



Midpeninsula Regional
Open Space District

Memorandum

DATE: September 23, 2020

MEMO TO: Board of Directors

THROUGH: Ana Ruiz, General Manager *AR*

FROM: Tina Hugg, Senior Planner; Jane Mark, Planning Manager

SUBJECT: Beatty Parking Area and Trail Connections Project Update

The purpose of this memorandum is to provide the Board of Directors (Board) an update on the Beatty Parking Area and Trail Connections Project (Project) located at Sierra Azul Open Space Preserve and a summary of the outcomes of the August 4, 2020 Planning and Natural Resources Committee (PNR) discussions. At the August 4 meeting, PNR advised the General Manager to defer the Project until the District and stakeholders complete a population and mortality study for the California and rough-skinned newts in the area (newt study), which could influence the Project's scope, schedule, and budget. This memorandum summarizes the PNR discussion, rationale, and conclusion, and describes the anticipated schedule for the newt study. Since the Board prioritized this Project in the approved Fiscal Year 2020-2021 (FY21) Capital Improvement and Action Plan (CIAP), the General Manager is providing this project update to inform the full Board that the parking area and trail connections work will be paused and delayed until the newts study is complete unless otherwise directed by the full Board. If the status of the public access project needs to be reviewed in more detail by the full Board, the Board may direct the General Manager to add this item to a future Board Agenda for full Board discussion and deliberation.

BACKGROUND

The 56.88-acre former Beatty Trust property is located on the easterly side of Alma Bridge Road and Lexington Reservoir, approximately two miles east of the Alma Bridge Road exit from Highway 17. The property is surrounded by Lexington Reservoir County Park to the north, west, south and partially to the east. The Lexington Reservoir County Park property is owned by Valley Water and operated by Santa Clara County Parks (County Parks). County Parks also operates the Miller Point parking lot and picnic grounds located across Alma Bridge Road from the Beatty property. San Jose Water Company land borders a portion of the Beatty property's eastern boundary (Attachment 1).

In April 2008, the District approved the purchase of the Beatty Trust property as an addition to Sierra Azul Open Space Preserve (Preserve). Santa Clara County (County) contributed \$950,000 toward the purchase (R-08-14) and in exchange, the County granted the District a conservation easement over the property with the following allowances and one time-specific requirement:

- Plan, design and construct facilities to facilitate public use of the property, which may include and is not limited to: multi-use trails, public parking areas, public restrooms, wildlife observation and environmental educational facilities, visitor centers, picnic areas, backpack camps, employee residences, maintenance facilities, and related infrastructure such as water systems;
- Conduct natural resource restoration and resource management, and restoration of cultural, historical, and agricultural or natural resources;
- Construct a trail connection from the former Beatty property to the Priest Rock Trail within fifteen years from the easement recording date (March 11, 2008).

As stipulated in the County's conservation easement, the construction deadline for the trail is set to expire on March 11, 2023.

DISCUSSION

In June 2018, the Board approved the Project as part of the FY19 CIAP and Budget. The District soon after initiated planning for the proposed public access improvements. In August 2019, following a competitive Request for Proposals process, the District awarded a contract to LSA Associates, Inc., (LSA), for environmental and permitting consulting services to support the Project (R-19-111). LSA's scope of work included evaluating opportunities and constraints, including biological and archaeological considerations, cost and schedule impacts, and permitting requirements to inform the development of parking area site design alternatives. The project scope also included biological assessment efforts, jurisdictional wetland delineation, and rare plant surveys.

On January 14, 2020, PNR toured the Project site, heard public comments, and provided early feedback on proposed program elements and project scope (R-20-07). PNR requested staff to investigate the possibility of using or expanding the existing Santa Clara Valley Water (Valley Water)-owned and County-operated Miller Point parking lot across from the Beatty Property on Alma Bridge Road. Based on concerns PNR heard from a representative of the Audubon Society regarding newt mortality on Alma Bridge Road, PNR also requested that staff evaluate how the proposed Project may potentially impact newts and evaluate options to minimize Project impacts on newts and measures to protect the newts as part of the public access plans.

Since 2017, District staff has participated in ongoing conversations with newt advocates. In response, staff reached out to partner agencies and developed a Frequently Asked Questions to provide information and raise awareness about the newt mortality issue. District staff subsequently participated in a meeting with Peninsula Open Space Trust (POST), the newt advocacy groups (Audubon, Sierra Club), and researchers (UC Davis Roadkill Ecology Center, USGS) to discuss community science data collection, potential mitigation options, and process. Staff also met with primary Lexington Reservoir/Alma Bridge Road land holders, including Santa Clara County Roads, Santa Clara County Parks, and Valley Water to discuss the issue. These agencies are currently pursuing a collaborative study to build on citizen science data collected to date to better understand the impacts of roadkill to the newt population. On July 22, 2020, the Board approved a support letter for a Proposition 68 grant proposal to fund a University of California Davis project to plan and design potential road crossing options for newts on Alma Bridge Road.

Outcomes of the August 4, 2020 PNR Meeting

On August 4, 2020, in response to public comments and PNR concerns heard in January regarding newt mortality on Alma Bridge Road, staff presented a revised project scope for a small, permit-only parking area that would close during the rainy season when newt migration occurs. Staff provided two options for the PNR to consider -- Option 1: Vehicular-Only Permit Parking and Option 2: Vehicular and Equestrian Permit Parking (R-20-83). A permit lot allows the District to carefully control and manage visitor use and prohibit vehicular access to the Beatty property during the rainy season when newts migrate across Alma Bridge Road. The permit lot would be small, approximately eight spaces, and located within an already disturbed area to minimize impacts, cost, and increased traffic concerns. Providing a permit lot and new trail would fulfill the 2008 Conservation Easement commitment with the County to implement a new trail connection by March 11, 2023 to Priest Rock Trail in Sierra Azul Open Space Preserve. The General Manager did not recommend further exploration of expanding the Miller Point parking lot because this alternative, based on discussion with Valley Water and County Parks, site reconnaissance, and a desktop analysis, has major site constraints that would result in significant environmental impacts and high costs.

PNR had a robust discussion regarding the environmental concerns associated with the protection of the newts. They ultimately advised the General Manager not to pursue a permit lot and trail connection at this time and instead to approach the County with a request for a time extension to the 2008 Conservation Easement and to approach Valley Water for an extension on the existing trail grant to allow time to complete the newt study (the District was awarded a \$149,500 Valley Water grant to fund construction of the trail connection from the Beatty property to Priest Rock Trail that expires in 2022). The study is currently proposed to cover one newt breeding season (October 2020 through June 2021). Following results of the newt study and discussions with partner agencies, staff would bring this Project back to PNR and eventually the Board. A tentative schedule for completing the newt study is shown in Next Steps.

ACTION ITEMS

While PNR advised the General Manager to place this Project on hold, the following identified action items would need to continue in preparation for the Project's re-initiation.

1) Newts Study

- a) *Stakeholder and Partner Coordination*** – Staff will continue to coordinate with county, state, and regional partners to discuss the newt issues and possible next steps for addressing newt infrastructure enhancements. Staff will continue to engage with newt advocacy groups (Sierra Club and Audubon Society) and researchers (US Geologic Survey and US Davis Road Ecology Center) to determine the outcome of their Wildlife Conservation Board grant proposal that was supported by the District and submitted in August 2020 (R-20-84) to continue work on the planning and designing of potential road crossing options for newts on Alma Bridge Road.
- b) *Newts Study*** – Staff will continue to partner with and work closely with the POST and partners to develop a scientifically-robust study to provide an estimate of the newt breeding population and proportion of adult newts successfully crossing Alma Bridge Road to breed. This will help to better characterize the effect of roadkill mortality to the local newt population. Staff is presenting a

partnership agreement proposal to the Board at this same September 23, 2020 Board Meeting.

2) Conservation Easement and Trail Commitment

In anticipation of the March 11, 2023 deadline in the Conservation Easement with the County of Santa Clara, staff will draft a Letter of Agreement, under the General Manager’s authority, requesting for a time extension that will allow the District additional time to complete the Conservation Easement’s commitment for construction and opening of a new trail connection to Priest Rock Trail.

3) Trail Connection to Priest Rock Trail

a) Valley Water Trail Grant – District staff are in communications with Valley Water on the \$149,500 grant for the Beatty Property trail connection. Staff are exploring options to modify the grant agreement timeline and scope and whether Valley Water might be able to provide grant or partnership funding for the new study.

b) Permission to build a trail on Valley Water lands – The District has been working with Valley Water and Santa Clara County Parks on an assignment of the Master Partnership Agreement between Santa Clara County Parks and Valley Water that would permit the District to build a trail over Valley Water property to connect to the Priest Rock Trail. This assignment of trail construction responsibilities will need to be formalized before the District can build this trail on Valley Water lands. The General Manager will postpone further negotiations on securing Valley Water permission until there is greater certainty that the Beatty Parking Area and Trail Connections Project will resume in the future.

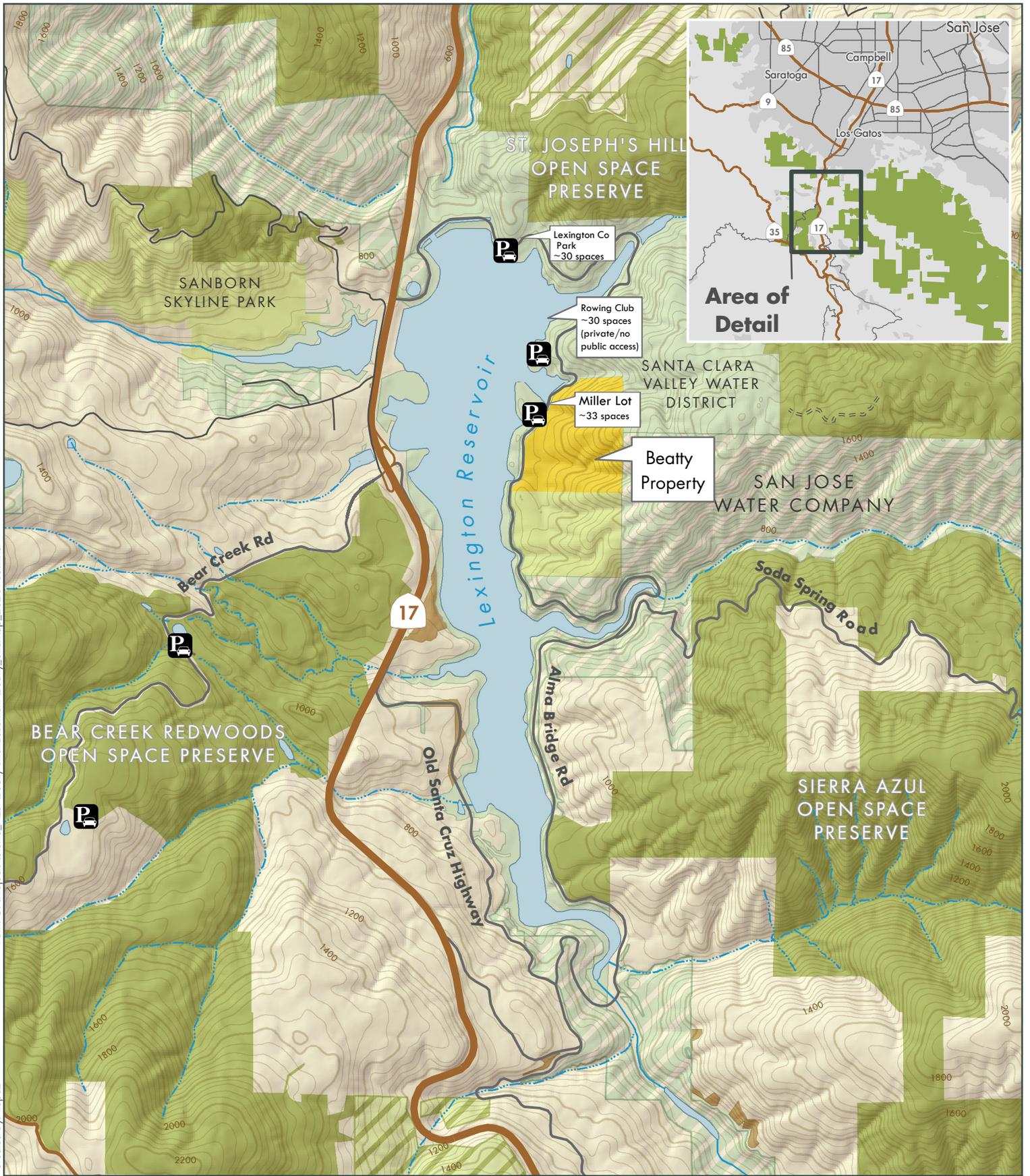
NEXT STEPS

Consistent with PNR guidance, the General Manager will postpone further action on the Beatty Parking Area and Trail Connections Project to allow sufficient time for the new study to proceed unless otherwise directed by the full Board. If there are any concerns or questions about this approach, the Board may request that this item be presented in greater detail as part of a future Board Agenda Item to discuss and deliberate as a full Board on next steps.

A new tentative schedule for the Project and new study is provided below:

Milestones	Tentative Schedule
Board FYI Memorandum	September 23, 2020
Board consideration of partnership agreement for new study	September 23, 2020
Initiation and completion of Year 1 new studies	Fall 2020 – Fall 2021
Potential grant-funded planning and design for new crossing(s) at Alma Bridge Road	Pending grant award notification in Sept, estimated at 2-4 years
Beatty Parking Area and Trail Connections Project re-initiation	TBD (but likely no earlier than 2-3 years)

Path: G:\Projects\Sierra Azul\Beatty_TrailEasement\Beatty_SiteMap_202108.mxd
Created By: Iopez



Beatty Property Site Map

-  MROSD Preserves
-  Other Protected Lands
-  Private Property
-  Watershed Land
-  Former Beatty Property

ATTACHMENT 1

Midpeninsula Regional
Open Space District
(Midpen)
1/8/2020



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