ridge can begin operation of the vineyard, the District must approve a Management and Operations Plan. Before approval of these plans, the District will ensure improvements are consistent with the conservation and agricultural easements, compatible with the use and enjoyment of nearby public trails, and consistent with the Initial

Study and Mitigated Negative Declaration. In addition, a third party, paid for by Ridge, will review and comment on both the Installation Plan and Management and Operations Plan, and Ridge must incorporate the final recommendations of the reviewer into the plans. During drought conditions, the planting of new vineyards will be prohibited until after a normal rain year.

USE AND MANAGEMENT

Preliminary Use and Management Plan (Next Steps)

The principal purpose of a Preliminary Use and Management Plan (PUMP) is to establish an initial land management approach to be effective in the interim between the purchase and the completion of a subsequent long-term plan. A Comprehensive Use and Management Plan for Monte Bello Open Space Preserve (including the exchange project lands) was adopted on November 29, 1989 and amended on June 25, 1997.

A separate Use and Management Plan is provided for each of the following areas (See Attachment 3): 1) the property conveyed to the District in fee, 2) the conservation easement area (Ridge lands), and 3) the agricultural easement area and vicinity (existing District lands subject to the prior Comprehensive Use and Management Plan). These Use and Management Plans will take effect at the close of each escrow and remain effective until the plan is amended or a revised Comprehensive Use and Management Plan or Master Plan is approved for Monte Bello Open Space Preserve.

Use and management of the exchange project lands will entail ongoing coordination between the District and Ridge to ensure compatibility and consistency with the exchange agreements and easements.

CEQA COMPLIANCE

After receiving comments on the mitigated negative declaration prepared in 2013, District staff prepared a Re-circulated Initial Study and Mitigated Negative Declaration (MND) for the proposed District / Ridge Vineyards Land Exchange, which is for CEQA purposes, “the Project” (See Attachment 4). Given that this Project will result in the long term protection of open space and agricultural resources, the MND found that the Project would not result in significant impacts for many of the topic areas evaluated. The MND found that the Project could have potentially significant effects with respect to air quality, biological resources, cultural resources, and hydrology and water quality, but the incorporation of mitigation measures into the project would reduce the impacts to a less-than-significant level. The attached Resolution makes specific findings regarding these impacts and mitigation measures (See Attachment 5). The Initial Study and MND explain the basis for the findings in more detail.

Notification of Public and Agencies

A Notice of Intent (NOI) to Adopt a MND was submitted to the Santa Clara County Clerk-Recorder on October 6, 2014 for public posting stating that the public review period would start on October 6, 2014 and end on November 5, 2014 (a 30-day period, 30 days is required). On October 6, 2014, the Notice was posted at the District’s Administrative Office, posted to the District’s website (www.openspace.org), and mailed to more than 186 persons. Those notified included owners and occupants of property within approximately 300 feet of the project site,

owners and occupants along Montebello Road, other interested parties previously requesting notice, and the Santa Clara County Planning Department. During the comment period, the Notice, MND, and Initial Study were made available for public review at the District's Administrative Office and on the District's website. Therefore, all legal notice requirements of CEQA have been met.

Comments Received

As of November 15, 2014, the District received comments from five parties concerning the Recirculated Initial Study and Mitigated Negative Declaration, which are attached to this staff Report. In the attached Comments and Responses these comments were acknowledged and responses provided (See Attachment 6). The responses to comments address the issues raised by the commenters and clarify the description of the project regarding the siting of and pumping rate for the new wells on the Agricultural Easement property. In summary, the comments received did not raise any significant new environmental impacts, and did not result in any changes to the MND's conclusions regarding the Project's environmental impacts.

Mitigation Monitoring Program

In accordance with CEQA, the District has prepared a Mitigation Monitoring and Reporting Program (MMRP), which describes the project-specific mitigation measures and monitoring process (see Attachment 7). The MMRP ensures that all adopted measures intended to mitigate potentially significant environmental impacts will be implemented. The project incorporates all of these new mitigation measures.

FISCAL IMPACT

An independent appraiser jointly commissioned by the District and Ridge determined that the fair market value of the property interests the District proposes for exchange is of equal value to the property interests Ridge proposes to exchange. Therefore no funds will change hands between the parties. Ridge and the District are sharing (50/50) in the cost of the title and escrow fees. The District's share is estimated at \$5,300. The District's portion of these funds are budgeted in the Real Property Department's New Land Budget.

BOARD COMMITTEE RECOMMENDATIONS

The District's Real Property Committee, a standing committee of the Board of Directors, held a public meeting on the property to become familiar with the property and to receive public input on the proposed exchange. This meeting was held on June 26, 2012, after notice was distributed to property owners of land located adjacent to or surrounding the property. The Committee members expressed support for the proposed exchange terms. The District's Board of Directors held a special meeting on November 5, 2013 to view the project site and Ridge's vineyard practices. At the meeting, staff described the property and how it would be managed as open space and agricultural land, the proposed use and management plan, and the proposed exchange terms.

PUBLIC NOTICE

Public notice was provided as required by the Brown Act. In addition, 186 property owners and occupants within 300 feet of the project area, neighbors along the full length of Montebello Road and interested parties were sent notice of this meeting. No additional notice is required.

NEXT STEPS

If approved by the Board and the Exchange Agreement is signed by Ridge, the District will proceed to close escrow on the fee title exchange by December 31, 2014. After completing the easement and CC&R baseline documentation, the District will close escrow on the easements and record the remaining transactional documents by March 31, 2015. Ridge will submit Vineyard Installation Plans to the District for review and approval prior to starting development of new vineyards on the Agricultural Easement and the 8.94 acre portion of the Conservation Easement.

Attachments:

1. Map of Fee Title Land Exchange
2. Map of Conservation and Agricultural Easements
3. Ridge Vineyards Use & Management Plans
4. Mitigated Negative Declaration and Initial Study
(this document is available for download at:
www.openspace.org/news/public_notices.asp)
5. CEQA Resolution
6. CEQA Comment Letter(s) and Response(s)
7. Mitigation Monitoring and Reporting Program
8. Exchange Resolution

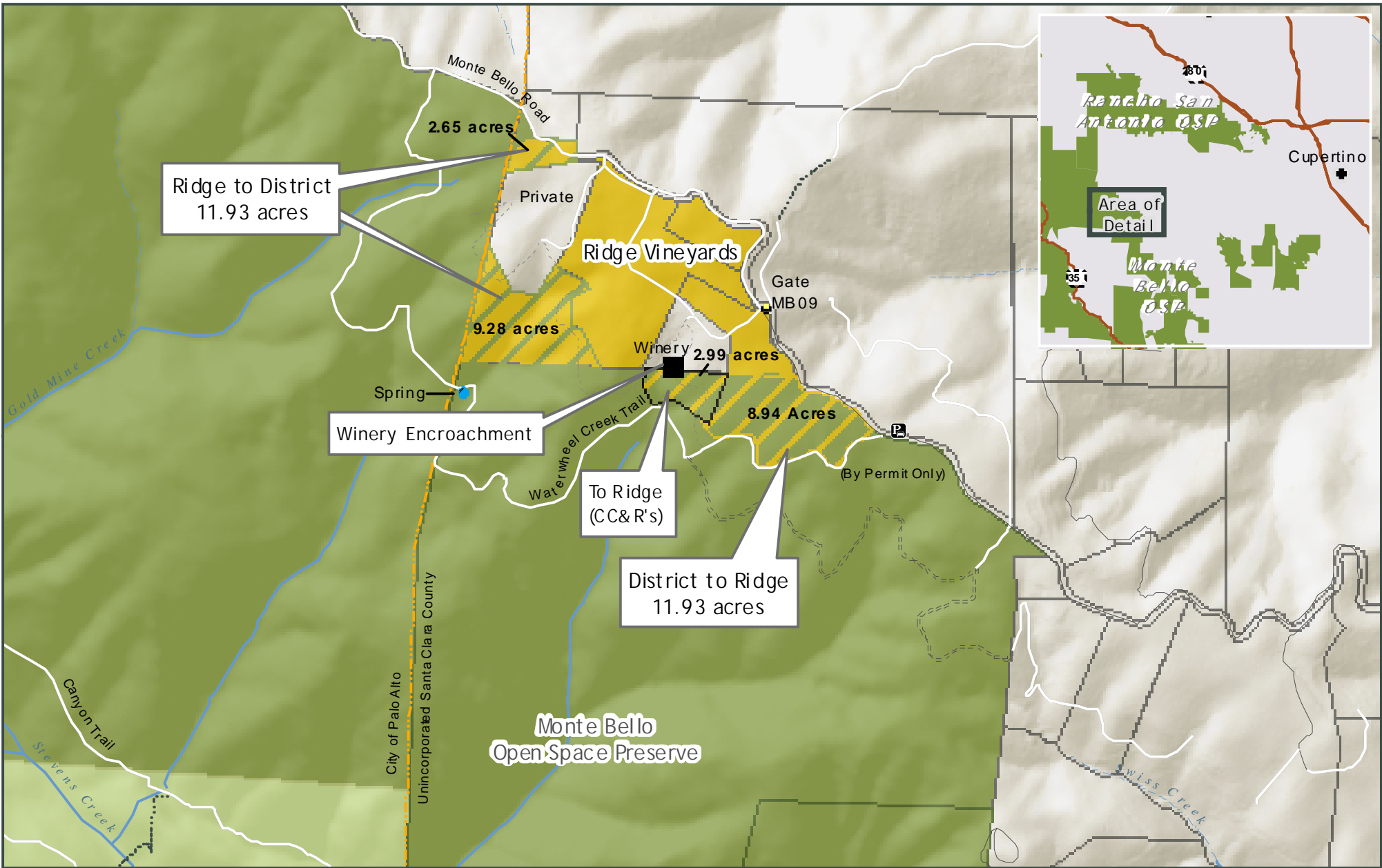
Prepared by:

Michael Williams, Real Property Manager







Graphics prepared by:

Jon Montgomery, GIS Intern

Path : G:\Projects\Mon te_Bell o\ Ridge_Vineyard\RV_No v_2013\A t t a c h m e n t 1_BoardP a c k e t_L a n d s c a p e_8.5x11.mxd
Created By: mch lids



Attachment 1: Fee Title Land Exchange

- | | |
|--|--|
|  MRO SD Preserves |  Open Space District to Ridge Vineyards |
|  Other Protected Open Space or Park Lands |  Ridge Vineyards to Open Space District |
|  Ridge Vineyards |  Private Property |

Midpeninsula Regional Open Space District

(MROSD)



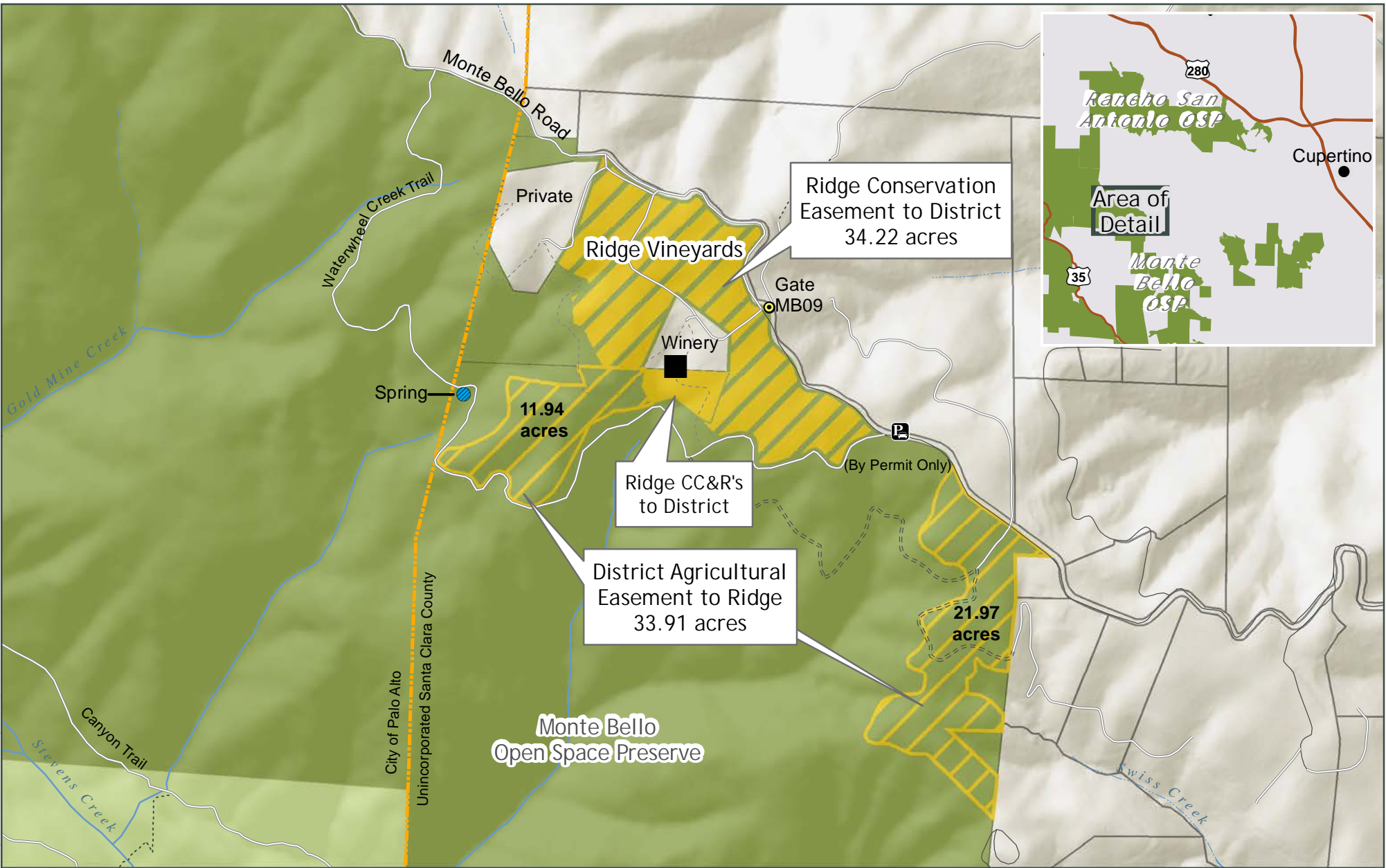
Miles 0 0.1 0.2

December, 2014









Attachment1_BoardPacket_Landscape_8.5x11&.mxd

While the District strives to use the best available digital data, this data does not represent a legal survey and is merely a graphic illustration of geographic features.



Attachment 2: Agricultural & Conservation Easement Exchange

- | | |
|--|--|
|  MROSD Preserves |  Open Space District Agricultural Easement to Ridge Vineyards |
|  Other Protected Open Space or Park Lands |  Ridge Vineyards Conservation Easement to Open Space District |
|  Ridge Vineyards |  Private Property |

Midpeninsula Regional
 Open Space District

(MROSD)

November, 2014



Ridge Vineyards Use & Management Plans

Preliminary Use & Management Plan for Fee Title Property Conveyed to the District

Public Access:	<ol style="list-style-type: none"> 1. Open the 9.28-acre parcel to public access. 2. Close the 2.65-acre parcel to public access, except for Monte Bello Road Trail which shall remain open to public trail use.
Structures and Improvements:	Allow operation and maintenance of existing water facilities on the 2.65-acre parcel consistent with the deeded easement rights held by the adjoining private property owner.
Water Infrastructure License	Ridge may install water improvements on District land, pursuant to the Water Infrastructure License. If water is needed in an emergency, the District is permitted to use Ridge's water tanks.
Resource Management:	<p>Manage lands in a natural condition, consistent with District Resource Management Policies. Conduct a detailed resource assessment, covering such topics as vegetation management and special status species.</p> <p>Conduct resource management activities, non-native invasive species and forest disease management activities on exchange project lands consistent with the District's standard policies and procedures, incorporating additional environmental review, if needed, once site specific projects have been identified. Coordinate with Ridge Vineyards on an on-going basis, so that District resource management practices are compatible with organic farming practices.</p>
Wildfire Fuel Management:	Further assess vegetative communities on the property to determine wildfire management needs, coordinate with the adjoining private property owner and Ridge Vineyards, and consult with appropriate fire agencies in developing a site-specific fuel modification and management program as part of the subsequent planning process. Maintain appropriate defensible space clearances around improvements.
Roads and Trails:	Allow roadway access to the adjoining private property and Ridge's lands, consistent with deeded access rights.

Signs, Safety, and Site Security:	<p>Install a vehicle gate at an appropriate location adjacent to Montebello Road. Routinely patrol the property using Monte Bello Road and existing roads. Install fences and gates as necessary to prevent unauthorized vehicular entry at the property boundaries. In coordination with Ridge, remove and relocate existing vineyard fence line. Install private property, closed area, and preserve boundary signs where appropriate to identify lands available for public access.</p> <p>No evidence of any recognized hazardous condition has been found on the property. As with every situation involving past and ongoing agricultural use, perform a thoughtful analysis of the specific working conditions before all future maintenance and repairs.</p>
Mitigation Measures:	<p>Ensure implementation of all applicable Mitigation Measures from the Mitigated Negative Declaration.</p>
Subsequent Planning:	<p>Develop a long-term plan for the property in conjunction with other additions to Monte Bello Open Space Preserve. The planning process should include public workshops to gather input, and public hearings to review draft and final plans, consistent with the District's Use and Management Planning Policy. This long-term plan will be subject to further environmental review under CEQA.</p>
Dedication:	<p>Indicate your intention to dedicate the property as open space at this time.</p>

**Preliminary Use & Management Plan for Conservation Easement Lands and CC&R Area
(Lands of Ridge Vineyards)**

Public Access:	No public access is allowed.
Conservation Easement:	Monitor the conservation easement to ensure ongoing compatibility with natural resources and adjacent low-intensity recreation at Monte Bello Open Space Preserve. Pursuant to the Conservation Easement, work with a mutually agreeable third party reviewer to review, approve, and monitor implementation of Ridge's Vineyard Installation Plans, and Maintenance and Operation Plans.
Covenants, Conditions, and Restrictions (CC&Rs)	Monitor new site improvements adjacent to Ridge's winery building to ensure that they are visually compatible with, or screened from view from, surrounding open space vantage points, consistent with the CC&Rs.
Signs, Safety, and Site Security:	Coordinate with Ridge regarding vineyard fencing and boundary signage at the Conservation Easement as part of the Vineyard Installation Plan process.
Mitigation Measures:	Ensure implementation of all applicable Mitigation Measures from the Mitigated Negative Declaration.

Comprehensive Use and Management Plan Amendment for Agricultural Easement and Adjacent District Lands

Public Access:	<p>Close the Agricultural Easement area to public access with implementation of each phase of vineyard development, to avoid interference with agricultural activities.</p> <p>Water Wheel Creek Trail and the permit parking lot remain open for public use. Limited farm vehicle use may occur seasonally on this trail, following District notification and signing, consistent with the Agricultural Easement terms.</p>
Structures and Improvements:	Ridge may install water tanks, water lines and wells, pursuant to the Agricultural Easement and Water Infrastructure License. If water is needed in an emergency, the District is permitted to use Ridge's water tanks.
Resource Management:	On District lands adjacent to the Agricultural Easement, coordinate with Ridge so that the District's non-native invasive species and forest disease management practices are compatible with organic farming practices.
Wildfire Fuel Management:	Further assess vegetative communities adjoining the Agricultural Easement area to determine wildfire management needs, coordinate with Ridge, and consult with appropriate fire agencies in developing a site-specific fuel modification and management program as part of the subsequent planning process. Together with Ridge, maintain appropriate defensible space clearances around improvements.
Agricultural Easement:	<p>Monitor the farming practices pursuant to the agricultural easement to ensure ongoing compatibility with natural resources and adjacent low-intensity recreation at Monte Bello Open Space Preserve, consistent with the Agricultural Easement.</p> <p>Pursuant to the Agricultural Easement, work with a mutually agreeable third party reviewer to review, approve, and monitor implementation of Ridge's Vineyard Installation Plans, and Maintenance and Operation Plans.</p>
Water Infrastructure License	Ridge may access and improve the spring, and install water improvements on District land, consistent with the Water Infrastructure License.
Roads and Trails:	Allow Ridge to use roads and trails pursuant to the Agricultural Easement, Water Infrastructure License, and Road License.
Signs, Safety, and Site Security:	<p>Coordinate with Ridge regarding vineyard fencing at the Agricultural Easement as part of the Vineyard Installation Plan process.</p> <p>Routinely patrol the Agricultural Easement property using existing roads and trails until vineyard development begins, at which time Ridge will take over.</p>

Mitigation Measures: Ensure implementation of all applicable Mitigation Measures from the Mitigated Negative Declaration.

Dedication: Indicate your intention to dedicate the property as open space at this time.

641348.1

RESOLUTION NO. 14-____

A RESOLUTION OF THE BOARD OF DIRECTORS OF THE MIDPENINSULA REGIONAL OPEN SPACE DISTRICT ADOPTING A MITIGATED NEGATIVE DECLARATION INCLUDING A MITIGATION MONITORING AND REPORTING PROGRAM IN CONNECTION WITH THE DISTRICT/RIDGE VINEYARDS LAND EXCHANGE PROJECT AT MONTE BELLO OPEN SPACE PRESERVE

- I. The Board of Directors of the Midpeninsula Regional Open Space District (District) has reviewed the proposed **District/Ridge Vineyards Land Exchange** Project (“Project”) within and adjacent to the Monte Bello Open Space Preserve (Preserve).
- II. An Initial Study and Mitigated Negative Declaration (collectively, MND), attached to the Board Report, was prepared for the proposed Project pursuant to the requirements of the California Environmental Quality Act (CEQA, Public Resources Code sections 21000 et seq.) and the CEQA Guidelines (14 Cal. Code. Regulations sections 15000 et seq.).
- III. The MND identified potentially significant adverse effects on the environment from the proposed project, but found that mitigation measures for the proposed Project and made as part of the proposed Project would avoid the effects or mitigate the effects to below a level of significance.
- IV. The MND and a notice of intent to adopt a Mitigated Negative Declaration were circulated for public review from **October 6, 2014 to November 5, 2014**.
- V. A Mitigation Monitoring and Reporting Program was prepared to ensure compliance with the MND’s mitigation measures.
- VI. On **December 10, 2014** the Board of Directors conducted a duly noticed public hearing on the adequacy of the MND at which oral and written comments and a staff recommendation for approval of the MND were presented to the Board of Directors. The Board of Directors reviewed and considered the information in the MND, administrative record, and Staff Reports for completeness and compliance with CEQA and the CEQA Guidelines.

NOW, THEREFORE, BE IT RESOLVED by the District Board of Directors that, based upon the Initial Study, Mitigated Negative Declaration, Mitigation Monitoring and Reporting Program, all comments received, and all substantial evidence in light of the whole record presented, the Board of Directors finds that:

1. Notice of the availability of the MND and all hearings on the MND was given as required by law and the actions were conducted pursuant to California Environmental Quality Act (CEQA) and the CEQA Guidelines.
2. All interested parties desiring to comment on the MND were given the opportunity to submit oral and written comments on the adequacy of the MND prior to this action by the Board of Directors and all comments raised during the public comment period and at the public hearings on the MND were responded to adequately.

3. Prior to approving the Project that is the subject of the MND, the Board has considered the MND, along with all comments received during the public review process.
4. The MND finds potentially significant effects with respect to certain impacts as described in the MND, and the Board hereby finds that these effects will be mitigated or avoided by the changes made in the Project as described in the MND.
5. The Board finds that, on the basis of the whole record before it, including the MND and all comments received, there is no substantial evidence that the Project will have a significant effect on the environment in that, although the Project could have a significant effect on the environment, there will not be a significant effect in this case since Mitigation Measures have been made a part of the Project to avoid such effects.
6. The Board adopts the MND and determines that the MND reflects the District's independent judgment and analysis.
7. The Board adopts the attached Mitigation Monitoring and Reporting Program and finds that contractual documents between the District and Ridge Vineyards ensure that these mitigation measures are fully enforceable conditions on the Project and shall be implemented as part of the Project.
8. The location and custodian of the documents or other material which constitute the record of proceedings upon which this decision is based are located at the offices of the General Manager of the Midpeninsula Regional Open Space District, 330 Distel Circle, Los Altos, California 94022.

* * * * *

PASSED AND ADOPTED by the Board of Directors of the Midpeninsula Regional Open Space District on _____, 2014, at a Regular Meeting thereof, by the following vote:

AYES:
NOES:
ABSTAIN:
ABSENT:

ATTEST:

APPROVED:

Secretary
Board of Directors

President
Board of Directors

APPROVED AS TO FORM:

General Counsel

I, the District Clerk of the Midpeninsula Regional Open Space District, hereby certify that the above is a true and correct copy of a resolution duly adopted by the Board of Directors of the Midpeninsula Regional Open Space District by the above vote at a meeting thereof duly held and called on the above day.

District Clerk

Five Comment Letters on Ridge Vineyards Initial Study

(all comments and responses have been forwarded to the District Board of Directors for review and consideration)

Comment	Response
Email from Bill Betchart, dated November 1, 2014 (Letter A)	
<p><u>Comment A-1:</u></p> <p>Thank you for the opportunity to comment on the above referenced Notice of Intent and the accompanying Draft Recirculated Initial Study and Mitigated Negative Declaration regarding the MROSD and Ridge Exchange. Please acknowledge that you have received this comment email prior to the November 5 deadline.</p> <p>Given other obligations, I have again allocated my limited time to reviewing the Hydrology and Water Quality Section of the revised Initial Study. This is my area of professional expertise.</p> <p>The Groundwater Investigation (Appendix D in the revised Initial Study) provides appropriate broad background information for beginning to evaluate whether “potentially significant environmental impacts” can be identified. This allows a substantial improvement in the thinking and analysis when compared with the previous version of the Initial Study. Thank you for providing it.</p>	<p><u>Response A-1:</u></p> <p>The District acknowledges that this letter was received by the end of the public circulation period, November 5, 2014. Comments acknowledged.</p>
<p><u>Comment A-2:</u></p> <p>A. Regarding Hydrogeology in various sections —</p> <p>Section 4.9.1.2 Existing Groundwater Conditions</p> <p>Section 4.9.1.3 Existing Water Use</p> <p>Section 4.9.2 Environmental Checklist and Discussion of Impacts (especially Checklist Item 2 and discussion of “Groundwater Supplies”)</p>	<p><u>Response A-2:</u></p> <p>As noted in the comment, a groundwater availability study (Appendix D of the Initial Study) was completed for the project. The study concluded that, as described in Section 4.9.2.1 of the Initial Study, net water use both with and without the proposed project is a small percentage of mean annual groundwater recharge. Moreover, the long-term post-exchange net water use would be less than the existing water use given the significant reduction of water use over time needed to sustain well-</p>

Five Comment Letters on Ridge Vineyards Initial Study

(all comments and responses have been forwarded to the District Board of Directors for review and consideration)

Comment	Response
<p>Appendix D Groundwater Investigation Monte Bello Ridge</p> <p>Although the revised Initial Study again diligently discusses each item in the “Setting” section and then does so again in its “Checklist and Discussion of Impacts” section, its treatment of checklist item 2 on page 62 (depletion of groundwater) is still inadequate – even grossly inadequate (if you happen to adopt a neighbor’s viewpoint) – and in error by finding a "Less Than Significant Impact" rather than a “Potentially Significant Impact.”</p> <p>The fundamental flaw in the treatment of this topic in the Groundwater Investigation (and then also in the revised Initial Study) is the failure to consider the potential non-static impacts on neighboring wells (i.e., weekly and monthly average local water table levels and changes near existing wells during intensive pumping) – changes that may be caused or exacerbated by either of the two new wells that are being authorized by as part of the Project.</p> <p>If a new well (authorized by the MROSD) is located near an existing well or happens to tap a groundwater source (a system of joints, fractures, or shear zones) that is already being used by an existing well, then the specific question in item 2 becomes relevant at a smaller scale (than Study-Area wide) and the answer must be yes. There would be a significant potential that the new well will “... interfere substantially with groundwater recharge [to the joint, fracture, or shear zone system] such that there will be ... a lowering of the local [joint, fracture, or shear zone system] groundwater table level (e.g., the production rate of pre-existing nearby wells will drop to a level which will not support existing land uses...)” This is clearly a “Potentially Significant Impact” to the</p>	<p>established vineyards. While the project would initially result in a temporary overall increase in net water use of up to approximately 17% of the mean annual groundwater recharge to establish the vines, once the existing and future vines are mature, overall water use would be 7% less than existing conditions (Table 4.9-1 of the Initial Study). For this reason, it has been determined that the proposed land exchange would not substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there will be a net deficit in aquifer volume or a lowering of the local groundwater table.</p> <p>The comment refers specifically to impacts to neighboring wells, as opposed to the project’s overall impacts to the local water table. Well interference occurs when the water level in one well is significantly lowered as a result of the pumping of a nearby well. When pumping in a well begins, the water level around the well goes down as the aquifer supplies water to the well. This drop in water levels in a well is called drawdown. The area of drawdown is termed a “cone of depression” and is shaped like a cone, centered on the well. Drawdown is greatest near the pumping well and decreases to essentially zero at a distance from the pumping well termed the “radius of influence.” The depth and radius of influence of the cone of depression are determined by the ability of the aquifer to transport and store water, the discharge rate, and the duration of pumping.</p> <p>Interference occurs when the cone of depression from one well intercepts another well and lowers the water level in that well.</p> <p>The locations of the two proposed land exchange wells as</p>

Five Comment Letters on Ridge Vineyards Initial Study

(all comments and responses have been forwarded to the District Board of Directors for review and consideration)

Comment	Response
<p>existing well owner, – even a devastating impact, as in “my-property-value-just-dramatically-decreased because of the new MROSD well(s).”</p>	<p>described in the MND were conceptual. Ridge could install a maximum of two wells. To ensure that any new wells will not interfere with existing nearby wells, the following are incorporated into the project description to clarify the location of future wells and their pumping rates:</p> <ol style="list-style-type: none"> 1. Radius of Influence and Geology: <ol style="list-style-type: none"> a. New wells will be located at least 600 feet from existing wells in the same geologic formation. Wells in the same geologic formation also will likely be in the same system of joints, fractures, or shear zones. b. New wells will be located at least 300 feet from existing wells in different geologic formations. Wells in different geologic formations also will likely be in different systems of joints, fractures, or shear zones. <p>The above distances are based on the following conservative assumptions:</p> <ul style="list-style-type: none"> • Maximum new vines gross water use of 570,000 gallons per year divided equally between the two new wells: 285,000 gallons per year per well (Groundwater Investigation, July 31, 2014, Table 4). If the new wells irrigate less than the total land exchange area of 32 acres, then their discharge would be less. • Irrigation will occur during six months of the year (285,000 gallons divided by six): May through October, resulting in 47,500 gallons per month per well (1,600 gallons per day

Five Comment Letters on Ridge Vineyards Initial Study

(all comments and responses have been forwarded to the District Board of Directors for review and consideration)

Comment	Response
	<p>per well or a pumping rate of 26 gallons per minute for 60 minutes per day per well).</p> <ul style="list-style-type: none"> • Radius of influence was calculated for a worst-case scenario by assuming that the entire discharge for a month is pumped continuously (e.g., 26 gallons per minute for 1826 minutes). • The calculated radius of influence for a Ridge new well was 140 feet. This distance was doubled for wells in different geologic formations and doubled again for wells in the same geologic formation. <p>2. Pumping Rate:</p> <p>Total discharge from each new well will be no more than 285,000 gallons per year (one half of 570,000 gallons per year) and no more than 47,500 gallons per month, exclusive of potential fire-fighting use. The wells will include totalizing flow meters to record monthly flows.</p> <p>These clarifications to the project description provide assurance that the land exchange would not substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there will be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells will drop to a level which will not support existing land uses or planned uses for which permits have been granted.) The project will not result in significant impacts to neighboring wells.</p> <p>Property value issues are not considered environmental issues</p>

Five Comment Letters on Ridge Vineyards Initial Study

(all comments and responses have been forwarded to the District Board of Directors for review and consideration)

Comment	Response
	<p>under CEQA and are not evaluated in the Initial Study. Nonetheless, with the additional assurances provided above, the installation of up to two wells should have no bearing on water availability or its link to property values.</p>
<p><u>Comment A-3:</u></p> <p>The error in the Groundwater Investigation and in the Revised Initial Study is a failure to consider multiple scales in space and time. The Groundwater Investigation conclusion (final paragraph page 19) is correct only if you consider the “local groundwater table” to be the entire Study Area as compared to (say) all of the Santa Clara County Coast Range and if you look only at long-term, multi-year averages and ignore seasonal effects and the potential that drought years are becoming more frequent. What the Groundwater Investigation addressed is valuable background – a first step well done.</p> <p>However, the important potential impacts to neighbors require a second step – considering potential impacts of each of the two new wells that are proposed as part of the project on local groundwater levels near each existing well on a seasonal/monthly basis especially during dry years, the dry season (July through October), and with intensive pumping in both the existing wells and both new wells. The hydrogeologist will not be able to predict such impacts, but he can make an informed judgment on whether there is even a remote possibility of a “Potentially Significant Impact” on the each existing well and its landowner. This judgment will be affected by two factors: (1) the distance to existing wells from the possible locations of the new wells (not yet indicated, except as parcel 5f), and (2) the nature of the Study Area aquifers – in which groundwater occurs and flows primarily “within</p>	<p><u>Response A-3:</u></p> <p>The information contained in the Initial Study is correct. As stated on page 57 (Section 4.9.1.2) of the Initial Study, the study area for the groundwater availability report was defined as the area that could potentially be affected by groundwater use from Ridge Vineyards wells. This was the appropriate study area and long-term, multi-year averages were evaluated. Drought conditions were also described throughout Section 4.9 of the Initial Study and are described in Appendix D. The evaluation conducted included drought conditions.</p> <p>Distances to the neighboring wells and the nature of the aquifer will be taken into account when determining well locations. Please refer to Response A-2 clarifications to the project description regarding the siting of and pumping rates for new wells. As discussed in Response A-2, the land exchange would not result in significant impacts to neighboring wells.</p>

Five Comment Letters on Ridge Vineyards Initial Study

(all comments and responses have been forwarded to the District Board of Directors for review and consideration)

Comment	Response
<p>secondary openings such as joints, fractures, shear zones and faults; because the rock itself is not porous” (Groundwater Investigation p. 3). Because the water paths (e.g., the system of fractures) can be extensively interconnected and some may allow rather rapid flow of substantial water volumes, the interference impacts on existing wells can potentially occur quickly and propagate a substantial distance. This is especially possible and devastating if the new well taps an interconnected fracture system at a lower elevation than the existing well; the higher existing well can simply go dry. Because of this phenomenon, it seems to me (as a Professional Engineer) that the hydrogeologist must conclude there is a “Potentially Significant Impact” on existing wells and their associated landowners.</p>	
<p><u>Comment A-4:</u></p> <p>Fortunately for Ridge and the MROSD, this “Potentially Significant Impact” can be mitigated. Assurances can be extended by MROSD and Ridge to potentially impacted neighbors protecting them against significant well interference. Such assurances can be implemented in a contractually binding way. The assurances could include restricting the location of the new wells to provide separation from existing wells, restricting water use from the new wells to irrigation of the new vineyard acreage proposed by the Project (except for occasionally use for firefighting), restricting the rate and timing of pumping and overall annual withdrawal, and/or committing to keep existing well owners whole by providing an alternate source of water. The mitigation cost would likely be minor. Actual well interference may not occur at all. In such case, the only expense might be the routine metering and monitoring of Ridge’s wells (existing and new) and of the potentially impacted neighboring wells – the monitoring that was suggested in the</p>	<p><u>Response A-4:</u></p> <p>Please refer to Response A-2 for clarifications regarding the siting of and pumping rates for new wells. These clarifications ensure that existing wells are not adversely affected by the new proposed wells. Ridge’s new wells would be monitored, which is currently a standard practice on their property. As stated in this comment, the monitoring of Ridge’s wells was described in Appendix D of the Initial Study. As described in Response A-2, the land exchange would not result in significant impacts to neighboring wells. The transactional documents restrict planting of new vineyards during drought conditions, and water can only be used on the agricultural and conservation easement properties.</p>

Five Comment Letters on Ridge Vineyards Initial Study <i>(all comments and responses have been forwarded to the District Board of Directors for review and consideration)</i>	
Comment	Response
<p>final sentence of the Groundwater Investigation. Although some owners are reluctant to have their wells and water use monitored, their cooperation/participation would be a reasonable precondition for receiving any assurance of impact mitigation offered by MROSD and Ridge.</p>	
<p><u>Comment A-5:</u></p> <p>B. Regarding Water Quality in Various Sections –</p> <p>Section 4.9.1.1 Regulatory Background</p> <p>Section 4.9.2 Environmental Checklist and Discussion of Impacts</p> <p>The statement on page 56 of the revised Initial Study that “Farming on the Ridge Vineyards property is conducted under the jurisdiction of the Central Coast RWQCB” seems to be in error. Although Ridge may be following Central Coast regulations, guidelines, and procedures, the Ridge property and the entire proposed exchange Project are in territory under the jurisdiction of the Bay Area RWQCB. So the Initial Study is deficient in addressing the relevant regulations, guidelines, procedures, requirements, and/or orders from the Bay Area RWQCB. Similarly the Environmental Checklist and Discussion of Impacts sections and any proposed mitigations may not adequately respond to Bay Area RWQCB concerns – particularly Checklist Items 1. Water Quality Standards and Items 3. through 6. regarding drainage, erosion and other water quality issues.</p> <p>Typically, the CEQA documents posted by the MROSD on October 6 would have been circulated to the Bay Area RWQCB for review and</p>	<p><u>Response A-5:</u></p> <p>The comment is correct that the project would fall under the jurisdiction of the San Francisco Bay RWQCB. The Initial Study was distributed to the San Francisco Bay RWQCB for review during the public circulation period, and no comments were received. The reference in the Initial Study regarding the Central Coast RWQCB is erroneous and no longer applicable, based on updated information. The project is within the jurisdiction of, and would be required to comply with, all relevant San Francisco Bay RWQCB regulations, including Provision C.3 and C.5 of the Municipal Regional Permit and Low Impact Development (LID) stormwater management requirements. Compliance with relevant San Francisco Bay RWQCB regulations would ensure hydrology and water quality impacts remain at a less than significant level. Given that the project will need to comply with San Francisco Bay RWQCB regulations and the fact that the San Francisco Bay RWQCB did receive a copy of the Initial Study and no comments were received, the conclusions in the Initial Study are still valid, and no extension of the comment period is needed.</p>

Five Comment Letters on Ridge Vineyards Initial Study

(all comments and responses have been forwarded to the District Board of Directors for review and consideration)

Comment	Response
<p>comment. This may have been missed because of the apparent jurisdictional error. If so, an extension of the comment period for review by the Bay Area RWQCB may be required and other interested parties (especially neighbors on Montebello Road) would appreciate the same extension of time for additional review and comment. I request that additional extension of time for my Montebello neighbors.</p>	
<p>Comment A-6:</p> <p>C. Regarding Mandatory Findings of Significance</p> <p>Section 4.18 Mandatory Findings of Significance, particularly Checklist Item 4. “Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?”</p> <p>The possibility of Potentially Significant Impacts by interference of either of the two wells (authorized by this CEQA-proposed Mitigated Negative Declaration) with water levels, production, or even the continued viability of existing neighboring wells is a vivid example of how the project could cause substantial adverse impacts on human beings, either directly or indirectly. The present version of the project’s draft Recirculated Initial Study and Mitigated Negative Declaration contains no recognition of (nor proposal to mitigate) this “potentially significant impact.”</p> <p>Thank you for considering these comments.</p>	<p>Response A-6:</p> <p>Please refer to Responses A-2 through A-4 for clarifications regarding the siting of and pumping rates for new wells. As described in Response A-2, the land exchange would not result in significant impacts to neighboring wells.</p>
<p>Email and Letter from Howard Levitan, dated November 5, 2014 (Letter B)</p>	

Five Comment Letters on Ridge Vineyards Initial Study

(all comments and responses have been forwarded to the District Board of Directors for review and consideration)

Comment	Response
<p><u>Comment B-1:</u></p> <p>I write in opposition to the proposed MROSD/Ridge Vineyards Property Exchange which is inexplicably in direct opposition to all of the District’s primary mission statement and, further, presents an unnecessary financial burden, and potential financial calamity to the District.</p> <p>I have been (and still am) a proud volunteer, supporter and advocate for the District since 1978, as a hiker, project volunteer and organizer and as a District Crew Leader and Trail Patroller . In addition, I am a resident on Montebello Road and very familiar with the Ridge and MBO.</p> <p>I will try to be brief as possible, but there is so much at fault here, that I beg you to heed my views which are shared by a large community of Montebello home owners, excluding a very few who have close financial and other ties with Ridge.</p>	<p><u>Response B-1:</u></p> <p>Comment acknowledged. The comment does not address the adequacy of the Initial Study and states the commenter’s opinion on the project. The project is well aligned with the District’s mission as it would protect scenic ridgeline views by prohibiting in perpetuity residential and non-agricultural development along an important scenic corridor while ensuring that existing wildlife corridors remain protected and public trail use impacts are less than significant and also simultaneously resolve a long-standing encroachment issue at Monte Bello Open Space Preserve (Preserve).</p>
<p><u>Comment B-2:</u></p> <p>Using part of the mission statement as a guide: “...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...”</p> <p>“..permanently protect and restore..” The agricultural easement will permanently destroy the extraordinarily beautiful terraces along Waterwheel Creek Trail, one of the true jewels of all the hiking trails. Rather than the terraces continuing their return to a natural state and being a key home to wildlife well re- established in that open space, that land will be scarred forever. Rows of metal-staked vineyards, fenced all</p>	<p><u>Response B-2:</u></p> <p>The comment paraphrases the MROSD’s Mission Statement. As described in Section 4.1.2.1 of the Initial Study, any proposed alterations that would occur on what is currently MROSD land would be subject to Covenants, Conditions and Restrictions (CC&Rs) requiring visual compatibility with surrounding open space character or screening. The alterations would be subject to MROSD review and approval. The CC&Rs include the use of construction materials that blend with the surrounding open space, screening with native trees and/or landscaping so that alterations cannot be seen from surrounding public open space areas, and height restrictions. For this reason, aesthetic impacts associated with the proposed project would be less than</p>

Five Comment Letters on Ridge Vineyards Initial Study

(all comments and responses have been forwarded to the District Board of Directors for review and consideration)

Comment	Response
<p>around and within, terraced in a much different configuration, gates and roads installed for vehicle access onto the trail displacing, water delivery systems will be as ugly and commercial as other Ridge property adjacent to Montebello Road, both within MBO and along the upper public parts.</p>	<p>significant as described in Section 4.1 of the Initial Study.</p> <p>The proposed agricultural easement over 33.91 acres of District land allows for organic and sustainable vineyard cultivation in two main areas. The first vineyard area is 21.97 acres, which is located east of Waterwheel Creek Trail and separated by a steep, densely vegetated riparian and wildlife habitat corridor. New vineyards would be planted on a southeast facing ridgeline and would only be partially visible at the crest of the ridgeline from the District’s permit parking area and Waterwheel Creek Trail. The second vineyard area is 11.94 acres which is located below and south of Ridge’s property and above the middle segment of Waterwheel Creek Trail. Ridge would plant above the side slopes of the trail with an additional 20 to 30 foot setback for vineyard plantings on historically terraced hillside. The side slopes will retain native vegetation buffers from the edge of the trail. This setback and vegetative buffer will help to minimize vineyard visibility from the middle segment of the trail.</p> <p>Vineyard fencing will be installed above the side slopes of the trail, and native vegetation will provide a buffer to minimize the visibility of the vineyard fencing from the trail.</p> <p>Before Ridge can begin planting vineyards, Ridge is required to prepare an Installation Plan and a Vineyard Management and Operation Plan subject to District prior review and approval. Before approval of these plans, the District will ensure that vineyard planting and fencing will be located to minimize impacts to the use and enjoyment of Waterwheel Creek Trail.</p> <p>In addition, as part of the transaction, Ridge, must record CC&Rs</p>

Five Comment Letters on Ridge Vineyards Initial Study

(all comments and responses have been forwarded to the District Board of Directors for review and consideration)

Comment	Response
	<p>on one of the parcels it will own requiring that future development be screened and compatible with the surrounding landscape. These CC&Rs will protect the scenic viewshed and rural character as viewed from the surrounding open space, District park lands, and the Waterwheel Creek Trail. Thus, the proposed transaction protects the viewshed consistent with the District’s mission.</p>
<p><u>Comment B-3:</u></p> <p>Why is the District giving away 34 acres for highly profitable development to Ridge for free and getting virtually nothing in exchange except for a conservation easement which impacts Ridge not at all? The only reason offered is that it would preclude Ridge from converting that space to homes (a very minor impact and far preferable to the proposed destruction of open space).</p>	<p><u>Response B-3:</u></p> <p>The District proposes to grant a 33.91 acre agricultural easement to Ridge for organic and sustainable vineyard cultivation. In exchange, Ridge would grant a 34.21 acre conservation easement to the District, which will prohibit residential development and nonagricultural uses on Ridge’s property in perpetuity. The future development of homes on one or more of the four legal parcels on the Ridge conservation easement property would have a significant impact on the views from over 6,000 acres of protected open space and park land, including Monte Bello, Saratoga Gap Open Space Preserves and Upper Stevens Creek County Park. This transaction will prevent forever non-agricultural development on this sensitive privately owned property thereby providing a substantial benefit to the public and to all users of the District’s preserves.</p> <p>The Ridge property includes four legal parcels with a potential for four (4) residential building sites. Though Ridge has not proposed or submitted building permit applications to Santa Clara County, the County’s Hillside (HS) zoning allows residential development as has occurred on the north side of Monte Bello Road with large</p>

Five Comment Letters on Ridge Vineyards Initial Study

(all comments and responses have been forwarded to the District Board of Directors for review and consideration)

Comment	Response
	<p>estate residences, some surrounded by private vineyards. Even if not built now, under this zoning, Ridge or a future owner of the property could build large highly visible homes on this visually sensitive property. The conservation easement will permanently prevent this from occurring.</p> <p>The valuation of the proposed exchange agreement with Ridge was initially done in 2000 and most recently updated in 2010 by Popish Appraisal & Consulting with value benefit to the District of approximately \$400,000. The appraisal valuation supports the proposed exchange as being of equal or greater value to the District.</p>
<p><u>Comment B-4:</u></p> <p>“..preserve unspoiled wilderness, wildlife habitat..” The opposite is being proposed with no benefit to the District or its public. I have observed and photographed wildlife that are flourishing and being naturally wary of humans near those terraces (unlike Rancho’s tamed critters). They will have to move away as they are fenced out.</p>	<p><u>Response B-4:</u></p> <p>As described in Sections 4.4.2.1 and 4.4.2.2 of the Initial Study, the project includes mitigation measures to ensure impacts to wildlife are less than significant. These measures include preconstruction surveys, worker education seminars, construction monitoring, and relocation by a qualified biologist, as appropriate (pages 31 – 37 of the Initial Study). Additionally, the fencing proposed by the project would be designed to allow small animals, such as lizards and rodents, to pass through.</p>
<p><u>Comment B-5:</u></p> <p>“..preserve ... watershed..” The natural springs that currently benefit small hillside greenbelts/wetlands without interference will be severely diminished, if not squelched, by allowing Ridge to drill more wells and add more water storage tanks. Wildlife and plants will be totally disrupted or destroyed. Further, given Ridge’s insatiable need for more</p>	<p><u>Response B-5:</u></p> <p>As described in Section 4.9.2.1 of the Initial Study, net water use both with and without the proposed project is a small percentage of mean annual groundwater recharge and long-term post-exchange net water use would be less than the existing water use. The proposed project would result in a temporary increase in net</p>

Five Comment Letters on Ridge Vineyards Initial Study

(all comments and responses have been forwarded to the District Board of Directors for review and consideration)

Comment	Response
<p>water, they have no interest in preserving watershed. Their CEO has told our representatives that all the water is theirs to use as they want without regard to the watershed or neighborhood water supplies.</p>	<p>water use of up to 17% of the mean annual groundwater recharge, followed by a 7% decrease over time when compared to existing conditions. Impacts associated with the use of groundwater for vineyard irrigation would be less than significant. Please also refer to Response C-2, below.</p>
<p><u>Comment B-6:</u></p> <p>“..preserve ... viewshed..” With the lovely and unique views for the public along Waterwheel Creek Trail permanently converted to commercial use and with absolutely no compensation to the District, this again is a severe violation of the mission statement.</p>	<p><u>Response B-6:</u></p> <p>As described in Section 4.1.2.1 of the Initial Study, any improvements on the Ridge Vineyards property would be required to be screened with trees, trellises, evergreen landscaping, or other methods acceptable to the District so that they are screened or cannot be seen from Waterwheel Creek Trail and the surrounding public open space and park land including Skyline Boulevard (Highway 35) and Table Mountain on Upper Stevens Creek County Park. For this reason, aesthetic impacts of the proposed project would be less than significant.</p> <p>Please refer to Response B-3 for information regarding compensation to the District. The District would receive a 34.21 acre conservation easement, which will prohibit residential development of up to four potential estate home sites and nonagricultural uses on Ridge’s property in perpetuity. The proposed exchange of easement interests is a cost effective way to protect the viewshed from over 6,000 acres of surrounding public open space and park land. The valuation of the proposed exchange agreement with Ridge was initially done in 2000 and most recently updated in 2010 by Popish Appraisal & Consulting with value benefit to the District of approximately \$400,000. The appraisal valuation supports the proposed exchange as being of equal or greater value to the District.</p>

Five Comment Letters on Ridge Vineyards Initial Study

(all comments and responses have been forwarded to the District Board of Directors for review and consideration)

Comment	Response
<p><u>Comment B-7:</u></p> <p>“..provide opportunities for low-intensity recreation..” Use of Waterwheel Creek Trail will be diminished or curtailed by Ridge trucks and heavy equipment at various times and the view-shed so attractive to users will be largely eliminated.</p>	<p><u>Response B-7:</u></p> <p>As described in Section 4.15.2.1 of the Initial Study, allowing seasonal (between September 1 and November 15) agricultural vehicle use of Waterwheel Creek Trail could infrequently affect trail use. The proposed vehicle use will be very limited and expected to occur only three to six days annually during the harvest season. Vehicle speed will be limited to 10 miles per hour. MROSD will post warning signs regarding the presence of agricultural equipment so that the agricultural activities would not pose substantial interference with recreational use of the trail. MROSD will also post notices regarding time periods when agricultural equipment will be present on Waterwheel Creek Trail on the District’s website.</p> <p>Refer to response B-6 for a discussion of views from Waterwheel Creek Trail.</p>
<p><u>Comment B-8:</u></p> <p><u>Mitigated Negative Declaration (MND)</u></p> <p>The NOI to Adopt a MND is grossly inaccurate. This project does not qualify since there is no actual mitigation of any CEQA mandated factors including Hydrology, Safety, Transportation, Land Use and Planning, Noise and Environmental and Habitat impacts. As stated above, rather than mitigation, there is only exacerbation. Why is the District intent on helping Ridge by GIVING them 33.91 acres to develop more vineyards for only a minimal conservation easement on existing vineyards?</p>	<p><u>Response B-8:</u></p> <p>Mitigation measures are included in the project and identified in the Initial Study that will reduce or avoid potentially significant effects as required by CEQA; therefore a Mitigated Negative Declaration has been prepared for the project (CEQA Guidelines Section 15070). The Initial Study identifies mitigation measures for impacts associated with hydrology (page 65), hazardous materials/safety (page 55), Noise (page 73), and biological resources (pages 31 – 40). Impacts related to transportation and land use/planning would not occur; therefore, mitigation</p>

Five Comment Letters on Ridge Vineyards Initial Study

(all comments and responses have been forwarded to the District Board of Directors for review and consideration)

Comment	Response
	<p>measures are not required.</p> <p>The mitigation measures identified in the Initial Study would reduce all environmental impacts to a less than significant level and are considered adequate mitigation under CEQA.</p> <p>As stated previously, the District would receive a 34.21 acre conservation easement in exchange for the 33.91 acre agricultural easement granted to Ridge Vineyards. This transaction will prevent forever non-agricultural development on this sensitive privately owned property and will provide a substantial benefit to the public, including users of the District's preserves.</p>
<p><u>Comment B-9:</u></p> <p><u>Financial Risks/Deficits to the District</u></p> <p>If the District is now regarded effectively as a acquiescing partner (by essentially gifting so much valuable acreage and water rights) with Ridge in its unfettered depletion of available water to the area homeowners, and if those homeowners' property values should plummet as a result, the inevitable lawsuit likely would name the District as defendants as the only available "deep pockets". As a Realtor, I have calculated that hypothetical loss could range from \$50 to 150 million or more. Ridge would claim historic legal precedent for its water rights and probably win, but the District would have no such defense. That would more than wipe out the District's hard won ballot initiative proceeds.</p>	<p><u>Response B-9:</u></p> <p>As described in Section 4.9 of the Initial Study, the proposed project would not affect groundwater resources. Please refer to Response A-2 for clarifications regarding the siting of and pumping rates for new wells and a discussion of why individual wells will not be adversely affected by the proposed project. Also during drought conditions, the planting of new vineyards will be prohibited until after a normal rain year.</p>
<p><u>Comment B-10:</u></p>	<p><u>Response B-10:</u></p>

Five Comment Letters on Ridge Vineyards Initial Study

(all comments and responses have been forwarded to the District Board of Directors for review and consideration)

Comment	Response
<p>If the District proceeds with the proposal, no mention has been made regarding staff resources and expenditures needed to provide the extensive oversight by the District of those mitigation measures described in the MND. Further, the staff needed to guard the trail and stop hikers when vehicles are present, will be costly. During hard budget times, these tasks may be regarded as low priority and not done at all, and Ridge will have free rein to ignore the various agreements and “mitigations”.</p>	<p>The District has adequate staff resources to uphold its responsibilities under the terms of the land exchange. District staff will annually monitor the conservation and agricultural easements for compliance with the terms of the easement and the mitigation measures identified in the Initial Study/Mitigated Negative Declaration. Annual monitoring will involve two staff members and take two days. A third party reviewer with the Fish Friendly Farming Program (established by the California Land Stewardship Institute) will accompany District staff on easement monitoring to provide expertise in erosion control, sedimentation and vineyard planting.</p> <ul style="list-style-type: none"> • Ridge is responsible for paying for the third party reviewer. • Ridge is responsible for implementing the mitigation measures identified in the Mitigated Negative Declaration in the phasing of the vineyard implementation and ongoing vineyard operation and management. • Ridge is required to notify the District’s Skyline Field Office in advance of any use of Waterwheel Creek Trail for vineyard operations or maintenance of the spring system. • Ridge must also post signs notifying the public of vehicle use on Waterwheel Creek trail at the Monte Bello Trail junction and at the permit parking area. Vehicles may not exceed 10 miles per hour. • Ridge may use vehicles for vineyard operations only during the harvest season (September 1 through November 15), which will typically be on weekdays from morning until 1pm. Between 3 and 6 vehicle trips will typically use the trail during the harvest season, and the number of vehicle trips may not exceed 10 trips. • If Ridge does not comply with these requirements, the District

Five Comment Letters on Ridge Vineyards Initial Study <i>(all comments and responses have been forwarded to the District Board of Directors for review and consideration)</i>	
Comment	Response
	<p>can revoke the use of Waterwheel Creek Trail and Monte Bello Trail. Waterwheel Creek Trail will remain open to public use during this use. In addition to routine patrol of this trail, field staff may decide to provide additional patrol when Ridge uses the trail for their agricultural operation.</p>
<p><u>Comment B-11:</u></p> <p><u>Recommendation</u></p> <p>Since the District is getting very little and proposing giving away so much taxpayer funded land to a highly profitable enterprise, I recommend breaking the proposal into components.</p> <p>The Land Fee exchange could be one part and proceed.</p> <p>The Terraces part and vehicular use of the trail should be scrapped as an unsupportable violation of the mission statement and environmentally irresponsible. Ridge does not need that acreage anyway as it has other sources of grapes from other locales.</p> <p>The remainder of the Agricultural Easement should be sold to Ridge, not given away, for a substantial lump sum or an annual annuity. This could fund the District’s additional oversight costs.</p> <p>The District should require Ridge to provide some form of remedy and water sharing to current and future nearby homeowners whose wells have gone dry, and to fire-fighters for emergency use, such as accessible hydrants, storage tanks and/or piping. This should remove the risk of financial calamity to the District described above.</p>	<p><u>Response B-11:</u></p> <p>Comment acknowledged. The commenter’s suggested proposal of limiting the exchange to the fee conveyances and allowing Ridge to purchase an agricultural easement would not prevent Ridge or future property owners from developing the highly visible conservation easement property.</p>

Five Comment Letters on Ridge Vineyards Initial Study <i>(all comments and responses have been forwarded to the District Board of Directors for review and consideration)</i>	
Comment	Response
<p>Thank you so much. I, and most of the homeowners, will be very grateful and relieved to see this current proposal discarded. The District need not face the specter of a public outcry if this proposal is adopted.</p> <p>I, as a devoted District volunteer and benefactor, will be grateful to see the District return to its mission and benefit its public.</p>	
Letter from Lynne Farris Schafer, dated November 5, 2014 (Letter C)	
<p><u>Comment C-1:</u></p> <p>Thank you for affording us the opportunity to comment on these documents. Given the extremely short period of time we have been allocated (30 days or less) to comment on the voluminous documentation, and given that I only have a limited amount of time to review these documents, I am only able to focus on one or two important areas of concern and ask a few questions that remain unanswered.</p>	<p><u>Response C-1:</u></p> <p>As stated in California Public Resources Code Section 21091, Mitigated Negative Declarations subject to review by State agencies are required to circulate to the public for 30 days. The 30-day review period provided was adequate under CEQA. The public also has an opportunity to provide additional comments at the public hearing scheduled for December 10, 2014 which provides an additional seven days for public to prepare comments.</p>
<p><u>Comment C-2:</u></p> <p>Depletion of Limited Water Supply: My first and biggest concern is access to water. All of us residents on Montebello Ridge have wells without any access to city water. The proposed land exchange allows Ridge to tap into one of the most productive springs on Montebello Ridge, Waterwheel Spring. This spring, which is located near the top of the mountain, is likely the source of much water for the rest of the residents on the hill. That spring will be used for irrigation purposes, depriving wildlife of water it too needs to survive. The land exchange agreement further allows Ridge to drill additional wells at the top of the hill, potentially endangering the water supply so surrounding residential</p>	<p><u>Response C-2:</u></p> <p>As described in Section 4.9.2.1 and Table 4.9-1 of the Initial Study, net water use both with and without the proposed project is a small percentage of mean annual groundwater recharge and long-term post-exchange net water use would be less than the existing water use. The proposed project would result in a temporary increase in net water use of up to 17% of the mean annual groundwater recharge, followed by a 7% decrease over time when compared to existing conditions. The water provided by the spring is included in the analysis as is the water used in the production of wine. Please refer to Appendix D of the Initial Study for further</p>

Five Comment Letters on Ridge Vineyards Initial Study

(all comments and responses have been forwarded to the District Board of Directors for review and consideration)

Comment	Response
<p>wells, which would necessarily negatively impact property values when the wells go dry.</p> <p>Planting the vineyards and supplying them with sufficient water to grow is just one use of the scarce water supply, but it fails to address the additional amount of water used in the expanded production of wine, which can be double the amount used to grow the vines. This is a serious concern, especially during this ongoing drought, whose end cannot be predicted.</p>	<p>information. Existing net water use in the hydrologic study area is approximately 1,421,000 gallons per year, which equates to 1.7% of mean annual groundwater recharge. Without the proposed project, future water use with the recently planted vines in a mature state would ultimately drop to approximately 1,177,000 gallons per year, or 1.4% of mean annual groundwater recharge.</p> <p>The project will not result in any expansion of wine production as Ridge will be using grapes grown on the Property as opposed to hauling in grapes from offsite vineyards as they currently do.</p>
<p>Comment C-3:</p> <p>In Section 4.18 Mandatory Findings of Significance, Item 4, "Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?" The answer to that is a resounding negative. Without access to water, we residents would suffer substantial loss to our property values, as well as be at physical and safety risk during a fire.</p>	<p>Response C-3:</p> <p>As described in Section 4.9.2.1 of the Initial Study, net water use both with and without the proposed project is a small percentage of mean annual groundwater recharge and long-term post-exchange net water use would be less than the existing water use. Please refer to Responses A-2 through A-4 for clarifications regarding the pumping rates for and siting of new wells. As described in Response A-2, the land exchange would not result in significant impacts to water supply in the area. Thus, there would be no environmental effects related to water access and/or supply which will cause substantial adverse effects on human beings.</p>
<p>Comment C-4:</p> <p>Destruction of Natural Habitat: Allowing this land exchange to proceed will remove the natural habitat, destroying land that is used by birds and wildy roaming mountain lions, bobcats, coyotes, foxes, and certain endangered species. I have seen all of that wildlife in my backyard before Ridge leased a neighbor's open land and began planting</p>	<p>Response C-4:</p> <p>Please refer to Response B-4. In addition, the project will preserve the steep and densely vegetated drainage which provides a wildlife habitat corridor from Monte Bello Ridge to Stevens Creek at the eastern edge of Waterwheel Creek Trail and the permit parking area.</p>

Five Comment Letters on Ridge Vineyards Initial Study

(all comments and responses have been forwarded to the District Board of Directors for review and consideration)

Comment	Response
<p>vineyards, so I know first-hand how the land will change. In its place will be six-foot-high deer fence, high posts, and acres and acres of vineyards with 1,350 vines planted per acre, each of which requires an enormous amount of water each year for the first ten years of its life.</p>	
<p><u>Comment C-5:</u></p> <p>Gift of Public Funds: This proposed land exchange will give to Ridge Vineyards, at no cost, land that is currently in trust to MROSD for the preservation of natural habitat. Turning natural habitat into vineyards seems inconsistent with your mission statement, taken from the website below:</p> <p>The Midpeninsula Regional Open Space District's 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.</p> <p>It is unclear how this exchange complies with the mission statement of MROSD to maintain and preserve natural habitat.</p>	<p><u>Response C-5:</u></p> <p>As stated previously, the District proposes to grant a 33.91 acre agricultural easement to Ridge for organic and sustainable vineyard cultivation. In exchange, Ridge would grant a 34.21 acre conservation easement to the District, which will prohibit residential development of up to four potential estate home sites and nonagricultural uses on Ridge's property in perpetuity. The future development of homes on one or more of the four legal parcels on the Ridge conservation easement property would have a significant impact on the views from over 6,000 acres of protected open space and park land, including Monte Bello, Saratoga Gap Open Space Preserves and Upper Stevens Creek County Park. This transaction will prevent forever non-agricultural development on this sensitive privately owned property and will provide a substantial benefit to the public, including users of the District's preserves.</p> <p>The Ridge property includes four legal parcels with a potential for four (4) residential building sites. Though Ridge has not proposed or submitted building permit applications to Santa Clara County, the County's Hillside (HS) zoning allows residential development as has occurred on the north side of Monte Bello Road with large estate residences, some surrounded by private vineyards. Even if not built now, under this zoning, Ridge or a future owner of the</p>

Five Comment Letters on Ridge Vineyards Initial Study

(all comments and responses have been forwarded to the District Board of Directors for review and consideration)

Comment	Response
	<p>property could build large highly visible homes on this visually sensitive property. The conservation easement will permanently prevent this from occurring.</p> <p>This transaction will prevent forever non-agricultural development on this sensitive privately owned property and will provide a substantial benefit to the public and to all users of the District's preserves.</p>
<p><u>Comment C-6:</u></p> <p>Additionally, it is important to note that Ridge Vineyards is owned by a publicly owned, multi-million dollar, international conglomerate, Otsuka Holdings, Inc., traded on the Tokyo Stock Exchange. In essence, MROSD is <i>gifting</i> this land, which belongs to taxpayers and <i>in trust</i> to MROSD, to a company whose profits go to its shareholders.</p> <p>Given that MROSD has a fiduciary duty to protect the land in its trust, how does this exchange benefit taxpayers, or how does it comply with the MROSD mission statement?</p>	<p><u>Response C-6:</u></p> <p>Please refer to Response C-5.</p> <p>The valuation of the proposed exchange agreement with Ridge was initially done in 2000 and most recently updated in 2010 by Popish Appraisal & Consulting with value benefit to the District of approximately \$400,000. The appraisal valuation supports the proposed exchange as being of equal or greater value to the District. Moreover, the proposed exchange of easement interests is a cost effective way to protect the viewshed from over 6,000 acres of surrounding public open space and park land.</p>
<p><u>Comment C-7:</u></p> <p>I would also like an opportunity to read the entire text of the valuation report on this land exchange. It is my understanding that the valuation was conducted by a reputable company, but I have not been able to find a copy of it on line.</p>	<p><u>Response C-7:</u></p> <p>You may schedule a time to review the appraisal reports and analysis at the District office. Please call (650) 691-1200 Ext 542 to schedule a time to review the appraisal.</p>
<p><u>Comment C-8:</u></p>	<p><u>Response C-8:</u></p>

Five Comment Letters on Ridge Vineyards Initial Study

(all comments and responses have been forwarded to the District Board of Directors for review and consideration)

Comment	Response
<p>Summary: I believe it would be in taxpayers' best interest to allow additional time to review the relevant documents, conduct additional water studies, and evaluate the proposal again at a later time.</p> <p>Thank you for your consideration of these matters.</p>	<p>As stated in Response C-1, a 30-day public review period is standard for Mitigated Negative Declarations that are subject to review by State agencies (refer to Public Resources Code §21091). The public also has an opportunity to provide additional comments at the public hearing scheduled for December 10, 2014 which provides an additional seven days for public to prepare comments.</p>
<p>Letter from Hannes Vogel, dated November 5, 2014 (Letter D)</p>	
<p>Comment D-1:</p> <p>This message regards the proposal under consideration between the MROSD and Ridge Vineyards/ Otsuka Holdings Co., Ltd. I am a resident of the Montebello Road region and a frequent and devoted user of the MROSD with my wife and children. I have communicated my concerns to you and Mr. Williams in the past but would like to reiterate my deep concerns over this proposal in light of your upcoming decision.</p> <p>In short, this proposal retains the stigma of overwhelming benefit which accrues to Ridge/Otsuka with little or no tangible benefit to the public as stakeholders in the integrity of the MROSD. The details of this proposal would seem to have been scripted by Ridge/Otsuka in their favor while asking the leadership of the MROSD to abrogate their responsibility to preserve and protect unspoiled Open Space habitat, as follows:</p> <p>1. One of the basic aspects of this proposal is founded upon the completely hypothetical and untested possibility that residential housing would be built within the current vineyard property to the detriment of the viewshed of the MROSD. Rather than list actual plans as a foundation for negotiation, representatives of Ridge/Otsuka have only</p>	<p>Response D-1:</p> <p>As stated previously, the District proposes to grant a 33.91 acre agricultural easement to Ridge for organic and sustainable vineyard cultivation. In exchange, Ridge would grant a 34.21 acre conservation easement to the District, which will prohibit residential development and nonagricultural uses on Ridge's property in perpetuity. The future development of homes on one or more of the four legal parcels on the Ridge conservation easement property would have a significant impact on the views from over 6,000 acres of protected open space and park land, including Monte Bello, Saratoga Gap Open Space Preserves and Upper Stevens Creek County Park. This transaction will prevent forever non-agricultural development on this sensitive privately owned property and will provide a substantial benefit to the public, including users of the District's preserves.</p> <p>The Ridge property includes four legal parcels with a potential for four (4) residential building sites. Though Ridge has not proposed or submitted building permit applications to Santa Clara County, the County's Hillside (HS) zoning allows residential development as</p>

Five Comment Letters on Ridge Vineyards Initial Study

(all comments and responses have been forwarded to the District Board of Directors for review and consideration)

Comment	Response
<p>offered the possibility, based upon an untenable comparison with similar activity in Napa Valley wineries which have done so under financial duress, which is highly improbable considering the considerable international success of Ridge/Otsuka. Local authorities have also rated the chances of building approval to be slight. And yet, this “threat” forms a basis for the proposed conservation easement affecting the vineyard property and the acquisition of unspoiled MROSD land for vineyard development in exchange.</p>	<p>has occurred on the north side of Monte Bello Road with large estate residences, some surrounded by private vineyards. Even if not built now, under this zoning, Ridge or a future owner of the property could build large highly visible homes on this visually sensitive property. The conservation easement will permanently prevent this from occurring.</p> <p>This transaction will prevent forever non-agricultural development on this sensitive privately owned property and will provide a substantial benefit to the public, including users of the District’s preserves.</p>
<p><u>Comment D-2:</u></p> <p>2. Even if the Board were to find merit in obtaining a conservation easement on the basis of the faulty reasoning described above, the determination of amount of land to be gained by Ridge/Otsuka does not fairly reflect that area which the easement would in fact protect since it gives full credit for the entire vineyard acreage whereas several acres are already used for winery operations, at least five residences (accounting in part for the encroachment listed in this proposal) and active vineyards which Ridge/Otsuka would maintain even in the unlikely event that additional residences were constructed. Accordingly, the conservation easement specifies 34.22 acres whereas only a fraction of that area would be at any risk of real estate development, and yet by this proposal this entire amount of land is to be gained by Ridge/Otsuka for habitat destruction and vineyard development.</p>	<p><u>Response D-2:</u></p> <p>As a point of clarification, Ridge’s Winery production facilities are not included in the conservation easement. These facilities are located in a 5-acre building area. In addition, the historic winery encroachments covering 2.99 acres are a part of the 11.93 acre fee parcel being proposed for exchange to Ridge. The 2.99 acre encroachment area will be subject to recorded Covenants, Conditions and Restrictions (CC&Rs) that require improvements to be visually screened and compatible with surrounding open space. The remaining 8.94 acres of this fee parcel will be subject to the conservation easement and restricted to organic and sustainable vineyard farming.</p>
<p><u>Comment D-3:</u></p> <p>3. The stated purpose of the MROSD is “to purchase, permanently</p>	<p><u>Response D-3:</u></p> <p>Refer to Response D-1.</p>

Five Comment Letters on Ridge Vineyards Initial Study

(all comments and responses have been forwarded to the District Board of Directors for review and consideration)

Comment	Response
<p>protect, and restore lands forming a regional open space greenbelt, preserve unspoiled wilderness, wildlife habitat, watershed, viewshed, and fragile ecosystems, and provide opportunities for low-intensity recreation and environmental education.” The net result of this proposal poses an egregious violation of this mandate. In a state that has witnessed an explosion in vineyard growth, and where locally Ridge/Otsuka has exhausted almost every possibility for vineyard development on their own and leased land, they have now fabricated a threat of residential construction in order to gain untilled limestone-bearing soil for even greater profit, at the expense of MROSD native habitat.</p>	<p>The District has always taken a long-term view of development impacts from private properties next to its public open space lands. For more than 40 years, the District has worked to preserve Monte Bello Ridge and the Stevens Creek watershed. During this timeframe, the District has also seen various neighboring properties sold and developed including on the north side of Monte Bello Road, resulting in largely irrevocable changes to the environment, including major impacts to scenic views.</p> <p>Since the District purchased the 760 acre Black Mountain Ranch, which borders the Ridge’s Winery Property in 1974, the District has discussed with Ridge a potential exchange of property right interests to protect the scenic viewshed of Monte Bello Ridge and resolve existing Winery encroachments. In 2006, Ridge began tilling for vineyard planting the highly visible 2 acre parcel near the western trailhead of Waterwheel Creek Trail. District staff asked Ridge to stop further work and negotiated with Ridge to include the 2 acre parcel in the proposed fee title exchange to protect as undisturbed open space land. In 2009, the District acquired as part of a separate exchange agreement with Hanson Cement a 48 acre property along Monte Bello Ridge which included the western trailhead of Waterwheel Creek to protect the scenic ridgeline as public open space. The protection of the scenic viewshed of Monte Bello Ridge continues to be one of the District’s goals.</p> <p>As stated in Response B-2, the proposed agricultural easement over 33.91 acres of District land consists of two vineyard areas. The first vineyard area is 21.97 acres, which is located east of Waterwheel Creek Trail and separated by a steep, densely</p>

Five Comment Letters on Ridge Vineyards Initial Study

(all comments and responses have been forwarded to the District Board of Directors for review and consideration)

Comment	Response
	<p>vegetated riparian and wildlife habitat corridor, and new vineyards would be planted on a southeast facing ridgeline and would only be partially visible at the crest of the ridgeline from the District's permit parking area and Waterwheel Creek Trail. The second vineyard area is 11.94 acres which is located below and south of Ridge's property and above the middle segment of Waterwheel Creek Trail. Ridge would plant above the side slopes of the trail with an additional 20 to 30 foot setback for vineyard plantings on historically terraced hillsides. The side slopes will retain native vegetation buffers from the edge of the trail. This setback and vegetative buffer will help to minimize vineyard visibility from the middle segment of the trail. In summary, the vineyard location and planting setbacks have been carefully considered to minimize visual impacts along Waterwheel Creek Trail, protect the viewshed and wildlife corridor consistent with the District's mission.</p> <p>In addition, a CC&R will be recorded on southern portion of the Winery property requiring that future development be screened and compatible with the surrounding landscape to protect views from the Preserve and Waterwheel Creek Trail.</p>
<p>Comment D-4:</p> <p>4. The notion that previously terraced land for vineyards nearly a century ago, land which has gradually reverted to wild habitat for scores of animal species and to the visual and aesthetic enjoyment of users of the MROSD, represents a legitimate cause for razing and vineyard development is anathema to those who cherish the unspoiled aspects of the MROSD. This line of reasoning would be entirely predicted from Ridge/Otsuka but would seem to be completely unacceptable by its own virtue to responsible leadership of the MROSD.</p>	<p>Response D-4:</p> <p>Refer to Responses D-1 and D-3.</p>

Five Comment Letters on Ridge Vineyards Initial Study

(all comments and responses have been forwarded to the District Board of Directors for review and consideration)

Comment	Response
<p><u>Comment D-5:</u></p> <p>5. The impact of vineyard development upon the aesthetic of the immediate Waterwheel Trail vicinity would be highly detrimental to its current pristine condition, whereby the trail would be bordered by deer fencing, subject to dusty conditions and actual heavy equipment access during harvest time, and rather than be within a wildlife corridor, hikers would be confronted with a highly effective barrier to any ground-dwelling species and the conversion of natural habitat to one which allows the propagation of a single species, namely wine grapes plants. The proposal does not provide adequate detail as to how the dust management guidelines will be enforced and the allowance for heavy equipment on the trail is again, another example of how this proposal accrues to the essentially unilateral benefit of Ridge/Otsuka. Any discussion of the effect of hypothetical residential construction and preservation of viewshed would seem to be entirely contradicted by allowing the degradation of undeveloped MROSD land adjacent to the trail.</p>	<p><u>Response D-5:</u></p> <p>As described in Section 4.15.2.1 of the Initial Study, allowing seasonal (between September 1 and November 15) agricultural vehicle use of Waterwheel Creek Trail could infrequently affect trail use, but the proposed use is expected to be only 3 to 6 days annually and at no time occur for more than 10 days during each harvest year. Vehicle use will be limited to 10 miles per hour. MROSD will post warning signs regarding the presence of agricultural equipment so that the agricultural activities would not pose substantial interference with recreational use of the trail. MROSD will also post notices regarding time periods when agricultural equipment will be present on Waterwheel Creek Trail on the District's website. Impacts to the recreational use of the trail would be less than significant.</p> <p>As described in Sections 4.4.2.1 and 4.4.2.2 of the Initial Study, the project includes mitigation measures to ensure impacts to wildlife remain at a less than significant level. Additionally, the fencing proposed by the project would be designed to allow small animals, such as lizards and rodents, to pass through. In addition, vineyard fencing will be installed above the side slopes of the trail, and native vegetation will provide a buffer to minimize the visibility of the vineyard fencing from the trail.</p> <p>As described in Section 4.3.2.1 of the Initial Study, the project includes mitigation for impacts related to dust. This mitigation includes posting a publicly visible sign along Waterwheel Creek Trail and Montebello Road with the telephone number and person to contact at MROSD regarding dust complaints during initial</p>

Five Comment Letters on Ridge Vineyards Initial Study <i>(all comments and responses have been forwarded to the District Board of Directors for review and consideration)</i>	
Comment	Response
	vineyard development activities. This person shall respond and take corrective action within 48 hours. The Air District's phone number shall also be visible to ensure compliance with applicable regulations.
<p><u>Comment D-6:</u></p> <p>6. There are a host of other issues which local residents have found very troubling, including yet further water well and storage tank development, traffic issues, and for many of these reasons, this proposal has sadly resulted in a bitter adversarial relationship between what in moderation we would be proud to call a neighborhood business and ourselves. Ridge/Otsuka will continue to be spectacularly successful were this proposal to be rejected by you, but the lasting negative effect upon the public will never improve if you approve.</p>	<p><u>Response D-6:</u></p> <p>Comment acknowledged.</p> <p>As discussed above, the project is well aligned with the District's mission as it would protect scenic ridgeline views by prohibiting in perpetuity residential and non-agricultural development along an important scenic corridor while ensuring that existing wildlife corridors remain protected and public trail use impacts are less than significant, while also simultaneously resolve a long-standing encroachment issue at Monte Bello Open Space Preserve (Preserve).</p>
<p><u>Comment D-7:</u></p> <p>I ask the Board to deconstruct this proposal to its separate components and consider them individually, to be mindful of a legacy whereby you would be allowing the destruction of unspoiled MROSD land, and the following revisions if your majority fails to disapprove of the proposal entirely:</p> <ol style="list-style-type: none"> 1. Revise the allowance of land to be gained for vineyard development to accurately reflect the actual amount of land to be covered by the conservation easement. 2. Restrict the development of new vineyards to current grassland without destruction of riparian growth that provides valuable nesting 	<p><u>Response D-7:</u></p> <p>This comment is acknowledged.</p> <ol style="list-style-type: none"> 1. The conservation easement will cover 34.22 acres which consists of 25.28 acres of existing Ridge vineyard land, and 8.94 acres of the proposed 11.93 acre fee parcel being proposed for conveyance to Ridge. The remaining 2.99 acre of the fee parcel includes the Winery encroachment and will be subject to the CC&Rs. 2. New vineyard development will be planted on historically terraced grasslands and brush. The main riparian and habitat corridor in the project area from Monte Bello

Five Comment Letters on Ridge Vineyards Initial Study

(all comments and responses have been forwarded to the District Board of Directors for review and consideration)

Comment	Response
<p>and other wildlife habitat.</p> <p>3. Prohibit absolutely any use of MROSD trails for heavy equipment under the belief that the considerable technical ingenuity of a major enterprise such as Ridge/Otsuka can convey harvest grapes by roads within their property that would be used at other times of the year for non-harvest activity without interrupting use of the trail for their own business purposes.</p> <p>4. If the proposal inevitably allows for agricultural development of Open Space along the Waterwheel Trail, consider allowing leashed dogs on the trail as the essential character of the trail would be altered, and as a positive gesture to the public who would otherwise have no tangible benefit from this proposal.</p> <p>Thank you for your kind consideration.</p>	<p>Ridge to Stevens Creek is located east of Waterwheel Creek Trail will remain in an undisturbed and natural condition.</p> <p>3. Ridge may only use vehicles on Waterwheel Creek and Monte Bello Road Trails for vineyard operations during the harvest season (September 1 through November 15). The vehicle use will be very limited and expected to occur only three to six days annually during the harvest season, and the number of vehicle trips may not exceed 10 trips annually. Vehicle speed will be limited to 10 miles per hour. Ridge must also post signs notifying the public of vehicle use of trails. Trails will remain open to public use during this time. If Ridge does not comply with these requirements, the District can revoke the use of Waterwheel Creek Trail and Monte Bello Trail.</p> <p>4. The leashed dog use request is acknowledged and will be forwarded to the list of potential projects that the Board may wish to consider for future review and evaluation.</p>

Email from Mike Alexander, dated November 15, 2014 (Letter E) received ten days after the comment deadline.

<p><u>Comment E-1:</u></p> <p>1. This will certainly change the look and feel of the Waterwheel Ck Trail, especially if a deer fence is installed right alongside it. That's a shame. I appreciate that the agreement settles lots of issues for both parties, but it feels like Ridge is gaining more than they're giving up.</p>	<p><u>Response E-1:</u></p> <p>Vineyard fencing will <u>not</u> be installed right alongside the trail. Vineyard fencing will be installed above the side slopes of the trail, and native vegetation will provide a buffer to minimize the visibility of the vineyard fencing from the trail.</p> <p>Before Ridge can begin planting vineyards, Ridge is required to prepare an Installation Plan and a Vineyard Management and Operation Plan subject to District prior review and approval. Before approval of these plans, the District will ensure that</p>
---	--

Five Comment Letters on Ridge Vineyards Initial Study

(all comments and responses have been forwarded to the District Board of Directors for review and consideration)

Comment	Response
	<p>vineyard planting and fencing will be located to minimize impacts to the use and enjoyment of Waterwheel Creek Trail.</p> <p>The District will obtain property interests that are equal to or greater in value than the value of the property interests granted to Ridge. The proposed fee exchange will result in the exchange of equal sized 11.92 acre fee parcels. For the proposed easement exchange, the District would grant a 33.91 acre agricultural easement to Ridge for organic and sustainable vineyard cultivation. In exchange, Ridge would grant a 34.21 acre conservation easement to the District, which will prohibit residential development and nonagricultural uses on Ridge’s property in perpetuity.</p>
<p><u>Comment E-2:</u></p> <p>1. The hydrology report doesn't raise any alarms. I think the concern for everyone (Ridge, MROSD, and the public) is whether the vineyard will drain the aquifer, and how that question interacts with the drought. The recharge and usage data indirectly indicate that that won't happen if average rainfall stays roughly the same as historic average rainfall. I think it's prudent, though, to have an agreement that requires routine monitoring/reporting of water table depth at new and existing wells, to be able to know if and how depth changes over time, and in relation to vineyard operations and rainfall variation. Whether some "action threshold" could be established is doubtful. Still, it's a good opportunity to collect data that might be helpful going forward.</p>	<p><u>Response E-2:</u></p> <p>Ridge’s new wells would be monitored, which is a current standard practice on their property. The agricultural easement requires new wells be monitored. During drought conditions, the planting of new vineyards will be prohibited until after a normal rain year.</p>

MITIGATION MONITORING and REPORTING PROGRAM

**MROSD/Ridge Vineyards Land Exchange
Monte Bello Open Space Preserve**

Santa Clara County, CA

September 29, 2014

Midpeninsula Regional Open Space District
330 Distel Circle
Los Altos, CA 94022-1404

MONTE BELLO OPEN SPACE PRESERVE MROSD/Ridge Vineyards Land Exchange

MITIGATION MONITORING AND REPORTING PROGRAM

This mitigation monitoring and reporting program (MMRP) includes a brief discussion of the legal basis and purpose of the program, a key to understanding the monitoring matrix, discussion and direction regarding noncompliance complaints, and the mitigation monitoring matrix itself.

LEGAL BASIS AND PURPOSE OF THE MITIGATION MONITORING AND REPORTING PROGRAM

Public Resources Code (PRC) 21081.6 requires public agencies to adopt mitigation monitoring or reporting programs whenever certifying an environmental impact report or mitigated negative declaration. This requirement facilitates implementation of all mitigation measures adopted through the California Environmental Quality Act (CEQA) process.

MONITORING MATRIX

The following pages provide a series of tables identifying the mitigation measures incorporated into the MROSD/Ridge Vineyards Land Exchange at Monte Bello Open Space Preserve (the project). These mitigation measures are reproduced from the Mitigated Negative Declaration for the project. The columns within the tables have the following meanings:

- Number:** The number in this column refers to the Initial Study section where the mitigation measure is discussed.
- Mitigation:** This column lists the specific mitigation identified within the Mitigated Negative Declaration.
- Timing:** This column identifies at what point in time, review process, or phase the mitigation will be completed. The mitigation measures are organized by order in which they appear in the Mitigated Negative Declaration.
- Who will verify?** This column references the District staff that will ensure implementation of the mitigation measures.
- Agency / Department Consultation:** This column references any public agency or District Department with which coordination is required to ensure implementation of the mitigation. California Department of Fish and Wildlife is listed as CDFW. The United States Fish and Wildlife Service is listed as USFWS. The Native American Heritage Commission is listed as NAHC.
- Verification:** This column will be initialed and dated by the individual designated to confirm implementation.

NONCOMPLIANCE COMPLAINTS

Any person or agency may file a complaint asserting noncompliance with the mitigation measure associated with the project. The complaint shall be directed to the District's General Manager in written form, providing specific information on the asserted violation. The General Manager shall cause an investigation and determine the validity of the complaint. If noncompliance with the mitigation has occurred, the General Manager shall take appropriate actions to remedy any violation. The complainant shall receive written confirmation indicating the results of the investigation or the final action corresponding to the particular noncompliance.

<i>Number</i>	<i>Mitigation</i>	<i>Timing</i>	<i>Who will verify?</i>	<i>Department or Agency Consultation</i>	<i>Verification (Date & Initials)</i>
4.3.2.1	<p>MM AIR-1: The proposed project shall include the following Basic Construction Mitigation Measures¹ recommended by BAAQMD for all projects, to be implemented during initial vineyard development of Areas 5b, 5c, 5d, 5e, and 5f:</p> <ul style="list-style-type: none"> • Stop grading operations when wind levels exceed 15-20 mph. • Treat all exposed surfaces (e.g., parking areas, soil piles, graded areas, and unpaved access roads) to minimize fugitive dust emissions, using one of the following methods: <ul style="list-style-type: none"> ○ Wet down surfaces two times per day ○ Cover surfaces with straw, compost, or other material ○ Erect windbreaks ○ Other similar method that covers or stabilizes soil. • All haul trucks transporting soil, sand, or other loose material off-site shall be covered. • All visible mud or dirt track-out onto adjacent public roads shall be removed using wet methods 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 to be paved shall be completed as soon as possible. • Idling times shall be minimized either by shutting off equipment when not in use or reducing the maximum idling time to five minutes (as required by ATCM measure Title 13, Section 2485 of the California Code of Regulations). Clear signage shall be provided for construction workers at all access points. • All construction equipment shall be maintained and properly 	During initial vineyard development of Areas 5b, 5c, 5d, 5e, and 5f.	MROSD	N/A	

¹ “Construction” is the term used by BAAQMD and, for purposes of this mitigation, these measures apply to the conversion of areas 5b, 5c, 5d, 5e, and 5f to viticultural use.

<i>Number</i>	<i>Mitigation</i>	<i>Timing</i>	<i>Who will verify?</i>	<i>Department or Agency Consultation</i>	<i>Verification (Date & Initials)</i>
	<p>tuned in accordance with manufacturer's specifications. All equipment shall be checked by a certified visible emissions evaluator.</p> <ul style="list-style-type: none"> • Post a publicly visible sign along Water Wheel Creek Trail and Montebello Road with the telephone number and person to contact at the lead agency regarding dust complaints. This person shall respond and take corrective action within 48 hours. The Air District's phone number shall also be visible to ensure compliance with applicable regulations. 				
4.3.2.1	<p>MM BIO-1.1: A qualified biologist shall conduct a survey of the project site for CRLF and CTS prior to new vineyard development. If no CRLF or CTS are found, no further mitigation is necessary.</p>	Prior to ground disturbing activities associated with spring rehabilitation	MROSD	N/A	
4.4.2.1	<p>MM BIO-1.2: If the survey finds California Red-Legged Frog (CRLF) or California Tiger Salamander (CTS) are present and cannot be avoided, USFWS and CDFW shall be consulted as required by the Endangered Species Act. Because potential impacts to aquatic habitat may also require a Section 404 permit from the U.S. Army Corps of Engineers (USACE) (see Discussion under Wetlands below and Impact BIO-7), consultation with USFWS could occur during the wetland permitting process. Ridge Vineyards shall implement all conservation measures included in the Biological Opinion issued by USFWS as a result of the consultation to minimize potential impacts to CRLF and CTS.</p> <p>Unless otherwise determined by the responsible regulatory agency, conservation measures shall include:</p> <ol style="list-style-type: none"> <i>Worker Education Seminar.</i> Prior to new vineyard development, all staff, contractors and persons associated with 	Prior to ground disturbing activities associated with spring rehabilitation.	MROSD	USFWS USACE (if necessary)	

<i>Number</i>	<i>Mitigation</i>	<i>Timing</i>	<i>Who will verify?</i>	<i>Department or Agency Consultation</i>	<i>Verification (Date & Initials)</i>
	<p>the project shall attend a worker-education seminar delivered by a qualified biologist. The seminar will include written information regarding identification, natural history, legal status, observations of CRLF and CTS within one mile of the project site, and related information. Biologist contact names and phone numbers shall be included in the written information. A signature sheet of attendees will be maintained to document compliance.</p> <p>b. <i>Pre-construction Surveys.</i> Prior to beginning ground disturbing actions associated with new vineyard development, pre-construction surveys shall be conducted by a qualified biological monitor to search for special status or other wildlife species. If any wildlife species are encountered, the animal will be allowed to move out of the area on its own under the direct observation of the qualified biological monitor prior to construction beginning.</p> <p>c. <i>Avoid Aquatic Habitats.</i> The access route to the spring box shall be primarily constructed on the slight slope above the perennial wetland below Waterwheel Creek Trail. If standing water is encountered while clearing vegetation along the route to the spring box, a temporary or permanently raised wooden walkway (depending on long term access needs) shall be installed to provide access over the wet area.</p>				

<i>Number</i>	<i>Mitigation</i>	<i>Timing</i>	<i>Who will verify?</i>	<i>Department or Agency Consultation</i>	<i>Verification (Date & Initials)</i>
	<p>d. <i>Avoid impacts to CRLF and CTS.</i> A biological monitor must be present if any draining or diverting of water into or out of the existing spring box is required. No draining of the spring box shall be allowed to occur until after August 15 when the tadpole life stage is presumed to have ended. Prior to draining, a biological monitor shall inspect the spring box to ensure all species are in the post metamorphic stage. If tadpoles are encountered, no draining shall occur until the tadpoles have morphed into juvenile species. If at any time juvenile or adult species are encountered they shall be allowed to leave the area on their own. If any species must be relocated, a qualified biologist shall relocate into nearby suitable habitat. If pumping of the spring box is required, a one quarter inch mesh screen must be used to prevent sucking aquatic wildlife into the pump. A biological monitor shall be present on-site during all pumping activities.</p> <p>e. <i>Upland Habitat.</i> Impacts to upland habitat will be avoided to the extent feasible dependent on the results of the pre-vineyard development surveys. Mitigation for impacts to upland non-breeding habitat will be conducted on-site if suitable areas can be converted to dispersal habitat, as determined by a qualified biologist.</p> <p>If project-specific mitigation for impacts to CRLF and CTS habitat is necessary, a wildlife ecologist will develop an on-site species specific HMMP in consultation with the USFWS and CDFW, which will contain the following components:</p> <ol style="list-style-type: none"> 1. Summary of habitat impacts and proposed mitigation ratios. 2. Goal of the habitat mitigation. 				

<i>Number</i>	<i>Mitigation</i>	<i>Timing</i>	<i>Who will verify?</i>	<i>Department or Agency Consultation</i>	<i>Verification (Date & Initials)</i>
	<p>3. Location of mitigation site(s) and description of existing site conditions.</p> <p>4. Mitigation design:</p> <ul style="list-style-type: none"> • Habitat enhancement measures • Remedial measures/adaptive management, etc. <p>5. Monitoring plan (including performance and final success criteria, monitoring methods, data analysis, reporting requirements, monitoring schedule, etc.). At a minimum, success criteria will include the presence of the species, suitable burrows, and quantitative measures of vegetation characteristics for suitable habitat.</p> <p>6. Contingency plan for mitigation elements that do not meet performance or final success criteria.</p> <p>At least five years of monitoring shall be conducted to document whether the success criteria are achieved and to identify any remedial actions that must be taken if the identified success criteria are not met. At a minimum, success criteria will include the presence of suitable habitat conditions for CRLF and CTS, and provision of ecological functions and values equal to or exceeding those in the habitat that is impacted. There will be no net loss of upland habitat for CRLF or CTS.</p> <p>If on-site potential dispersal habitat is not located, mitigation will consist of the purchase of credits from a mitigation bank that serves the project area. If no banks or credits are available, then the project will develop and implement a plan for the preservation and enhancement of non-breeding habitat at off-site location(s). The project-specific mitigation measures described above shall apply to off-site locations, in coordination with CDFW and USFWS.</p>				

<i>Number</i>	<i>Mitigation</i>	<i>Timing</i>	<i>Who will verify?</i>	<i>Department or Agency Consultation</i>	<i>Verification (Date & Initials)</i>
4.4.2.1	MM BIO-2.1: To the extent feasible, avoid tree removal between May 1 and September 15 to avoid breeding season impacts to roosting bats.	During initial vineyard development of Areas 5b, 5c, 5d, 5e, and 5f.	MROSD	N/A	
4.4.2.1	MM BIO-2.2: If tree removal will take place during the breeding season identified in MM BIO-2.1, a qualified biologist shall conduct a survey for roosting bats prior to ground disturbing activities. If roosting bats are detected, Ridge Vineyards will coordinate with the CDFW to adopt appropriate avoidance measures including buffer zones. Activities within this buffer shall commence only after young are flying (generally after July 31) and end before maternity colonies form, unless other suitable avoidance or protective measures are recommended by the biologist, and are acceptable to CDFW for protected species or protected roosts. CDFW considers the maternity season to occur from March 1 to August 31.	During initial vineyard development of Areas 5b, 5c, 5d, 5e, and 5f.	MROSD	CDFW (if necessary)	
4.4.2.1	MM BIO-3.1: To the extent feasible, avoid vegetation removal, grading, and other activities associated with preparing Areas 5b, 5c, 5d, 5e, and 5f for viticultural use between February 1 and August 31 to avoid breeding season impacts to protected bird species.	During initial vineyard development of Areas 5b, 5c, 5d, 5e, and 5f.	MROSD	N/A	
4.4.2.1	MM BIO-3.2: If ground disturbing activities in Areas 5b, 5c, 5d, 5e, and 5f will take place during the breeding season identified in MM BIO-3.1, a qualified biologist shall conduct a survey for nesting birds within 500 feet of the disturbance area. If the biologist finds nests are inactive or the habitat is unoccupied, no further mitigation is required. If the biologist finds active nests, a 250-foot buffer around active raptor nests and a 50 to 100-foot buffer around all other active bird nests shall be implemented until breeding season ends or the qualified biologist determines that the nest is no longer active. The	During initial vineyard development of Areas 5b, 5c, 5d, 5e, and 5f.	MROSD	CDFW (if necessary)	

<i>Number</i>	<i>Mitigation</i>	<i>Timing</i>	<i>Who will verify?</i>	<i>Department or Agency Consultation</i>	<i>Verification (Date & Initials)</i>
	qualified biologist shall have the authority to adjust the size of these buffers, in consultation with the CDFW.				
4.4.2.1	MM BIO-4.1: A qualified biologist shall conduct a survey for Coast horned lizards to identify their location and establish baseline population information, prior to any vegetation clearing. If no Coast horned lizards are found, no further mitigation is necessary.	Prior to vegetation clearing associated with initial vineyard development of Areas 5b, 5c, 5d, 5e, and 5f.	MROSD	N/A	
4.4.2.1	MM BIO-4.2: If the survey finds Coast horned lizards, then during grading operations, loose dirt/sand piles in temporarily impacted areas that will be left overnight shall be covered with tarps or plastic with the edges sealed to prevent Coast horned lizards from burrowing into the dirt.	During initial vineyard development of Areas 5b, 5c, 5d, 5e, and 5f.	MROSD	N/A	
4.4.2.1	MM BIO-4.3: If the survey finds Coast horned lizards, then the disturbance and/or removal of vegetation within the project site shall not exceed the minimum reasonably necessary to accomplish ground disturbing activities. Precautions to avoid damage to areas outside the project boundary shall include construction flagging, clearly defined access routes, and minimized turning areas.	During initial vineyard development of Areas 5b, 5c, 5d, 5e, and 5f.	MROSD	N/A	
4.4.2.1	MM BIO-4.4: If the survey finds Coast horned lizards, then an employee education program shall be conducted prior to vegetation removal and grading. The program shall consist of a brief presentation by persons knowledgeable in California Species of Special Concern including the Coast horned lizard and legislative protection to explain concerns to all personnel involved with vegetation removal and grading. The program would include the following: a description of the Coast horned lizard and its habitat, an explanation of the status of the Coast	Prior to vegetation clearing and grading associated with initial vineyard development of Areas 5b, 5c, 5d, 5e, and 5f.	MROSD	N/A	

<i>Number</i>	<i>Mitigation</i>	<i>Timing</i>	<i>Who will verify?</i>	<i>Department or Agency Consultation</i>	<i>Verification (Date & Initials)</i>
	horned lizard, and a list of measures being taken to reduce impacts to the species during project activities. Crews shall be instructed that if a Coast horned lizard is found, it is to be left alone and the construction manager must be notified immediately. Ridge Vineyards or MROSD shall notify a qualified biologist of the sighting and the biologist will make further recommendations. It will be made clear to all staff that only a qualified biologist is permitted to capture, handle, or relocate Coast horned lizards.				
4.4.2.1	MM BIO-4.5: If the survey finds Coast horned lizards, then vehicles shall not drive more than five miles per hour within the areas where clearing and grading are underway. If a Coast horned lizard is seen in the path of a vehicle, the vehicle shall stop until the lizard is out of its path. Parked vehicles within the project site shall be checked underneath before they are moved to ensure no Coast horned lizards are on the ground below the vehicle.	During initial vineyard development of Areas 5b, 5c, 5d, 5e, and 5f.	MROSD	N/A	
4.4.2.1	MM BIO-4.6: If the survey finds Coast horned lizards, and the biologist determines the mitigation measures included in this project are insufficient to protect the Coast horned lizard population on the project site, MROSD and Ridge Vineyards shall initiate consultation with the CDFW to determine what further mitigation measures are necessary to ensure the project will not result in substantial adverse effects on Coast horned lizards.	During initial vineyard development of Areas 5b, 5c, 5d, 5e, and 5f.	MROSD	CDFW (if necessary)	
4.4.2.1	MM BIO-5.1: Prior to ground disturbing activities associated with the conversion of land to viticultural use, a qualified biologist shall conduct a survey for San Francisco dusky-footed woodrat nests within 10 feet of proposed ground disturbance. If the nests are found to be uninhabited, no further action is required. If any nest is active, the	Prior to ground disturbing activities associated with initial vineyard development of Areas 5b, 5c, 5d, 5e, and 5f.	MROSD	CDFW (if necessary)	

<i>Number</i>	<i>Mitigation</i>	<i>Timing</i>	<i>Who will verify?</i>	<i>Department or Agency Consultation</i>	<i>Verification (Date & Initials)</i>
	qualified biologist shall determine the appropriate course of action which may include, in consultation with the CDFW, relocation of the nest to the Monte Bello Open Space Preserve under the direction of MROSD.				
4.4.2.1	MM BIO-5.2: If the survey identifies active dusky-footed woodrat nests, an employee education program shall be conducted prior to construction. The program shall consist of a brief presentation by persons knowledgeable in California Species of Special Concern including the San Francisco dusky-footed woodrat and legislative protection to explain concerns to all personnel involved with vegetation removal and grading. The program would include the following: a description of the woodrat and its habitat, an explanation of the status of the woodrats, and a list of measures being taken to reduce impacts to the woodrats during project activities. Crews shall be instructed that if a woodrat or a woodrat nest is found, it is to be left alone and the construction manager must be notified immediately. Ridge Vineyards or MROSD shall notify a qualified biologist of the sighting and the biologist will make further recommendations. It will be made clear to all staff that only a qualified biologist is permitted to capture, handle, or relocate woodrats and their nests.	Prior to ground disturbing activities associated with initial vineyard development of Areas 5b, 5c, 5d, 5e, and 5f.	MROSD	N/A	
4.4.2.1	MM BIO-5.3: If the survey identifies active dusky-footed woodrat nests, vehicles shall not drive more than five miles per hour within the areas where clearing and grading are underway. If a San Francisco dusky-footed woodrat is seen in the path of a vehicle, the vehicle shall stop until the woodrat is out of its path. Parked vehicles within the project site shall be checked underneath before they are moved to ensure no woodrats are on the ground below the vehicle.	During initial vineyard development of Areas 5b, 5c, 5d, 5e, and 5f.	MROSD	N/A	

<i>Number</i>	<i>Mitigation</i>	<i>Timing</i>	<i>Who will verify?</i>	<i>Department or Agency Consultation</i>	<i>Verification (Date & Initials)</i>
4.4.2.1	MM BIO-6.1: Prior to ground disturbance associated with the conversion of land to agricultural use, a qualified botanist shall conduct a survey in Areas 5b, 5c, 5d, 5e, and 5f to identify any special status plants occurrences. Surveys shall occur during the blooming season to the extent possible. If special status plant species are identified within the vegetation removal and grading areas, these plant populations shall be permanently avoided and fenced off prior to the start of vegetation removal. Construction workers shall be notified to avoid and protect the fenced off area.	Prior to ground disturbing activities associated with initial vineyard development of Areas 5b, 5c, 5d, 5e, and 5f.	MROSD	N/A	
4.4.2.1	MM BIO-6.2: If MROSD determines that it is not feasible to avoid special status plants located within Areas 5b, 5c, 5d, 5e, and 5f using the methods described in MM BIO-5.1, MROSD shall implement other feasible alternatives such as seed collection, transplanting, and/or other measures that will minimize or mitigate impacts to ensure the project will not result in a substantial adverse effect on special status species.	Prior to ground disturbing activities associated with initial vineyard development of Areas 5b, 5c, 5d, 5e, and 5f.	MROSD	N/A	
4.4.2.1	MM BIO-7.1: Spring rehabilitation, including spring box, piping, and wiring repairs shall be designed to avoid wetland fill or discharges to jurisdictional wetlands. Manual construction methods shall be used, and permanent infrastructure shall be located outside of wetlands, to the extent feasible.	Prior to ground disturbing activities associated with spring rehabilitation.	MROSD	N/A	
4.4.2.1	MM BIO-7.2: If wetlands cannot be avoided during spring rehabilitation, no grading, fill, or other ground disturbing activities shall occur until all required permits, regulatory approvals, and permit conditions for effects on wetland habitats are secured.	Prior to ground disturbing activities associated with spring rehabilitation.	MROSD	USACE RWQCB (if necessary)	

<i>Number</i>	<i>Mitigation</i>	<i>Timing</i>	<i>Who will verify?</i>	<i>Department or Agency Consultation</i>	<i>Verification (Date & Initials)</i>
	<p>Typical mitigation measures required by regulatory agencies for permitting are provided below; however, additional or slightly different measures may be required by the agencies during the permit process to be completed prior to activities that could affect wetlands. Implementation of all measures required by the agencies during the permit process would reduce impacts to a less than significant level.</p> <ul style="list-style-type: none"> • <i>Regulatory Agency Mitigation.</i> If required by the pertinent regulatory agencies, agency mitigation requirements shall be satisfied by compensating for aquatic impacts at a 1:1 replacement-to-loss ratio either on-site or off-site. There will be no net loss of wetlands. <p>An on-site mitigation and monitoring plan (MMP) would be developed to mitigate for impacts to these features. At a minimum, the MMP shall:</p> <ul style="list-style-type: none"> • Define the location of all restoration/creation activities; • Provide evidence of a suitable water budget to support any created aquatic and riparian habitats; • Identify the species, amount, and location of plants to be installed in the aquatic and riparian habitats; • Identify the time of year for planting and method for supplemental watering during the establishment period; • Identify the monitoring period. This should be not less than 5 years for aquatic restoration. • Define success criteria that will be required for restoration efforts to be deemed a success; 				

<i>Number</i>	<i>Mitigation</i>	<i>Timing</i>	<i>Who will verify?</i>	<i>Department or Agency Consultation</i>	<i>Verification (Date & Initials)</i>
	<ul style="list-style-type: none"> • Identify adaptive management procedures that accommodate the uncertainty that comes with restoration projects. These include, but are not limited to, measures to address colonization by invasive species, unexpected lack of water, and excessive foraging of installed plants by native wildlife; • Define management and maintenance activities (weeding of invasive plants, providing for supplemental water, repair of water delivery systems, etc.); and • Provide for surety in funding the monitoring and ensuring that the created aquatic and riparian habitats fall within lands to be preserved and managed into perpetuity. <p>Any remaining mitigation required by the regulatory agencies to satisfy the 1:1 replacement-to-loss ratio would be obtained off-site (e.g., via the purchase of credits from an approved mitigation bank).</p>				
4.5.2.1	<p>MM CUL-1: If cultural, paleontological, archeological or historic resources are discovered during vegetation removal and grading for the new vineyards, all work on the site will stop immediately until a qualified professional archaeologist can assess the nature and importance of the find and recommend appropriate treatment to avoid a substantial adverse change in the significance of the resource. In the event human remains are discovered, it will be the responsibility of the construction manager to notify the County Coroner’s Office and the Native American Heritage Commission (NAHC) of the discovery. No further disturbance of the site or any nearby area reasonably</p>	During initial vineyard development of Areas 5b, 5c, 5d, 5e, and 5f.	MROSD	County of Santa Clara, Coroner NAHC (if necessary)	

<i>Number</i>	<i>Mitigation</i>	<i>Timing</i>	<i>Who will verify?</i>	<i>Department or Agency Consultation</i>	<i>Verification (Date & Initials)</i>
	<p>suspected to overlie adjacent remains shall occur until the County Coroner has made a determination of origin and disposition, which shall be made within two working days from the time the Coroner is notified of the discovery, pursuant to State Health and Safety Code Section 7050.5 and Public Resources Code Section 5097.98. If the remains are determined to be Native American, the Coroner will notify the NAHC within 24 hours, which will determine and notify the Most Likely Descendant (MLD). The MLD may recommend within 48 hours of their notification by the NAHC the means of treating or disposing of, with appropriate dignity, the human remains and grave goods. In the event of difficulty locating a MLD or failure of the MLD to make a timely recommendation, the human remains and grave goods shall be reburied with appropriate dignity on the property in a location not subject to further subsurface disturbance.</p>				
4.8.2.1	<p>MM HAZ-1: In the event indications of hazardous materials or soil or groundwater contamination are discovered during excavation and grading while preparing Areas 5b, 5c, 5d, 5e, and 5f for viticultural use, the following mitigation measure is included in the project to prevent hazardous materials impacts:</p> <ul style="list-style-type: none"> • The work will be stopped in the immediate area and soil samples will be collected and analyzed by a qualified environmental professional and the results shared with the County to determine the type and extent of release and the potential health effects to workers. The analytical results will be compared against applicable hazardous waste criteria and, if necessary, the investigation will provide recommendations regarding the management and disposal of affected soil and groundwater. Any contaminated soil and/or groundwater found in concentrations above established thresholds shall be 	During initial vineyard development in Areas 5b, 5c, 5d, 5e, and 5f.	MROSD	County of Santa Clara (if necessary)	

<i>Number</i>	<i>Mitigation</i>	<i>Timing</i>	<i>Who will verify?</i>	<i>Department or Agency Consultation</i>	<i>Verification (Date & Initials)</i>
	<p>removed and disposed of according to California Hazardous Waste Regulations. In the unlikely event that contaminated soils are found on the project site, they shall be managed or removed and disposed of in accordance with all appropriate local, state, and federal regulations that are designed to protect workers and the environment.</p>				
4.9.2.1	<p>MM HYD-1: Prior to vineyard installation, MROSD shall require Ridge Vineyards to determine, by appropriate hydrologic calculations or surface flow modeling, whether peak stormwater flow, down-gradient of the proposed vineyard blocks (Areas 5b, 5c, 5d, 5e, and 5f), would increase over existing conditions. If the calculations or modeling reveal that an increase in stormwater flow would occur, Ridge Vineyards shall design and install an appropriately engineered system to dissipate the flow energy and distribute the stormwater to eliminate the concentrated peak flows that have the potential to cause erosion and transport sediment to Stevens Creek and its tributaries. Flow dissipation systems could include, but shall not be limited to, vegetated swale, rock-lined catchments, detention basins, or a combination of these. Recommended stormwater control systems shall reduce and distribute peak flows, as feasible, to pre-project conditions, and must eliminate the potential for concentrated flows from the vineyards. Once installed, Ridge Vineyards shall monitor the performance of the flow dissipation and distribution system and conduct repairs of the system if downstream erosion is detected as quickly as possible given weather and site conditions. Monitoring shall be coordinated with MROSD and Ridge Vineyards shall inform MROSD of any unacceptable erosion caused by drainage from the vineyard. If identified, Ridge Vineyards shall provide MROSD with detailed plans to correct the problem within a</p>	<p>Prior to initial vineyard development in Areas 5b, 5c, 5d, 5e, and 5f.</p>	MROSD	N/A	

<i>Number</i>	<i>Mitigation</i>	<i>Timing</i>	<i>Who will verify?</i>	<i>Department or Agency Consultation</i>	<i>Verification (Date & Initials)</i>
	mutually agreed upon timeframe.				
4.12.2.1	<p>MM NOI-1: The following mitigation measures are included in the project to reduce potential temporary noise impacts during the conversion of land to viticultural uses:</p> <ul style="list-style-type: none"> • Noise generating activities shall be limited to the hours between 7:00AM and 7:00PM Monday through Saturday in accordance with Santa Clara County Code Chapter VIII Section B11-154 (b)(6). • “New technology” power construction equipment with state-of-the-art noise shielding and muffling devices shall be used. All internal combustion engines used on the project site shall be equipped with adequate mufflers and shall be in good mechanical condition to minimize noise created by faulty or poorly maintained equipment. • Unnecessary idling of internal combustion engines shall be prohibited. 	During initial vineyard development in Areas 5b, 5c, 5d, 5e, and 5f.	MROSD	N/A	

RESOLUTION 14- ____

RESOLUTION OF THE BOARD OF DIRECTORS OF MIDPENINSULA REGIONAL OPEN SPACE DISTRICT AUTHORIZING EXECUTION OF FEE AND EASEMENT EXCHANGE AGREEMENT, AUTHORIZING OFFICER TO EXECUTE GRANT DEED AND AGRICULTURAL EASEMENT FOR THE DISTRICT'S REAL PROPERTY BEING EXCHANGED, AND EXECUTE CONSERVATION EASEMENT AND DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS FOR RIDGE'S PROPERTY, AUTHORIZING OFFICER TO EXECUTE CERTIFICATES OF ACCEPTANCE OF GRANT DEED, CONSERVATION EASEMENT AND COVENANTS, CONDITIONS AND RESTRICTIONS TO DISTRICT, AND AUTHORIZING GENERAL MANAGER TO EXECUTE ANY AND ALL OTHER DOCUMENTS NECESSARY OR APPROPRIATE TO CLOSING OF THE TRANSACTION (MONTE BELLO OPEN SPACE PRESERVE – LANDS OF RIDGE VINEYARDS, INC.)

The Board of Directors of Midpeninsula Regional Open Space District does resolve as follows:

Section One. The Board of Directors of Midpeninsula Regional Open Space District does hereby accept the offer contained in that certain Fee and Easement Exchange Agreement (“Agreement”) between Ridge Vineyards, Inc. (Ridge) and Midpeninsula Regional Open Space District (District), a copy of which is attached hereto and by reference made a part hereof, and authorizes the President and/or appropriate officers to execute the Agreement on behalf of the District.

Section Two. The General Manager or President of the Board of Directors and/or other appropriate officer is authorized to execute a Grant Deed and Agricultural Easement for title to the real property being conveyed to Ridge, and a Conservation Easement, and Declaration of Covenants, Conditions and Restrictions for the District’s property interests on property owned by Ridge.

Section Three. The General Manager or President of the Board of Directors and/or other appropriate officer is authorized to execute Certificates of Acceptance on behalf of the District for the property interests being conveyed to the District from Ridge.

Section Four. The General Manager of the District or the General Manager’s designee shall cause to be given appropriate notice of execution to Ridge and to extend close of escrow if necessary. The General Manager and General Counsel are further authorized to approve any technical revisions to the attached Agreement and any other transactional documents that do not involve any material change to any term of the Agreement or other transactional documents that are necessary or appropriate to the closing or implementation of this transaction.

Section Five. The General Manager of the District is authorized to expend up to \$10,000 to cover the cost of title insurance, escrow fees, and other miscellaneous costs related to this transaction.

Section Six. The Board of Directors finds and determines that, pursuant to Section 5540.5 of the Public Resources Code of the State of California, the granting and acceptance of these fee and

easement property interests are consistent with Public Resources Code 5540.5, and that the real properties being acquired by the District are of equal or greater value than the real property being transferred to Ridge and are necessary to be acquired for open space purposes.

* * * * *

PASSED AND ADOPTED by the Board of Directors of the Midpeninsula Regional Open Space District on _____, 2014, at a Regular Meeting thereof, by the following vote:

- AYES:**
- NOES:**
- ABSTAIN:**
- ABSENT:**

ATTEST:

APPROVED:

Secretary
Board of Directors

President
Board of Directors

APPROVED AS TO FORM:

General Counsel

I, the District Clerk of the Midpeninsula Regional Open Space District, hereby certify that the above is a true and correct copy of a resolution duly adopted by the Board of Directors of the Midpeninsula Regional Open Space District by the above vote at a meeting thereof duly held and called on the above day.

District Clerk