



Midpeninsula Regional  
Open Space District

R-21-28  
Meeting 21-06  
February 24, 2021

### AGENDA ITEM 3

#### AGENDA ITEM

Resolution to accept grant funding from the Wildlife Conservation Board for the acquisition of the Peninsula Open Space Trust (formerly San Jose Water Company) Property/Keyhole in El Sereno Open Space Preserve

#### GENERAL MANAGER'S RECOMMENDATION

Adopt a resolution authorizing the General Manager to negotiate and execute a grant funding agreement with the Wildlife Conservation Board to support the acquisition of the Peninsula Open Space Trust (formerly San Jose Water Company) Property/Keyhole as an addition to El Sereno Open Space Preserve.

#### SUMMARY

The General Manager recommends adoption of a resolution authorizing the General Manager to negotiate and execute a grant funding agreement with the Wildlife Conservation Board (WCB) to support the proposed acquisition of a key inholding property as an addition to El Sereno Open Space Preserve. This report provides a description of the state funds available through the WCB and the approval process for use of the funds.

#### DISCUSSION

The Fiscal Year 2020-21 State Budget passed by the state legislature and signed by the Governor on June 29, 2020 reappropriated \$10,000,000 in funding to the WCB. The original \$10 million appropriation requested by Senator Beall was to support San Jose Water Company (SJWC) land acquisitions. The Senator secured an expanded use of the funds at the time of reappropriation to include a broader array of public benefits that align with the District's mission. The September 30, 2020 Legislative Report to the Board noted, "This reappropriation did two important things: first, it extended the encumbrance or expenditure deadline for the funds to June 30, 2025; and second, it expanded the eligibility of projects to include the acquisition, planning, design, development, public access, rehabilitation, restoration, protection, and expansion of wildlife corridors and open space, including projects to improve connectivity and reduce barriers between habitat areas in the Upper Guadalupe, Los Gatos Creek, Saratoga Creek and adjacent areas from the San Jose Water Company and other land owners."

In late 2020, the District met with the WCB Executive Director to discuss priorities for use of the funding, which is administered by WCB through a non-competitive grant process. The District must complete grant-funded work by March 31, 2025 to submit documentation for reimbursement prior to June 30, 2025.

The proposed use of \$1.075 million of the funding will be for the acquisition of the 182-acre Property in Unincorporated Santa Clara County, Assessor's Parcel Numbers 510-33-001, -004, -005, -006, 510-35-004 & -005 (Attachment 1 - Property Map). Real Property staff presented the acquisition to the District's Board of Directors at the July 22, 2020 Board meeting (R-20-78). At the July meeting, the Board approved the purchase of the Property, and authorization of the General Manager to assign the District's purchase rights to Peninsula Open Space Trust (POST) for the San Jose Water Company property allowing the District to pursue the WCB grant application. The Board also authorized entering into a lease and management agreement with POST for managing the property while in POST ownership. Escrow for the purchase is anticipated to close on June 30, 2021, and the lease agreement will expire at the close of escrow.

WCB requires a resolution from the District's Board of Directors prior to reviewing the project and potentially awarding funds at the May 2021 WCB Board meeting. The resolution (Attachment 2) authorizes the General Manager or her designee to negotiate and execute a grant agreement for the WCB funding.

### **FISCAL IMPACT**

Upon review and approval by WCB, this funding opportunity would have a positive impact of up to \$1,075,000.

### **BOARD COMMITTEE REVIEW**

This report was not previously reviewed by a committee.

### **PUBLIC NOTICE**

Public notice was provided as required by the Brown Act.

### **CEQA COMPLIANCE**

Submitting grant requests to secure funding is not subject to the California Environmental Quality Act (CEQA). The WCB requires that grantees comply with CEQA and certify that the CEQA analysis for any project encompasses all aspects of the work to be completed with grant funds.

### **NEXT STEPS**

If approved by the Board, the District will provide the resolution to WCB, and the WCB Board will review the proposed funding award at the May 2021 WCB Board meeting. The General Manager will negotiate and sign the WCB grant funding agreement, which will be fully executed by WCB upon WCB Board approval.

#### **Attachments**

1. Property Map.
2. Resolution authorizing the General Manager to negotiate and execute a grant funding agreement with the Wildlife Conservation Board for \$1,075,000.

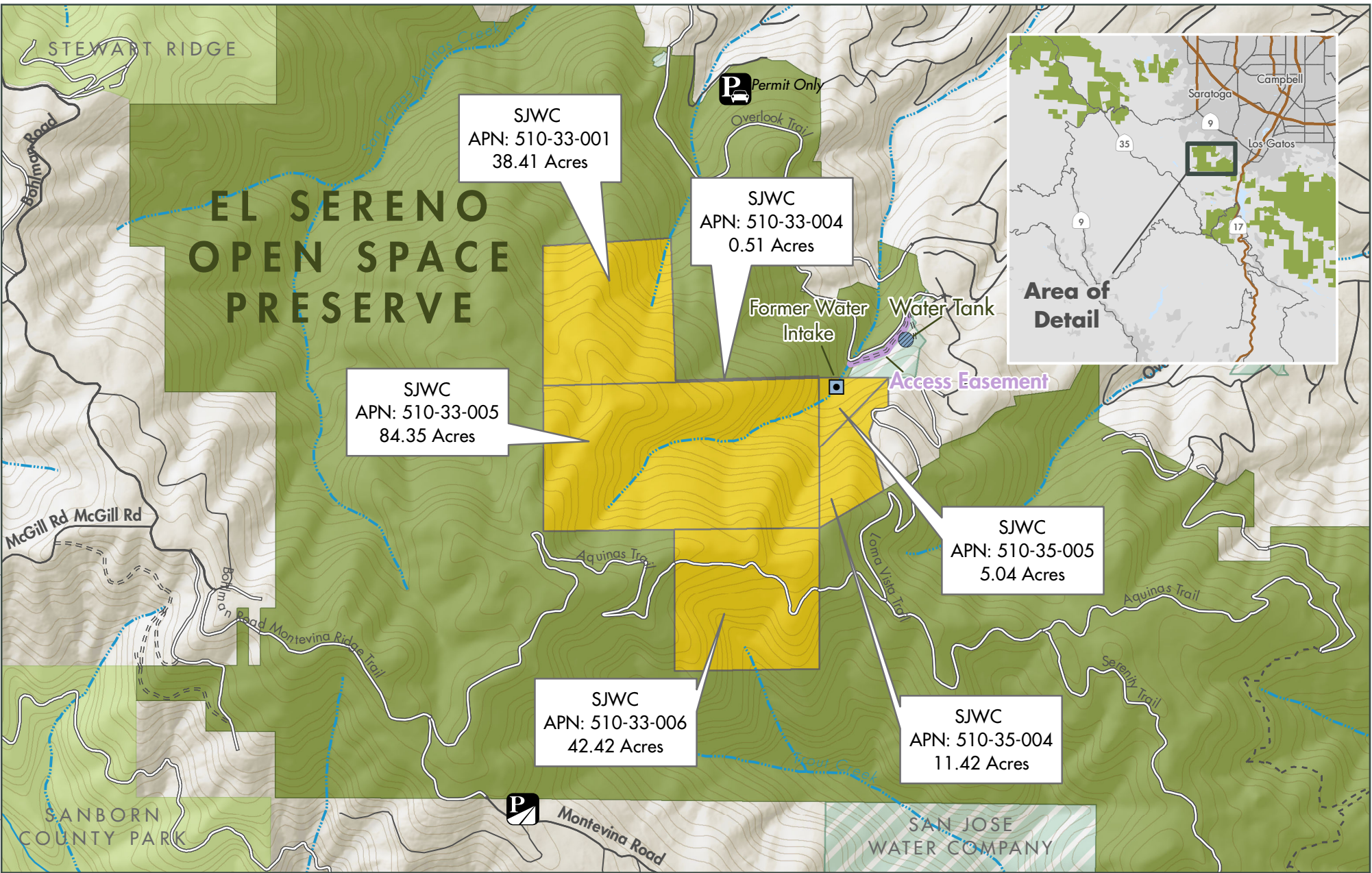
Responsible Department Head:

Stefan Jaskulak, Chief Financial Officer, Administrative Services







Prepared by:



Deborah Hirst, Grants Program Manager, Administrative Services

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Created By: acostanza



### San Jose Water Company Property

-  MROSD Preserves
-  Other Protected Lands
-  Private Property
-  Private Watershed Lands
-  Paved Road
-  Unpaved Road
-  Unmaintained Road Cut
-  Trail

-  San Jose Water Company Parcels of Interest  
Total Acreage: 182.15
-  Proposed Access Easement

### ATTACHMENT 1

Midpeninsula Regional  
Open Space District  
(MROSD)  
January 2018



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.

**RESOLUTION NO. 21-\_\_**

**RESOLUTION OF THE BOARD OF DIRECTORS OF THE  
MIDPENINSULA REGIONAL OPEN SPACE DISTRICT  
AUTHORIZING ENTERING INTO A GRANT AGREEMENT  
WITH THE WILDLIFE CONSERVATION BOARD FOR THE  
ACQUISITION OF ASSESSOR'S PARCEL NUMBERS 510-33-001,  
-004, -005, -006, 510-35-004 AND -005 TOTALING  
APPROXIMATELY 182.15 ACRES IN SANTA CLARA COUNTY**

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**WHEREAS**, funds were made available to the Wildlife Conservation Board (“WCB”) for the acquisition of open space, including projects to improve connectivity and reduce barriers between habitat areas in the Upper Guadalupe, Los Gatos Creek, Saratoga Creek and adjacent areas; and

**WHEREAS**, Midpeninsula Regional Open Space District (“District”) intends that the acquisition of the Peninsula Open Space Trust-San Jose Water Company/Keyhole property (“Property”) will support wildlife habitat for large mammal species including mountain lion, deer, coyotes and bobcats and a wide variety of bird species as well as other species; and

**WHEREAS**, the District’s Board of Directors adopted Resolution R-20-78 authorizing the acceptance of the Purchase and Sale Agreement for the Property on July 22, 2020; and

**WHEREAS**, the project will enable the addition of 182.15 acres of land to the surrounding 1,433-acre El Sereno Open Space Preserve, including a segment of the District’s Aquinas Trail, designated as Bay Area Ridge Trail;

**NOW, THEREFORE, BE IT RESOLVED** that the Midpeninsula Regional Open Space District hereby:

1. **FINDS** that acquisition of the identified property is exempt from the provisions of the California Environmental Quality Act; and
2. **FINDS** that the identified property possesses high ecological and habitat value; and
3. **FINDS** that the use of referenced grant funds for acquisition of the identified property is an appropriate expenditure; and
4. **ADOPTS** the staff report and recommendation for this item; and

- 5. AUTHORIZES the execution of California Wildlife Conservation Board Grant Agreement for Acquisition of Fee Interest number WC-2083CM and the acceptance of grant funds from the listed agencies for the purpose of acquisition of the identified property; and
- 6. AUTHORIZES the acceptance of fee title to the identified property; and
- 7. AUTHORIZES the General Manager or designee as agent to execute and submit all documents related to the acceptance of grant funds, do any and all acts necessary to carry out this resolution and any recommendations made by the Board of Directors except as such authority is limited by state law and the policies of the District.

\* \* \* \* \*

PASSED AND ADOPTED by the Board of Directors of the Midpeninsula Regional Open Space District on February \_\_\_, 2021, at a regular meeting thereof, by the following roll call vote:

**AYES:**

**NOES:**

**ABSTAIN:**

**ABSENT:**

**ATTEST:**

**APPROVED:**

\_\_\_\_\_  
Larry Hassett, Secretary  
Board of Directors

\_\_\_\_\_  
Curt Riffle, President  
Board of Directors

**APPROVED AS TO FORM:**

\_\_\_\_\_  
Hilary Stevenson, 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.

\_\_\_\_\_  
Jennifer Woodworth, District Clerk