



COMMITTEE FOR  
GREEN FOOTHILLS



SIERRA  
CLUB  
FOUNDED 1892



Santa Clara Valley  
Audubon Society



CALIFORNIA  
NATIVE PLANT SOCIETY

October 5, 2015

Santa Clara County Board of Supervisors  
70 W. Hedding St.  
San Jose, CA 95110

Re: Resolution Approving Solar Master Purchasing and Services Agreement with Sunpower (Agenda Item 9.b)

Dear President Cortese and Supervisors,

With regard to the above-referenced agenda item, the Committee for Green Foothills, Sierra Club Loma Prieta Chapter, Santa Clara Valley Audubon, and the California Native Plant Society – Santa Clara Valley Chapter submit the following comments. Our organizations have a strong interest in protecting wildlife and native and rare habitats in Santa Clara County.

At the Malech Road site, we have concerns about the impacts of this project on wildlife movement and serpentine soil species. Perimeter fencing around a site as large as this one could pose a serious danger to wildlife. If barbed wire fencing is used, larger animals may become tangled in the fence wires as they attempt to jump over or go underneath the wires; if chain link fencing is used, animals may be entirely excluded, which for smaller animals may mean a significant loss of habitat within their limited range. There are fencing options that are wildlife-friendly; these should be used for any perimeter security fences to be installed at the Malech Road site.<sup>1</sup> We strongly recommend that the County require Sunpower and any subcontractors to consult with the Santa Clara Valley Open Space Authority (OSA) with regard to the optimal type of fencing for this site, based on the wildlife known to be present and that migrate through the site.

As noted in the reports from H.T. Harvey, the Malech Road site has serpentine soil habitats present. Although the revised site plan appears to have been altered to avoid direct placement of permanent installations on top of the serpentine plant species identified in the H.T. Harvey reports, this alone will not be sufficient to avoid potentially significant impacts to these rare species. We recommend the following mitigation measures:

- Immediately prior to commencement of construction, photos should be taken of the site and particularly of any identified serpentine habitat areas, in accordance with the requirements of the Santa Clara Valley Habitat Plan (VHP). Any temporary impacts (e.g. from construction) must be completely mitigated and the protected habitat areas restored to their pre-construction condition within 1 year, as required by the VHP.
- A buffer should be established between the outside edge of any serpentine habitat and any construction activities, including grubbing, clearing, grading, staging, operation of vehicles, temporary placement of equipment or material, and foot traffic.
- All serpentine habitat areas should be fenced off during construction with a silt fence or other material that clearly delineates the area to be protected. Signage should be used to indicate to construction crews that the fenced area must not be disturbed (e.g. “Fragile Habitat Area – Do Not Disturb”).

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<sup>1</sup> For example, deer-friendly fencing must be no more than 42 inches tall and have no more than 4 wire strands, with smooth (no barbs) top and bottom wires so deer do not get caught if they try to jump over or go underneath the fence, and a minimum of 12 inches between the top 2 wires so that deer who attempt to jump the fence do not get tangled between the top 2 wires.

- To avoid introducing plant pathogens into the serpentine habitat area, boots and equipment, including vehicle tires, should be washed before entering the project site.
- To avoid impacts to the Bay checkerspot butterfly, a federally threatened species that has been observed on the Malech Road site according to the H.T. Harvey reports, all construction should take place during the butterfly dormancy period, which is from June to October. Surveys should be done before construction to identify any individuals of dwarf plantain, the larval host plant for Bay checkerspot butterfly.

Thank you for your consideration of these comments.


Sincerely,



Alice Kaufman  
Legislative Advocate, Committee for Green Foothills



Michael Ferreira, Chapter Conservation Chair  
Sierra Club Loma Prieta Chapter



Shani Kleinhaus, Environmental Advocate  
Santa Clara Valley Audubon Society



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

cc: Andrea Mackenzie, Santa Clara Valley Open Space Authority  
Edmund Sullivan, Santa Clara Valley Habitat Agency