

SANTA CLARA VALLEY
HABITAT AGENCY

City of Gilroy | City of Morgan Hill | City of San José | City of Santa Clara | Santa Clara Valley Water District | Santa Clara Valley Transportation Authority

Santa Clara Valley Habitat Plan Implementation
Certificate of Inclusion – Compliance Determination

July 15, 2015

Steven M. Kinsella
Superintendent/President
Gavilan Joint Community College District
5055 Santa Teresa Blvd.
Gilroy, CA 95020

Subject: Gavilan College Coyote Valley Campus Project, Phase 1

Dear Mr. Kinsella:

The Santa Clara Valley Habitat Agency (Habitat Agency) has thoroughly evaluated your Santa Clara Valley Habitat Plan (Habitat Plan) Participating Special Entity (PSE) Application VHA-2015-002 and has determined that the proposed project complies with all terms and requirements established under the Habitat Plan, the Permits, and the Implementing Agreement. The Wildlife Agencies have concurred in writing with approval of the PSE.


The Habitat Agency and Gavilan Joint Community College District entered into a PSE Agreement, a signed contract that binds Gavilan Joint Community College District to the relevant terms of the Permits, Implementing Agreement and Habitat Plan. The Habitat Agency concludes that take associated with the implementation of the proposed project is properly authorized through the Permits and the impacts of the proposed activity do not deplete the amount of take coverage to an extent that not enough is available for future covered activities. The Habitat Agency confirms that the permanent impacts of 10.4 acres fall within those analyzed in the Habitat Plan, the ESA Section 7 biological opinion for the Habitat Plan, and the EIR/EIS in general type, location, magnitude, and effects. The Habitat Agency has received sufficient payment of \$137,116.06. This includes \$121,456.80 for these impacts as well as an additional \$12,145.68 PSE charge and \$8,513.58 administrative fees.

The proposed activity does not conflict with the conservation strategy or the ability of the Habitat Agency to meet the Habitat Plan goals and objectives.

As proposed, the project is approved for construction so long as the following checked conditions, as established under the Habitat Plan, are met.

- Condition 1. Avoid Direct Impacts on Legally Protected Plant and Wildlife Species
- Condition 2. Incorporate Urban-Reserve System Interface Design Requirements
- Condition 3. Maintain Hydrologic Conditions and Protect Water Quality
- Condition 4. Avoidance and Minimization for In-Stream Projects
- Condition 5. Avoidance and Minimization Measures for In-Stream Operations and Maintenance
- Condition 6. Design and Construction Requirements for Covered Transportation Projects
- Condition 7. Rural Development Design and Construction Requirements
- Condition 8. Implement Avoidance and Minimization Measures for Rural Road Maintenance
- Condition 9. Prepare and Implement a Recreation Plan
- Condition 10. Fuel Buffer
- Condition 11. Stream and Riparian Setbacks
- Condition 12. Wetland and Pond Avoidance and Minimization
- Condition 13. Serpentine and Associated Covered Species Avoidance and Minimization
- Condition 14. Valley Oak and Blue Oak Woodland Avoidance and Minimization
- Condition 15. Western Burrowing Owl
- Condition 16. Least Bell's Vireo
- Condition 17. Tricolored Blackbird
- Condition 18. San Joaquin Kit Fox
- Condition 19. Plant Salvage when Impacts are Unavoidable
- Condition 20. Avoid and Minimize Impacts to Covered Plant Occurrences

Coverage under the Permits will become effective upon receipt of this Certificate of Inclusion executed by the Santa Clara Valley Habitat Agency and Gavilan Joint Community College District.

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| _____ | _____ |  | <u>7/16/15</u> |
| Habitat Agency Signature | Date | PSE Applicant Signature | Date |
| | | Vice President of Administrative Services | |

Attachment 1. Project Map