



July 28, 2022

Don Rocha, Director  
Santa Clara County Parks and Recreation Commission  
Santa Clara County Board of Supervisors

**Re: Proposed Perry's Hill development by Ogier Ponds, Coyote Valley**

Dear Director Rocha,

**The undersigned organizations are writing to ask County Parks to pause work on the proposed road, parking lot, and recreational activities at Perry's Hill.<sup>1</sup>** We believe that the plans for the site are based on obsolete predictions of recreational needs and obsolete values regarding Coyote Valley. Furthermore, at least regarding the Coyote Valley area, the 2007 CEQA MND is stale and should be set aside. A new policy visioning process and new CEQA documents are needed before dozens of acres of Coyote Valley floor habitat are turned to paved roads and parking lots and other developed recreation uses. A proper process should happen before land near an important waterway is given to special recreation groups without analysis or needs assessment, and at an expense to other users, wildlife and nature. Such a process should be compatible with the Coyote Valley Conservation Areas Master Plan led by the Santa Clara Valley Open Space Authority rather than conflict with current policy direction for Coyote Valley, as the plans for Perry's Hill appear to do.

We request a meeting with you to discuss the proposed Perry's Hill development that may start next year in environmentally sensitive lands in Coyote Valley on the Coyote Creek Parkway. We

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<sup>1</sup> Perry's Hill begins near the southwest corner of the Highway 101 and Coyote Creek Golf Drive intersection, and extends south. See the map below for context.

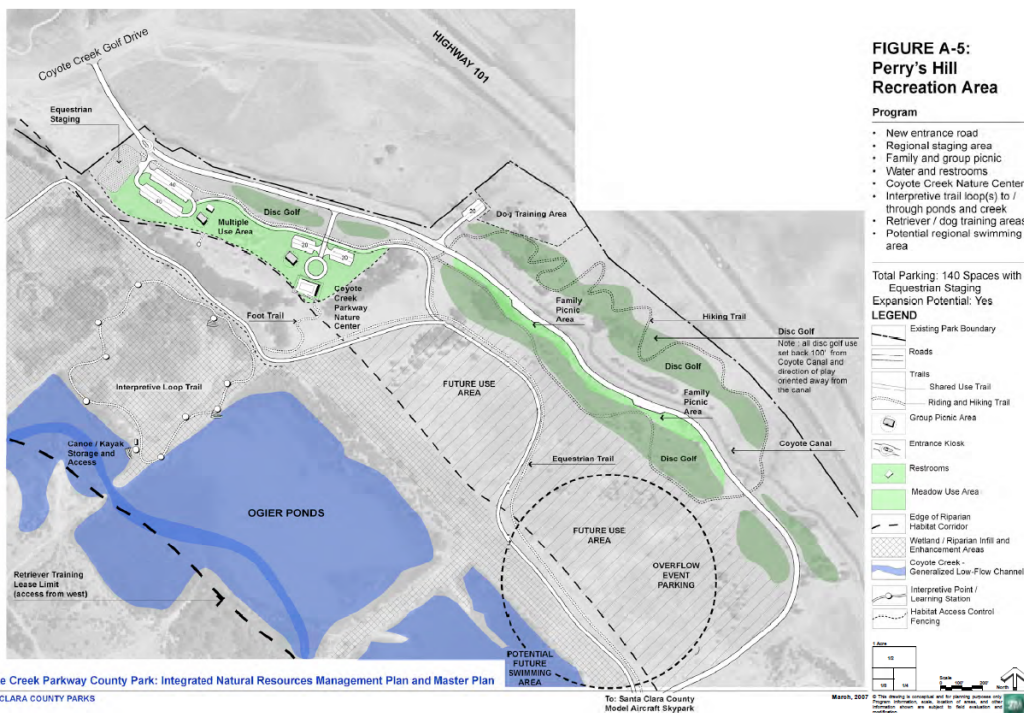
are happy to communicate with your Department and staff, but we want to note that given recent overall policy changes regarding land use and the future of Coyote Valley, these are high-level policy decisions that should include both the Parks and Recreation Commission and the Board of Supervisors. Therefore, we are reaching these bodies as well.

We welcome the environmentally-sensitive work that County Parks has done in many other areas and believe the same is possible in Coyote Valley at Perry's Hill.

### I. The 2007 Master Plan Buildout and Current Plans

The 2007 Coyote Creek Parkway Integrated Natural Resource Management and Master Plan (Master Plan) proposed vast and intense recreation activity at Perry's Hill area of Coyote Creek and in Ogier Ponds. The context in 2007 might help explain this intent: at the time, the Coyote Valley Research Park was approved for 6 million square feet of campus development, and the Coyote Valley Specific Plan was in the process to establish a satellite city of more than 50,000 people that would lie within a half-mile of the Coyote Creek Parkway. The Master Plan (page 93) directly acknowledges this as the reason for intense development, including the rationale for the action of a large trail staging area in Perry's Hill to "accommodate growth" and "significant new development is anticipated in Coyote Valley" and elsewhere.

For the Perry's Hill area, the Master Plan proposed a new (presumably paved) road, regional staging area, picnicking area, restrooms, a Nature Center, two trails, many paved parking spaces and overflow parking, a dog training area, a frisbee/disc golf area, and other potential future uses. Figure A-5 from the Master Plan shows these plans:



Coyote Creek Parkway County Park: Integrated Natural Resources Management Plan and Master Plan  
SANTA CLARA COUNTY PARKS

To Santa Clara County Model Aircraft Skyport

We recognize that County Parks only plans to install a portion of the 2007 planned elements in the near future, but that is immaterial - County Parks apparently relies on the 2007 approval, so all of the elements of the 2007 plan are at risk of occurring. All of these elements could also happen soon if funding becomes accessible (for example, investment by special recreation groups), and construction is planned for 2023. We see no indication that staff has decided to prepare a new Initial Study for CEQA purposes.

## **II. Passage of time requires a new visioning process and policy review**

It's been fifteen years since the master plan, and therefore there is a need for higher-level review, community outreach and update of this policy process (at least for Perry's Hill and the Ogier Ponds area). County Parks has set a precedent of allowing outside groups to construct structures on public lands, which is an additional reason why a decision to develop Perry's Hill should be postponed.

### **Fundamental change in Coyote Valley not recognized by the current Perry's Hill process:**

As described above, in 2007 and at the time of the Master Plan, over 50 thousand people were expected to live in Coyote, many within a mile of the project. Since then, the vision has shifted towards a conservation/preservation focus, including a ballot measure supported by 70% of voters that included purchasing lands in Coyote Valley for these purposes. The reasons for intensifying development at Perry's Hill should now be reassessed within the context of the wider Coyote Valley planning effort and public sentiment regarding the need to stop paving the valley and regenerating nature and ecological function

### **Policy approval process unclear, possibly abrogated:**

Given all the concerns and outdated scope of the Master Plan in this area, and since negative environmental impacts seem certain, a decision to move forward with the stale plan should be a policy level decision reviewed by the Parks Commission and the Board of Supervisors.

**Prospective action by outside interest groups:** While the County may only provide funds to construct parking, we have seen occasions where interest groups have been allowed to construct infrastructure or for specific uses<sup>2</sup>. These projects are often undisclosed, without public participation outside of the interest group, and with negative environmental impacts and limited access for the public at large. A 1000-ft notice does not suffice when an area loved by many is turned over to a small group, and environmental damage is not fully addressed.

To summarize the policy concerns, in light of all the changes in Coyote Valley they extend beyond simple compliance to whether County Parks is following a good process. There are CEQA compliance and other environmental issues that are involved as well.

## **III. There is significant new scientific and regulatory information, highlighting new potential impacts and potentially increased levels of impact severity that mean the**

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<sup>2</sup> Concrete Disc Golf pads and infrastructure were installed at Stevens Creek County Park with no public outreach or environmental considerations.

## **County should pause actions at Perry's Hill and provide a new CEQA analysis if it plans new development**

### **Birds**

The Ogier Ponds area is an important place for Santa Clara County birds. Among the largest freshwater riparian habitats in the area, it supports a reported 208 bird species at all times of the year. The size of the area and variety of habitats is what makes it appealing to birds. From the open grassy areas (meadow), to the deep ponds, and flowing creek/riparian zones, each area supports a myriad of suitable plant life birds require for whatever season they visit. Climate change and loss of food and water resources along migratory routes are implicated in the decline of bird populations worldwide, including in the Bay area.

The grassland areas, which are slated for disc golf, would interfere with a number of key species including some Raptors such as Red-tailed Hawk, Ferruginous Hawk, Golden Eagle, Northern Harrier, and American Kestrel to name a few. Western Bluebird, California Thrasher, and many of our winter visiting Sparrows also use these grassland areas.

The woodland areas (not associated with the creek) host Great Horned Owl, various Woodpeckers like Nuttall's, Downy Woodpecker, Hairy Woodpecker and Passerines like Ash-throated Flycatcher and Western Kingbird. Some birds associated with riparian ecosystems are also found within the wooded areas such as Red-shouldered Hawk.

The creek and lake areas are especially vulnerable to development as they host some sensitive species such as Osprey, Red-shouldered Hawk, an enormous variety of Waterfowl species including Ducks, Geese and Grebes. Huge numbers of Gulls (various species) visit the ponds to bathe and drink. Winter is especially popular for these waterbirds, but a few such as Wood Duck breed here and are very susceptible to disturbance. Tricolored Blackbird (endangered) frequently makes use of the lake margins. Tree Swallows are among the most crucial birds here—cavity nesters that require wetland habitat and the adjacent sycamores.

**Direct impairment of wildlife movement:** The existing plan for the area (all of which should be considered, not just what's currently budgeted) seems very likely to increase hardscape, traffic, and human activity in the vicinity of culvert undercrossings under Highway 101. The increased traffic and human activity will impede wildlife crossings during daylight hours and if activities and events are eventually permitted, the impact will invade night hours as well. Animals attempting to cross from the west, once blocked, may not seek to return. From the east, the increased traffic and human activity and decreased habitat quality will make it less likely that animals will find the culvert undercrossings, especially over time as animals that currently know and use the culverts, such as fox, badger, coyote, and bobcat, abandon the area, or die off and are replaced with animals that need to encounter them.

**Degradation of habitat:** Regardless of whether it is considered riparian habitat, the land is still sensitive habitat very close to Ogier Ponds and Coyote Creek. This area is used for both foraging and a north-south movement area, as well as part of east-west movement. The paved

parking areas and the staging areas are a complete loss of habitat and increased traffic will increase fragmentation and the potential for road kill. The disc golf will damage trees, eliminate neighboring trees as nesting habitat as discs hit trees and flash birds. This can abort nesting efforts and add to the loss of viable habitat. In addition, the 2019 Coyote Valley Bobcat Habitat Preference and Connectivity Report<sup>3</sup> (Figure 3) shows the area to be heavily used by bobcats, another consideration that should be included in environmental review.

### **CEQA concerns**

**Reliance on the 2007 review is misplaced:** So much has happened in Coyote Valley over the past 15 years that reliance on the 2007 review is inadequate and unjustifiable. The land use context has changed dramatically for Coyote Valley given the changed designations for North and Mid-Coyote Valley and updates for South Coyote Valley. Assembly Bill 948 increases the emphasis on protecting Coyote Valley, including the Ogier Ponds area. The Valley Habitat Plan is in place, mountain lions are candidate species for listing on the endangered species list, and High Speed Rail is in advanced levels of planning. Climate change and Vehicle Miles Traveled impacts also need new consideration since the City of San Jose recently adopted its Climate Smart Plan and new VMT policies. All of these new actions suggest the need for a new Initial Study or potential EIR.

### **Combined CEQA/policy concerns**

As planning efforts move forward in Coyote Valley (Coyote Valley Conservation, Monterey Road Corridor), we support a no-net-negative impact standard for wildlife movement for the Monterey Road Corridor study, a standard that we hope the County Parks will support as well. This approach emphasizes the ecological value of Coyote Valley, and it adds a level of safeguards against negative impacts, getting beyond the argument over whether an impact is substantial enough to be “significant”. Instead, any new project in Coyote Valley should increase habitat value, and under no circumstances should a project impede or harm wildlife movement.

The County’s own actions at Perry’s Hill should be held to a similar standard, and impose no-net-negative impact to wildlife movement. Similarly, given its importance to birds, no loss of nesting habitat and migratory stop-over for birds should occur along Coyote Creek and Ogier Ponds. Allowing any negative impacts to movement or nesting at Perry’s Hill would weaken the ability to argue for a conservationist approach to the Monterey Corridor Study. In addition, the Perry’s Hill development and associated activities could remove critical resources for the grassland, riparian and water-affiliated bird species that have been recorded in the Ogier Ponds area, and for young bobcats learning how to hunt.

### **Conclusion**

For the above reasons, we request that you pause work at Perry’s Hill; we request a meeting to discuss this matter; and we request further decisions at Perry’s Hill be considered policy decisions involving the Parks and Recreation Commission and the Board of Supervisors.

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<sup>3</sup> [https://www.openspaceauthority.org/system/documents/COVA\\_FinalReport\\_05072019\\_sm.pdf](https://www.openspaceauthority.org/system/documents/COVA_FinalReport_05072019_sm.pdf)

We are looking forward to a meeting with you.

Respectfully,

Brian Schmidt  
Policy and Advocacy Director  
Green Foothills

James Eggers  
Senior Chapter Director  
Sierra Club Loma Prieta Chapter

Deb Kramer  
Executive Director  
Keep Coyote Creek Beautiful

Shani Kleinhaus  
Environmental Advocate  
Santa Clara Valley Audubon Society