



Exhibit 5: Malech Road Public Access Improvement Project

Draft Initial Study/Proposed Mitigated Negative Declaration: Public Comments and Staff Responses

List of Commenters

The table below lists the numerical designation for each comment received, the comment author, and date communications were received.

Commenter No.	Author	Date
1	Bay Area Older Adults (Organization)	December 14, 2021
2	Santa Clara County Parks (Organization)	December 14, 2021
3	Doug Muirhead (Individual)	December 14, 2021
4	Judy Fenerty (Individual)	December 14, 2021
5	Stephen Rosenthal (Individual)	December 14, 2021
6	Amah Mutsun Tribal Band (Organization)	December 15, 2021
7	Diana Moss (Individual)	December 15, 2021
8	Land Trust of Santa Clara Valley (Organization)	December 20, 2021
9	California Native Plant Society – Santa Clara Valley Chapter (Organization)	January 14, 2022

Comments and Responses

The written comments received on the Draft Initial Study/Proposed Mitigated Negative Declaration (IS/MND) and responses to those comments are provided below.

Commenter 1 **Bay Area Older Adults**
Dr. Anne Ferguson
December 14, 2021

Comment 1A

Thank you for asking for public comment. I am with an organization that has worked with OSA for many years. We have taken adults age 50+ out to Coyote Ridge upper and lower sections. We now work with visually impaired and blind persons as well. I am very happy that there will be restrooms, benches and picnic areas. This already makes it accessible to more people!

Staff Response 1A

Comment received.

Comment 1B

I ask that you try to make at least some part of the trails accessible to visually impaired, blind and mobility challenged persons. I know there are some spots at upper coyote ridge (the beginning of the trail) that could be made accessible. I cannot remember the lower ridge well enough to remember if the beginning part of the trail is



relatively flat and smooth. If you need any guidance for visually impaired people, I can get direct input from the folks we work with and possibly get some of them out there to give feedback.

Staff Response 1B

Preserve facilities adjacent to the proposed Malech Road staging area and central gathering area are designed to meet American Disability Act and Architectural Barriers Act Guidelines for Outdoor Developed Areas (where applicable). The project design includes accessible parking, restrooms, seating, picnic tables, signage, and trails.

Comment 1C

By the way, the link in the document that is linked in your email goes to a "page not found" so we cannot see the initial study documents: <https://www.openspaceauthority.org/our-work/current-projects/coyote-ridge-open-spacepreserve>.

Html

Staff Response 1C

Authority Staff re-sent the announcement later in the day on December 14, 2021 with a working link to the Notice of Intent.

Commenter 2 **Santa Clara County Parks**
Cherise Orange
December 14, 2021

Comment 2A

Autoreply: I am currently serving as a Disaster Service Worker. For Santa Clara County Parks planning questions please contact Principal Planner Jeremy Farr at jeremy.farr@prk.sccgov.org.

Staff Response 2A

Comment received; notification was also sent to Jeremy Farr.

Commenter 3 **Doug Muirhead**
December 14, 2021

Comment 3A

Typo: The Authority is currently seeking feedback on the Draft IS/MND. The 30-day public review period will conclude on January 14, 2021 [should be 2022?].

Staff Response 3A

Authority Staff re-sent the announcement later in the day on December 14, 2021 with a working link to the Notice of Intent and date of the conclusion of the review period corrected to January 14, 2022.

Commenter 4 **Judy Fenerty**
December 14, 2021

Comment 4A



The link in the NOI is dead.

Staff Response 4A

Authority Staff re-sent the announcement later in the day on December 14, 2021 with a working link to the Notice of Intent.

Commenter 5

Stephen Rosenthal

December 14, 2021

Comment 5A

The doc. Malech Road Public Access Improvement Project Notice of Intent.pdf Gives a not found error when trying to access <https://www.openspaceauthority.org/our-work/current-projects/coyote-ridge-open-spacepreserve.html> Please let me know when it's available.

Staff Response 5A

Authority Staff re-sent the announcement later in the day on December 14, 2021 with a working link to the Notice of Intent.

Commenter 6

Amah Mutsun Tribal Band

Chairman Valentin Lopez

December 15, 2021

Comment 6A

Please call me to discuss this project as it relates to cultural resources.

Staff Response 6A

Staff responded twice to Chairman Lopez via email to schedule a time to speak, but Chairman Lopez did not reply and no time was scheduled. Staff will attempt to contact Chairman Lopez and schedule a meeting following the Board of Directors meeting on April 14, 2022.

Commenter 7

Diana Moss

December 15, 2021

Comment 7A

We support the Malech Road project for numerous reasons. The preserve, located just 10 miles from downtown San Jose, offers rare opportunities for guided recreational access and environmental education that will allow visitors to experience, enjoy, and learn about this unique landscape.

We both worked on the campaign to protect Coyote Valley from industrial development, and feel that this project will provide opportunities to enjoy and learn to appreciate more our beautiful open spaces.

Staff Response 7A

Comment received.



Commenter 8 **Land Trust of Santa Clara Valley**
Trina Hineser, Executive Director
December 20, 2021

Comment 8A

I received the Notice of Intent to Adopt a Mitigated Negative Declaration for the Malech Road Public Access Improvement Project. Thank you for including LTSCV in the distribution list. I have reviewed most of the documents, but I would like to schedule a zoom call with you; preferably this week, and have you pull up the maps from the Initial Study, to further discuss so I can get a clearer understanding of a few things. Thank you in advance for your time and attention to this matter.

Staff Response 8A

Staff will contact Trina Hineser following the Board of Directors meeting on April 14, 2022.

Commenter 9 **California Native Plant Society – Santa Clara Valley Chapter**
Linda Ruthruff, Conservation Chair
January 14, 2022

Comment 9A

The IS/MND comment period for this document is December 14, 2021 to January 14, 2022. Releasing CEQA documents shortly before the winter holidays effectively reduces the review time for the public and agencies to comment by approximately two weeks. Please consider the document circulation periods for your CEQA documents in the future to provide adequate time for public review.

Staff Response 9A

The public review comment period was for a duration of 32 days, longer than the required 30-day public review period.

Comment 9B

Project Description Section 2.1: The project description refers to the trail network in the preserve outside of the access area, but does not clearly describe the previous environmental review for the trail network. The “Draft Environmental Checklist and Addendum to the Santa Clara Valley Habitat Plan Program EIR/EIS, Coyote Ridge Open Space Preserve Public Access Improvement Project,” which was posted on the Authority’s website for Coyote Ridge, is not mentioned in the IS/MND for the access project. The IS/MND does mention the Habitat Plan EIR/EIS, but the associated checklist/addendum is not listed. The relationship between these two documents should be clearly referenced in both.

Staff Response 9B

The relationship between the proposed project on the Malech Road Property and public access improvements on the adjacent Habitat Plan-enrolled portion of the Preserve are described in Section 2.1 “Project Background and Overview” of the Draft IS/MND.

Comment 9C



Maps: The IS/MND does not provide a map of the entire 29-acre project site, although the entire property is referred to frequently during the document.

Staff Response 9C

The full 29-acre site is shown on the map inset on Figure 2-2.

Comment 9D

3.4, Biological Resources: The document does not provide a map showing the location of the special-status botanical resources on the site. A full biotic report showing the location and potential impacts to these species should be included, rather than only a special-status species table. A map of the special-status botanical species on the site would allow better evaluation of the potential temporary and permanent impacts of the project on sensitive resources.

Staff Response 9D

A map of special-status plants was not included in the IS/MND to protect the location of the special-status plants. Special-status plants were mapped as a part of the 2019/2020 Biological Resources Survey Report (Vollmar, 2021), which is referenced in the IS/MND and listed in the References section. This report is available for public review upon request.

Comment 9E

3.4, Biological Resources:

Mitigation Measures: In addition to the implementation of EPM BIO-2, the Authority should implement additional measures as possible for plants that cannot be avoided during construction, such as salvage and seed collection. Frequent monitoring of the construction impacts on special-status plants should be implemented to ensure construction activities do not exceed their anticipated impact.

Staff Response 9E

The Santa Clara Valley Habitat Agency reviewed the potential for plant salvage or seed collection for impacts associated with the project as required by the Habitat Plan (6-74 to 6-76). The Habitat Agency determined that plant salvage at the site would be unviable. Monitoring will be conducted pursuant to the adopted Mitigation Monitoring and Reporting Program and Habitat Plan Conditions of Approval applicable to the project.