



Midpeninsula Regional  
Open Space District

R-17-131  
Meeting 17-31  
December 13, 2017

## **SPECIAL MEETING AGENDA ITEM 1**

### **AGENDA ITEM**

Proposed Quitclaim of a Cultural Conservation Easement to the Amah Mutsun Tribal Band over the Mount Umunhum property (Santa Clara County Assessor's Parcel Number 562-08-003) at Sierra Azul Open Space Preserve, related Memorandum of Agreement, and amendment of the property's Use and Management Plan.

### **GENERAL MANAGER'S RECOMMENDATIONS**

1. Determine that the activities authorized under the recommended actions have previously been evaluated in the *Mount Umunhum Environmental Restoration and Public Access Project Final Environmental Impact Report* and have been mitigated to less than significant by the Mitigation Measures adopted as part of the Project, and that there will be no new significant environmental effects or substantial increase in the severity of previously identified significant effects.
2. Determine that the Quitclaim of a Cultural Conservation Easement, and amendment to the Use and Management Plan are categorically exempt under the California Environmental Quality Act (CEQA), as set out in the staff report.
3. Adopt a Resolution authorizing the Quitclaim of a Cultural Conservation Easement to the Amah Mutsun Tribal Band.
4. Adopt a Resolution authorizing the General Manager to enter into a Memorandum of Agreement with the Amah Mutsun Tribal Band for implementation of authorized activities included in the Cultural Conservation Easement.
5. Adopt the Amended Use and Management Plan, as set out in the staff report.

### **SUMMARY**

The General Manager recommends that the Midpeninsula Regional Open Space District (District) Quitclaim a Cultural Conservation Easement (conservation easement) to the Amah Mutsun Tribal Band (AMTB) over the 36-acre Mount Umunhum summit property (summit) and enter into a Memorandum of Agreement (MOA) with the AMTB to implement the authorized activities identified in the conservation easement in a manner compatible with the uses approved by the Board of Directors (Board) in 2012 as the *Mount Umunhum Environmental Restoration and Public Access Project (Mount Umunhum Project)*. This Report contains a description of the

property, an Amended Use and Management Plan, findings of the environmental review for the recommended actions, terms and conditions, and financial considerations.

## DISCUSSION

### **Background (see attached map)**

In 1986, the District purchased the former Almaden Air Force Station (AFS) on the summit, with the intent to restore the area to a natural condition and provide public access (R-86-20). In subsequent years, the District cooperated with the Federal Government in their efforts to remove defunct structures, equipment, and hazardous materials from the property. In 2009, the United States Congress appropriated \$3.2 million for the District to complete the remaining cleanup. The subsequent cleanup of the former Almaden AFS was completed in 2014.

In 2004, the District began a formal Preserve-wide Master Plan effort. In 2009, the Board recognized the need for a specific site planning process for the summit and suspended the Preserve Master Plan effort. From 2010 to 2012, the District conducted a design and planning process for public access to the summit. All options included a robust interpretive element that would interpret military use of Mount Umunhum, explain the significance of the site as the center of the local Native American community's creation story, highlight the unique local wildlife and native plant community, and the need to protect and restore these habitats. In September and October 2012, the Board approved the project elements identified in the *Mount Umunhum Project*. The Project outlined the remaining site restoration needed, and identified public access improvements, interpretation elements, and ecological restoration.

In 2016, the District began to construct public improvements on the summit. The improvements were completed in early September 2017 and on September 18, 2017, the District opened the summit to the public. It is now available for public enjoyment 365 days a year. Restoration of the summit's native habitat began in 2016 and will continue for a number of years.

### **Radar Tower as an addition to the Santa Clara County Heritage Resource Inventory**

The Almaden AFS was an early-warning radar facility that operated between 1958 and 1980. The only structure retained from the site cleanup was the radar tower, which was the base for a long-range radar sail. In 2015, work began to seal, clean, and provide safety repairs to the tower in anticipation of future public access at the summit. Prior to the completion of this work, the Santa Clara County Board of Supervisors added the radar tower to the County's Heritage Resource Inventory on May 10, 2016. On June 8, 2016, the District's Board of Directors selected the "Retain and Seal" option for the radar tower. Work to seal the radar tower was completed in July 2016. The District is currently preparing cost estimates for additional repairs and maintenance of the radar tower.

### **Mount Umunhum's Cultural Significance to the Ohlone Peoples**

As part of efforts to prepare the *Mount Umunhum Project*, the District learned that Mount Umunhum is a sacred site to the Amah Mutsun Tribal Band and Muwekma Ohlone Tribe of the San Francisco Bay Area, descendants of the Ohlone people in this region. The mountain's name comes from the Ohlone word for Hummingbird, the central figure of the Amah Mutsun creation story, who according to this story delivered fire from that very summit hundreds of generations

ago. The mountain continues to be a sacred site for many and a site of great cultural value. Over the years, the District and the AMTB have worked collaboratively to identify, interpret, and conserve the important cultural resources of Mount Umunhum, and to educate the public about these resources. Representatives from the AMTB provided input into the design of the *Mount Umunhum Project*, assisted in the development of cultural resources interpretive panels installed in the visitor use areas at the summit, and participated in the ceremonies to open Mount Umunhum for public use.

### **Conservation Easement**

The purpose of the proposed conservation easement is to further collaborative efforts between the District and the AMTB to protect and preserve Mount Umunhum in perpetuity. The conservation easement with the AMTB will protect in perpetuity the property's **Conservation Values**, including: cultural and historic, educational, natural resource, scenic, and open space values. Protection and use will occur in a manner compatible with the site restoration and public open space uses approved under the *Mount Umunhum Project*.

In consideration for the quitclaim of the conservation easement, the AMTB will provide Native American history, cultural knowledge, ecological interpretation, and education services of significant public benefit. The conservation easement will deepen and expand the benefits of the collaborative work done by the AMTB and the District, provide key relevant spaces to further this work, enrich the District's understanding of related historical and natural resource matters, assist in the habitat restoration of the summit, and further enhance the visitor experience at Mount Umunhum.

**Prohibited Uses.** The conservation easement prohibits the following uses:

- Subdivision of the property
- Development of property for commercial or industrial uses
- Expanding footprint or use of radar tower for permanent or occupied uses
- Building or expansion of existing or new buildings, except employee or residence uses for land management purposes
- Excavation or removal of archeological resources, except as part of an archeological investigation approved in consultation with the AMTB

**Authorized Activities.** The conservation easement provides that the AMTB may conduct the following authorized activities on the Mount Umunhum property. Activities that are inconsistent with District Regulations are prohibited unless authorized by permit:

- Restore, conserve and steward natural and cultural resources.
- Promote cultural stewardship through the application and sharing of traditional ecological knowledge related to sustainable resource management practices such as seed and plant gathering, planting, and dispersing.
- Provide educational services about traditional cultural and ecological knowledge and stewardship.
- Plant and maintain a native education garden (Tribal Garden) at former Almaden AFS recreational area.
- Host tribal ceremonies at the newly constructed Ceremonial Space near the summit

- Perform a cultural resource survey of Mount Umunhum to identify whether additional cultural resources or archeological sites are to be protected.
- Perform research on the Los Gatos, Guadalupe and Alamitos Creek watershed and natural resources.
- Install cultural improvements (such as a round house), subject to future review and discretionary approval by the District's Board of Directors, including environmental review under CEQA.
- Engage in traditional, cultural and educational activities such as ceremonies, dances, games and knowledge sharing workshops.

All existing public access, recreational, natural resource, and visitor improvements and uses remain unaltered. The District retains the full scope of rights necessary to adaptively manage the summit for the benefit of public access, other compatible uses, and educational opportunities at Mount Umunhum. Nothing in the conservation easement, for example, prohibits the District from implementing the possible future addition of housing for District employees, additional parking areas, shelters, restrooms, trails, habitat restoration, vegetation management, events, or any other non-commercial use not in conflict with the Conservation Values or the *Mount Umunhum Project*.

The District and AMTB staff will meet annually to monitor the conservation easement, coordinate and schedule collaborative restoration projects, use of Ceremonial Space, Tribal Garden, and other areas of the Mount Umunhum property.

### **Memorandum of Agreement**

The proposed MOA between the District and the AMTB is for the implementation and coordination of the Authorized Activities in a manner that is compatible with the District's public open space uses and natural resource objectives. The District and AMTB staff will meet annually to coordinate, share and develop work plans, schedule activities, and for the District to issue permits where necessary. This annual collaboration will coincide with the conservation easement monitoring each year.

The District will issue permits to address activities that require special arrangements or parameters to maximize coordination and minimize effects on District site management needs, access by other members of the public, or risk management issues, such as:

- Any Authorized Activities that may be inconsistent with the District's Regulations such as seed gathering outside of the Tribal Garden, use of fire for any purpose, etc.
- AMTB gatherings that may include more than 30 people.
- After Hours Uses of the Tribal Garden or scheduled use of the Ceremonial Space to address notification, use of gates, number of vehicles, etc.
- Uses that could have an impact on District and public uses such as use of large trucks or heavy equipment.

As part of the annual coordination meeting, the District and AMTB will collaborate on natural resource plans to support restoration goals, including AMTB's goals for the Tribal Garden, and avoid contamination by invasive plants and plant pathogen transport. The MOA also identifies

an area below the Tribal Garden for future tribal use and collaborative restoration and revegetation projects performed by AMTB and/or District.

There is a preference stated within the proposed MOA to have the permits issued annually, and that the District and the Tribe meet annually to discuss any implementation issues that have arisen, and to address those in an adaptive manner. These adaptive responses might also require associated minor modifications to the MOA. Given that this kind of collaborative arrangement is new to the District and calls for adaptive management to address practical issues, the General Manager is requesting that the Board approve the entry into the MOA at the outset, but that the General Manager be given the authority to make amendments to the MOA as experience on the ground and newly arising issues might dictate. Any such amendments would be reported to the Board within 30 days, along with a report to the Board in open session if desired.

## USE AND MANAGEMENT

### Planning Considerations

#### Amended Use and Management Plan

The Board adopted an Interim Use and Management Plan for the Mount Umunhum area of the Sierra Azul Open Space Preserve in 1983. It was amended in 1986 to include the Almaden AFS property purchase. In subsequent years, minor amendments to the Use and Management Plan were approved in response to additional purchases, cleanup efforts, etc. The Interim Use and Management Plan remains effective until it is amended or the Board approves either a Comprehensive Use and Management Plan or a Master Plan for the Open Space Preserve. The District last amended the Use and Management Plan on September 12, 2012 and October 19, 2012 to include project elements of the *Mount Umunhum Project*.

Proposed new amendments to the Use and Management Plan are shown in underlined text. They include maintenance of the site in its current improved condition and authorized activities to be conducted by the AMTB. If changes to land use or the physical environment are proposed in the future, further amendments to the Use and Management Plan or consideration of another Open Space Use and Management Plan process would be subject to further environmental review.

- Name: Mount Umunhum Area, Sierra Azul Open Space Preserve
- Public Access: Continue to provide public access, as approved under the *Mount Umunhum Project* and operated under standard District rules and procedures, except for public access limitations identified within the conservation easement for the Tribal Garden and during specified Tribal ceremonial events.
- Limited Access: Visitor Services will track and evaluate public use, demand and traffic at Mount Umunhum over the next year to determine the manageable level of future public permit access.

<u>Authorized Activities</u>	<u>Allow all Authorized Activities by the AMTB as identified in the conservation easement and the MOA. Any of the Authorized Activities of the AMTB that are or may become inconsistent with Regulations for the Use of Midpeninsula Open Space District Lands (“District Regulations”) as are now in existence or as may be amended from time-to-time (including, but not limited to, any activity that may be attended by 30 or more people, the use of fire for any purpose, after hours activities, seed harvesting, etc.) are prohibited unless authorized by special use permit. This permit threshold may be reduced to the normal 20 person threshold, should significant problems arise in implementation warranting such a reduction.</u>
Patrol	<u>Continue to perform routine patrol, using existing roads and patrol easements.</u>
Fencing Signs, Site Security	<u>Continue to maintain fences and gates as necessary to prevent unauthorized vehicular entry. Install private property, closed area, interpretive, regulatory and preserve boundary signs where appropriate as identified in the <i>Mount Umunhum Project</i>.</u>
Site Safety:	<u>Continue to Implement Site Safety measures as identified in the <i>Mount Umunhum Project</i>, and in accordance with District Regulations. A special use permit must be obtained for any use of fire, which will include additional requirements or limitations to ensure public safety.</u>
Structures and Improvements:	<u>Maintain all existing visitor-service related structures and improvements constructed for the uses identified in the <i>Mount Umunhum Project</i>.</u>  <u>Repair and maintain the radar tower, consistent with the District’s approved Retain and Seal option, approved June 2016, and to any degree required by the County of Santa Clara, based on its health and safety regulatory authority, or based on the structure’s status on the County’s Heritage Resource Inventory, or as needed in the District’s discretion for natural resource management, health and safety purposes, provided in all cases that the tower is not expanded in footprint or height or use.</u>
Resource Management:	<u>Continue to perform site restoration and cultural, historic, educational, natural resource, and scenic resource management as identified in the <i>Mount Umunhum Project</i>.</u>
<u>Water Rights:</u>	<u>Hold and use all existing water rights on the conservation easement for the benefit of the property, to apply for additional riparian or appropriative rights, and to obtain water supplies from any source permitted by applicable law.</u>
Roads and Trails:	<u>Continue to maintain all roads and trails for the uses identified in the <i>Mount Umunhum Project</i>.</u>

Wildfire Fuel Management:	<u>Continue to</u> Implement Wildland Fire Management measures identified in the <i>Mount Umunhum Project</i> , and in accordance with District Regulations. Consult with the <u>AMTB</u> and appropriate fire agencies in developing a site-specific fuel modification and management program. <u>Continue to</u> maintain appropriate defensible space clearances around use areas and improvements.
Dedication:	<u>Continue to</u> withhold dedication of the property as open space at this time.
Subsequent Planning:	Develop a long-term plan for the larger Sierra Azul Open Space Preserve, incorporating the uses authorized in the <i>Mount Umunhum Project</i> <u>and the conservation easement</u> . The planning process will include <u>consultations with the AMTB</u> , public workshops to gather input, and public hearings to review draft and final plans, consistent with the District's Use and Management Planning Policy. Any long-term plan will be subject to further environmental review.
Subsequent Environmental Review:	This Amended Use and Management Plan generally assumes implementation of standard District policies and procedures, including but not limited to those related to resource management, wildland fuel management, and road and trail maintenance. Further information gathering over time will determine where physical changes to the environment may be proposed. If further site-specific projects are identified, prepare further environmental review as needed.

## CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) COMPLIANCE

### Project Description

The Project consists of the quitclaim of a conservation easement over 36 acres owned by the District to the AMTB to preserve and maintain the property for the conservation values identified in the conservation easement. The property subject to the conservation easement is located within the District's Sierra Azul Open Space Preserve, in an unincorporated area of Santa Clara County, identified as Assessor's Parcel Number 562-08-003.

The Project includes the execution of an MOA between the District and the AMTB. The proposed MOA allows for the coordination and implementation of the Authorized Activities identified in the conservation easement in a manner that is compatible with the District's public open space uses, interpretative, educational and natural resource objectives.

The project also includes an amendment to the District's Use and Management Plan for the property. The proposed amendment to the Use and Management Plan will allow continued management of the site under standard District policies and procedures, including but not limited to resource management, wildland fuel management, and road and trail maintenance.

### Previous EIR

All uses identified under Allowable Activities in the conservation easement and in the MOA were identified in the Project Description of the EIR for the *Mount Umunhum Project*. In addition to contemplating site restoration and public use activities, all four options considered in

the EIR included activities to support a robust interpretive element that would interpret the military use of Mount Umunhum, explain the significance of the site as the center of the local Native American community's creation story, highlight the unique local wildlife and native plant communities, and educate visitors on how to protect and restore these habitats. The type of activities associated with these project elements were analyzed under CEQA and mitigation measures to reduce any impacts to less than significant were identified. The District adopted the EIR in June 2012 (R-12-59). In September 2012, the Board approved select Project elements (R-12-91). In October 2012, the Board approved the remaining Project Elements, with the exception of backcountry camping, and adopted a Mitigation Monitoring and Reporting Plan for the Project (R-12-104).

An Addendum to the EIR was approved in 2015 for a limited access road easement granted to the District to support the project and additional road gates (R-15-165). A second Addendum to the EIR was approved in 2016 (R-16-96) to use excess soil generated by project implementation to restore contours and to add three gabion retaining walls to Mt. Umunhum Road repairs.

Section 15162 of the CEQA Guidelines provides that after project approval, an agency need not prepare a subsequent EIR for a project unless the agency determines that substantial changes to the project are proposed, or substantial changes occur with respect to the circumstances under which the project is undertaken, or new information of substantial importance would require major revisions of the previous EIR due to the involvement of new significant environmental effects, more severe significant effects, or new or different mitigation measures should be evaluated.

Here, the EIR and its two Addenda fully analyzed the *Mount Umunhum Project* and mitigated any impacts to less than significant with the adoption of mitigation measures. Uses and conditions analyzed in the EIR have not substantially changed. No uses or impacts as a result of the Project to quitclaim a conservation easement, enter into a MOA with the AMTB, or further amend the Use and Management Plan have been identified that were not already analyzed and mitigated for under the previous EIR, and no new significant environmental effects or substantial increase in the severity of previously identified significant effects have been identified.

### **Exemptions**

The District is the Lead Agency for this Project under CEQA. The District concludes that this Project will not have a significant effect on the environment. It is categorically exempt from CEQA under Article 19, Section 15325 of the CEQA Guidelines, "Transfer of Ownership of Interest in Land to Preserve Existing Natural Conditions and Historical Resources," and Section 15301 of the CEQA Guidelines, "Existing Facilities," as follows:

*Section 15325 (c) Acquisition, sale, or other transfer to allow restoration of natural conditions, including plant or animal habitats.* The quitclaim of a conservation easement and execution of a MOA between the District and the AMTB to preserve and maintain the Conservation Values identified in the conservation easement in a manner compatible with the District's public open space uses and natural resource objectives will not have an impact on the environment.



*Section 15301 Existing Facilities consists of the operation, the repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, or topographical features, involving negligible or no expansion of use beyond that existing at the time of the lead agency's determination.* The proposed amendments to the Use and Management Plan specify no alteration or expansion of use beyond those activities approved under previous CEQA actions or associated with implementation of standard District policies and procedures, including but not limited to those related to resource management, wildland fuel management, and road and trail maintenance within the conservation easement.

## **FISCAL IMPACT**

The proposed conservation easement will have no impact on the District's budget.

## **BOARD COMMITTEE RECOMMENDATIONS**

The proposed conservation easement was not reviewed by a Board Committee. The full Board did consider this proposed item in closed session.

## **PUBLIC NOTICE**

Public notice was provided as required by the Brown Act and District noticing policy. No additional notice is required.

## **NEXT STEPS**

Upon approval by the Board of Directors, the conservation easement will be executed by the parties, and staff will proceed with recording the conservation easement. The District will enter into the Memorandum of Agreement with AMTB.

### **Attachments:**

1. Resolution Authorizing the General Manager, President of the Board of Directors or Other Officer to Execute a Quitclaim of Conservation Easement to the Amah Mutsun Tribal Band, and Authorizing General Manager to Execute any and all Other Documents.
2. Resolution Authorizing the General Manager to Execute a Memorandum of Agreement with the Amah Mutsun Tribal Band, and Authorizing the General Manager to Execute any and all Other Documents.
3. Location Map

### **Prepared by:**

Michael C. Williams, Real Property Manager  
Elish Ryan, Real Property Planner III

### **Graphics prepared by:**

Nathan Greig, GIS Technician

## RESOLUTION NO. 17-\_\_\_\_

**RESOLUTION OF THE BOARD OF DIRECTORS OF THE MIDPENINSULA REGIONAL OPEN SPACE DISTRICT AUTHORIZING THE GENERAL MANAGER, PRESIDENT OF THE BOARD OF DIRECTORS OR OTHER APPROPRIATE OFFICER TO EXECUTE A QUITCLAIM DEED OF CULTURAL CONSERVATION EASEMENT TO THE AMAH MUTSUN TRIBAL BAND, AND AUTHORIZING THE GENERAL MANAGER TO EXECUTE ANY AND ALL OTHER DOCUMENTS NECESSARY OR APPROPRIATE TO THE CLOSING OF THE TRANSACTION (MOUNT UMUNHUM PROPERTY, SIERRA AZUL OPEN SPACE PRESERVE – AMAH MUTSUN TRIBAL BAND)**

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

Section One. The Board of Directors of the Midpeninsula Regional Open Space District does hereby authorize the General Manager, President of the Board of Directors or other appropriate officer to execute the Quitclaim Deed of Cultural Conservation Easement (Conservation Easement) conveying certain real property rights by the Midpeninsula Regional Open Space District to the Amah Mutsun Tribal Band.

Section Two. The Amah Mutsun Tribal Band is a nonfederally recognized California Native American tribe that is on the contact list maintained by the Native American Heritage Commission to protect a California Native American prehistoric, archaeological, cultural, spiritual, or ceremonial place (as evidenced by Attachment A, letter from the Native American Heritage Commission dated April 26, 2005). As such, the Amah Mutsun Tribal Band is therefore qualified to hold a Conservation Easement, as provided by California Civil Code section 815.3.

Section Three. The Conservation Easement is categorically exempt under the California Environmental Quality Act (CEQA), and the CEQA findings more fully set forth in Midpeninsula Regional Open Space District Board Report R-17-131 are incorporated herein by this reference.

Section Four. The General Manager or the General Manager's designee is further authorized to execute any and all other documents necessary or appropriate to the closing of the transaction.

Section Five. The General Manager and General Counsel are further authorized to approve any technical revisions to the Conservation Easement, which do not involve any material change to any terms of the Conservation Easement, which are necessary or appropriate to the closing or implementation of this transaction.

\* \* \* \* \*

PASSED AND ADOPTED by the Board of Directors of the Midpeninsula Regional Open Space District on \_\_\_\_\_, 2017, at a Regular Meeting thereof, by the following vote:

**AYES:**

**NOES:**

**ABSTAIN:**

**ABSENT:**

**ATTEST:**

**APPROVED:**

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Secretary  
Board of Directors

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President  
Board of Directors

**APPROVED AS TO FORM:**

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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.

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District Clerk

Attachment:

Exhibit A, letter from the Native American Heritage Commission, dated April 26, 2005.

**NATIVE AMERICAN HERITAGE COMMISSION**

915 CAPITOL MALL, ROOM 364  
SACRAMENTO, CA 95814  
(916) 653-4082  
Fax (916) 657-5390  
Web Site [www.nahc.ca.gov](http://www.nahc.ca.gov)



April 26, 2005

Valentin Lopez

**Amah Mutsun Tribal Band**

3095 Eastern Avenue  
Sacramento, CA 95821

Dear Mr. Lopez:

Thank you for providing the Native American Heritage Commission with the documentation requested in our letter of February 16, 2005, to demonstrate the Amah Mutsun Tribal Band's eligibility for inclusion on the list of California Native American tribes. We appreciate your willingness to help us establish a list of California tribes, and we are pleased to inform you that your tribe will be included on the list of tribes to be consulted for local government general planning purposes.

With the creation of the General Plan/Specific Plan Consultation List, your tribe will receive consultation requests from cities and county governments as they consider changes to their general plans and specific plans. We hope you will take advantage of these opportunities to work with local governments to identify ways to protect your tribe's cultural resources that lie within the local government's boundaries.

Please let us know if you have any comments or questions regarding the consultation process.

Sincerely,

A handwritten signature in black ink, appearing to read "Larry Myers".

Larry Myers  
Executive Secretary

## RESOLUTION NO. 17-\_\_\_\_

**RESOLUTION OF THE BOARD OF DIRECTORS OF THE MIDPENINSULA REGIONAL OPEN SPACE DISTRICT AUTHORIZING THE GENERAL MANAGER, TO EXECUTE A MEMORANDUM OF AGREEMENT WITH THE AMAH MUTSUN TRIBAL BAND, AND AUTHORIZING THE GENERAL MANAGER TO EXECUTE ANY AND ALL OTHER DOCUMENTS NECESSARY OR APPROPRIATE TO ENTER INTO THIS AGREEMENT (MOUNT UMUNHUM PROPERTY, SIERRA AZUL OPEN SPACE PRESERVE – AMAH MUTSUN TRIBAL BAND)**

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

Section One. The Board of Directors of the Midpeninsula Regional Open Space District does hereby authorize the General Manager to execute the Memorandum of Agreement (Agreement) with the Amah Mutsun Tribal Band.

Section Two. The activities authorized in the Agreement have previously been evaluated in the *Mount Umunhum Environmental Restoration and Public Access Project Final Environmental Impact Report* and have been mitigated to less than significant by the Mitigation Measures adopted as part of the Project, and there will be no new significant environmental effects or substantial increase in the severity of previously identified significant effects within the meaning of the California Environmental Quality Act (CEQA). The CEQA findings more fully set forth in Midpeninsula Regional Open Space District Board Report R-17-131 are incorporated herein by this reference.

Section Three. The General Manager or the General Manager's designee is further authorized to execute any and all other documents necessary or appropriate to implementing this Agreement.

Section Four. The General Manager is further authorized to approve revisions to the Agreement as necessary to ensure its smooth and efficient implementation as intended, and to address issues in an adaptive manner as they arise. Any such revisions shall be reported back to the Board of Directors within thirty (30) days after any such change or revision.

\* \* \* \* \*

PASSED AND ADOPTED by the Board of Directors of the Midpeninsula Regional Open Space District on \_\_\_\_\_, 2017, at a Regular Meeting thereof, by the following vote:

**AYES:**

**NOES:**

**ABSTAIN:**

**ABSENT:**

**ATTEST:**

**APPROVED:**

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Secretary  
Board of Directors

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President  
Board of Directors

**APPROVED AS TO FORM:**

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General Counsel

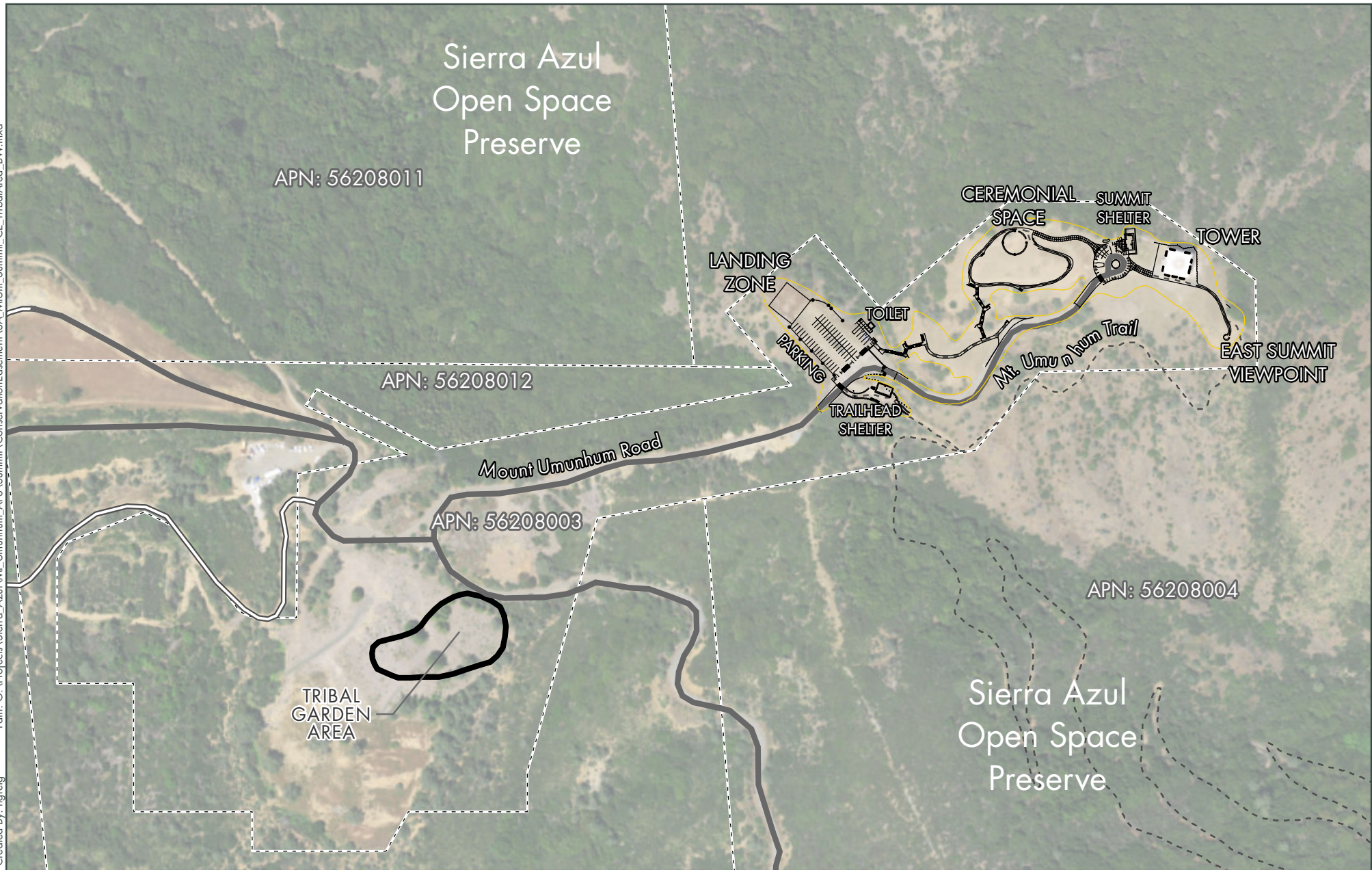
I, the District Clerk of the Midpeninsula Regional Open Space District, hereby certify that the above is a true and correct copy of a resolution duly adopted by the Board of Directors of the Midpeninsula Regional Open Space District by the above vote at a meeting thereof duly held and called on the above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

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
District Clerk



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Created By: ngreig



## Mount Umunhum Summit Project\*

-  Tribal Garden Area
-  Santa Clara County Parcel

 Limit of Work (L.O.W.)

## ATTACHMENT 3

Midpeninsula Regional  
Open Space District  
(MROSD)  
December 2017



\*Underlying CAD file provided by Restoration Design Group, Inc. as of April 16, 2016

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.