



March 22, 2022

Board of Directors, Midpeninsula Regional Open Space District
330 Distel Circle
Los Altos, CA 94022

Re: Draft Mitigation Policy

Dear President Kersteen-Tucker and Members of the Board,

The undersigned organizations submit these comments concerning the draft Mitigation Policy proposed by staff for adoption at the March 23, 2022 Board meeting. Our organizations are dedicated to protecting open space, wildlife, habitat, and natural resources. We represent thousands of members, including within Midpen's jurisdiction.

Overall, we support the Mitigation Policy and believe it will create valuable guidance for staff and the Board concerning future mitigation activities. Such a detailed and well-thought-out policy document can provide a model for other land use management agencies to adopt. In particular, we support the requirement that the first approach should always be **avoidance** of impacts, followed by **minimization** of impacts, and only then should compensatory mitigation be considered.

We would, however, strongly urge the Board and staff to reinstate the original language for **Policy M-7** (as shown in the red-lined Attachment 2), rather than the redacted language proposed in Attachment 1 for approval. Policy M-7 contains the evaluation criteria used by staff to evaluate third-party proposals, e.g. when an outside entity requests to be able to perform mitigation activity on Midpen's lands to mitigate the impacts of a project elsewhere. The original language contained a list of questions illustrating these evaluation criteria in greater detail, but in the proposed final policy, those questions are redacted and placed in a separate document which is not part of the Board-approved policy.

We believe that it is very important for those questions to be included in the actual Mitigation Policy that is approved by the Board. The redaction of those questions has left Policy M-7 too vague and unclear to provide any helpful guidance to staff and the Board for consideration of future third-party mitigation proposals. Although the questions remain in a stand-alone document, that document will not officially be part of the Mitigation Policy and thus could be ignored, abandoned or altered in future. We appreciate the Board's desire for a less lengthy document than what was originally proposed, but as you can see from Attachment 2, many other sections have been removed or scaled down, resulting in a more streamlined document.

We urge the Board to direct staff to reinstate the original language for Policy M-7.

Thank you for your consideration of these comments.

Sincerely,

Alice Kaufman, Legislative Advocacy Director
Green Foothills

Shani Kleinhaus, Environmental Advocate
Santa Clara Valley Audubon Society

Gladwyn d'Souza, Conservation Chair
Sierra Club Loma Prieta Chapter

Linda Ruthruff, Conservation Chair
California Native Plant Society, Santa Clara Valley Chapter

Trish Mulvey, Co-Founder
CLEAN South Bay