

4.2 Agriculture and Forestry Resources

This section describes the agricultural and forestry resources that could be affected by the Project and alternatives, as well as the associated regulatory framework. The impact analysis presents the significance criteria used to evaluate impacts on identified resources as a consequence of implementing the Project or alternatives, the methods used in evaluating these impacts, and the results of the impact assessment based on the applied significance criteria.

4.2.1 Setting

4.2.1.1 Regional and Local Setting

Section 2.2, *Project Location*, provides general information about the Project's regional and local setting. This Section 4.2.1 provides setting information specific to agriculture and forestry resources.

Agriculture used to be the predominant economic enterprise in the County, and the valley areas of South County, especially south and east of Gilroy, continue to be an important source of cut flowers, vegetables and grains, fruits, nuts, berries, and other crops (County of Santa Clara, 1994). Although industrialized uses rather than agricultural ones now dominate the region's economy, approximately 56 percent of the unincorporated area of the County remains subject to agreements called "Williamson Act contracts" that have been entered into pursuant to the California Land Conservation Act of 1965 (County of Santa Clara, 2011). Between 2000 and 2001, approximately 2,450 acres of privately-owned lands in the County were classified as Timberland Production Zone (TPZ) (Department of Forestry and Fire Protection, 2002). Between 2000 and 2009, an average of approximately 0.6 percent (43,223 acres) of the County's timberland was harvested each year (Department of Forestry and Fire Protection, 2010).

None of the Project area is zoned as forest land, timberland, or Timberland Production.

Consistent with the County General Plan's designation of Hillsides and Other Public Open Lands, certain parcels within the Project Area are zoned for agricultural use (A-d1) (see Figure 4.11-1, *County Zoning Designations*). Nonetheless, there are no areas of agricultural use within the Project Area; no soils within the Project Area are classified as prime farmland according to the California Department of Conservation pursuant to the Farmland Mapping and Monitoring Program (FMMP) (California Department of Conservation, 2009a) or the U.S. Department of Agriculture, Soil Conservation Service report, *Soils of Santa Clara County* (USDA, 1968) or the Western Santa Clara County soil survey (USDA, 2011); and the Project Area is not subject to a Williamson Act contract. The FMMP classifies lands within the Project Area as Other Land, which is a nonagricultural classification that is described in greater detail below. The soil characteristics of the Project Area also are described below.

4.2.1.2 Regulatory Setting

State of California

California Important Farmland Inventory System and Farmland Mapping and Monitoring Program

The California Department of Conservation (DOC), under the Division of Land Resource Protection, has established the Farmland Mapping and Monitoring Program (FMMP). The FMMP monitors the conversion of the state's farmland to and from agricultural use. The map series identifies eight classifications and uses a minimum mapping unit size of 10 acres. The FMMP also produces a biannual report on the amount of land converted from agricultural to non-agricultural use (California Department of Conservation, 2009a).

The suitability of the local soil resources plays a crucial part in the FMMP's farmland classifications. The FMMP uses the U.S. Department of Agriculture Natural Resource Conservation Service (USDA NRCS) soil survey information, land inventory and monitoring criteria to classify most of the state's agricultural regions into five agricultural and three nonagricultural land types. Every 2 years, the FMMP publishes this information in its Important Farmland map series.

The five agricultural land classifications ("Farmland") include Prime Farmland, which consists of the land best able to sustain long-term crop production; Farmland of Statewide Importance, which are lands with similar land use, irrigation system and physical characteristics as prime farmland but with minor shortcomings such as steeper soils; Unique Farmland, which consists of lands with lesser quality soils but that are used to produce California's leading agricultural cash crops; Farmland of Local Importance, which are designated by individual counties; and Grazing Land, which consists of lands most suited for livestock grazing.

The three nonagricultural lands are classified as: Urban and Built-Up lands, which are occupied by structures with a building density of at least 1 unit to 1.5 acres; Water, including perennial water bodies greater than 40 acres; and Other Land. The Other Land classification includes all lands that are not included in one of the other mapping categories, such as low density rural developments, brush, timber, wetland and riparian areas not suitable for livestock grazing, and vacant and non-agricultural land greater than 40 acres and surrounded on all sides by urban development. Mining uses and borrow pits are classified under the FMMP as Other Lands.

The FMMP is an informational service only and does not constitute state regulation of local land use decisions. Prime Farmland, Farmland of Statewide Importance, and Unique Farmland are considered valuable and any conversion of land within these categories is typically considered to be an adverse impact. The FMMP classifications for lands within the County are presented in **Table 4.2-1**.

No portion of the Project Area or the site is classified as Prime Farmland, Farmland of Statewide Importance, or Unique Farmland under the FMMP. The Project Area is classified as Other Land. The nearest Farmland is located south of the Project Area, along the Monte Bello Ridge and near the Stevens Creek County Park (California Department of Conservation, 2009b).

**TABLE 4.2-1
 SANTA CLARA COUNTY SUMMARY BY LAND USE CATEGORY**

FMMP Land Classification Category	Total Acreage
Important Farmland	
Prime Farmland	18,807
Farmland of Statewide Importance	4,030
Unique Farmland	2,488
Farmland of Local Importance	5,968
Total Important Farmland	31,293
Grazing Land	390,090
Agricultural Land Total	421,383
Urban and Built-Up Land	188,883
Other Land	216,505
Water	8,458
Total Area Inventoried	835,229

SOURCE: Department of Conservation, 2009a

California Land Conservation Act of 1965 (Williamson Act)

The Williamson Act (Government Code §51200 et seq.) authorizes local governments to enter into contracts with private landowners for the purpose of restricting specific parcels of land to agricultural or related open space use in exchange for beneficial tax treatment. Its intent is to preserve agricultural and open space lands by discouraging premature and unnecessary conversion to urban uses. In return, landowners receive property tax assessments that are much lower than normal because they are based upon farming and open space uses as opposed to the potential market value. Local governments receive an annual subvention of forgone property tax revenues from the state via the Open Space Subvention Act of 1971 (Government Code §16140 et seq.). The vehicle for these agreements is a rolling term 10 year contract: unless either party files a “notice of nonrenewal,” the contract automatically is renewed annually for an additional year. Williamson Act contracts are a tool often used by local governments to preserve agricultural and open space lands by discouraging premature and unnecessary conversion to urban uses. The Project Area is not subject to a Williamson Act contract.

California Public Resource Code

The California Public Resources Code governs forestry, forests, and forest resources, as well as range and forage lands, within the state. “Forest land” is defined by Public Resources Code §12220(g) as “land that can support 10 percent native tree cover of any species, including hardwoods, under natural conditions, and that allows for management of one or more forest resources, including timber, aesthetics, fish and wildlife, biodiversity, water quality, recreation, and other public benefits.” Similarly, “timberland” is defined by Public Resources Code §4526 as, “land, other than land owned by the federal government..., which is available for, and capable of, growing a crop of trees of any commercial species used to produce lumber and other forest products, including Christmas trees.”

The California Public Resources Code also includes the Surface Mining and Reclamation Act of 1975 (SMARA). The regulations implementing SMARA provide standards for the reclamation of mined lands (14 Cal. Code Regs. §§3700-3713). Among these, §3708 requires that non-prime agricultural lands be reclaimed so as to be capable of sustaining economically viable production of crops commonly grown in the surrounding areas (14 Cal. Code Regs. §3708).

California Government Code

Chapter 6.7 of the California Government Code (§§51100-51155) regulates timberlands within the state. “Timberland production zone” is defined in §51104(g) as an area that has been zoned pursuant to Government Code §51112 or 51113 and is devoted to and used for growing and harvesting timber, or for growing and harvesting timber and compatible uses. In this context, “compatible uses” include any use that “does not significantly detract from the use of the property for, or inhibit, growing and harvesting timber” (Government Code §51104(h)). Watershed management, grazing, and the erection, construction, alteration, or maintenance of electric transmission facilities are examples of compatible uses.

County of Santa Clara

General Plan

The Resource Conservation Chapter of the County General Plan addresses agriculture and agricultural resources (County of Santa Clara, 1994). It recognizes the importance of agricultural uses, products, and jobs to the region’s economy, identifies agricultural preservation as a challenge, and outlines proactive strategies and policies to preserve agricultural lands and the rural character of agricultural areas in the County. However, none of these strategies or policies is applicable to the Project, the implementation of which would result in the final reclamation of lands that have been or will be subject to surface mining operations over the next approximately 20 years. Accordingly, the General Plan’s agriculture and agricultural resource-related strategies and policies are not summarized here. Implementation of the Project would be consistent with these policies.

Zoning Ordinance

The County Zoning Ordinance was adopted in 1937, substantially revised in 2003, and last updated in November 2011. The County Zoning Ordinance implements the County General Plan and manages the future growth of the unincorporated areas within the County in accordance with that plan.

As noted in the Chapter 4.11, *Land Use and Planning*, several parcels within the Project Area are designated as *Exclusive Agricultural (A-d1)* in the County Zoning Ordinance (see Figure 4.11-1, *County Zoning Designations*). The “A” zoning designation aims to preserve the long-term viability of agriculture and agricultural lands, and its intent is to reserve lands most suitable for agricultural production for agricultural and appropriate related uses. This district is also intended to retain lands as open space uses which may be suitable for future urbanization until such time as they are included within a city’s urban service area and public facilities and services can be economically provided, consistent with community plans and objectives.

Williamson Act Ordinance

The County's Williamson Act Ordinance is set forth in Division C13 of the County Code. Its provisions set forth the requirements for County agricultural preserves and contracts pursuant to the Williamson Act.

4.2.2 Baseline

The baseline for purposes of analyzing potential impacts to agriculture and forestry resources is June 2007. Neither the FMMP classification as "Other Lands" nor the agricultural zoning designation has changed in the Project Area since June 2007. Similarly, the Project Area was not in June 2007 and is not now subject to a Williamson Act contract.

4.2.3 Significance Criteria

Consistent with County of Santa Clara Environmental Checklist and Appendix G of the CEQA Guidelines, the Project would have a significant impact related to agriculture and forestry resources if it would:

- a) Convert 10 or more acres of farmland classified as prime in the report *Soils of Santa Clara County* to non-agricultural use;
- b) Conflict with existing zoning for agricultural use;
- c) Conflict with an existing Williamson Act Contract or the County's Williamson Act Ordinance (§C13 of County Ordinance Code);
- d) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code §12220(g)), timberland (as defined by Public Resources Code §4526), or timberland zoned Timberland Production (as defined by Government Code §51104(g));
- e) Result in the loss of forest land or conversion of forest land to non-forest use; or
- f) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland to non-agricultural use or conversion of forest land to non-forest use.

4.2.4 Discussion of Criteria with No Impact to Agriculture and Forestry Resources

As explained below, the Project would have no impact related to the conversion of prime farmland, forest land, or timberland; or conflicts with agricultural zoning, forest land or timberland zoning, or Williamson Act contracted lands.

- a) The Project would not convert 10 or more acres of farmland classified as prime in the report *Soils of Santa Clara County* to non-agricultural use.**

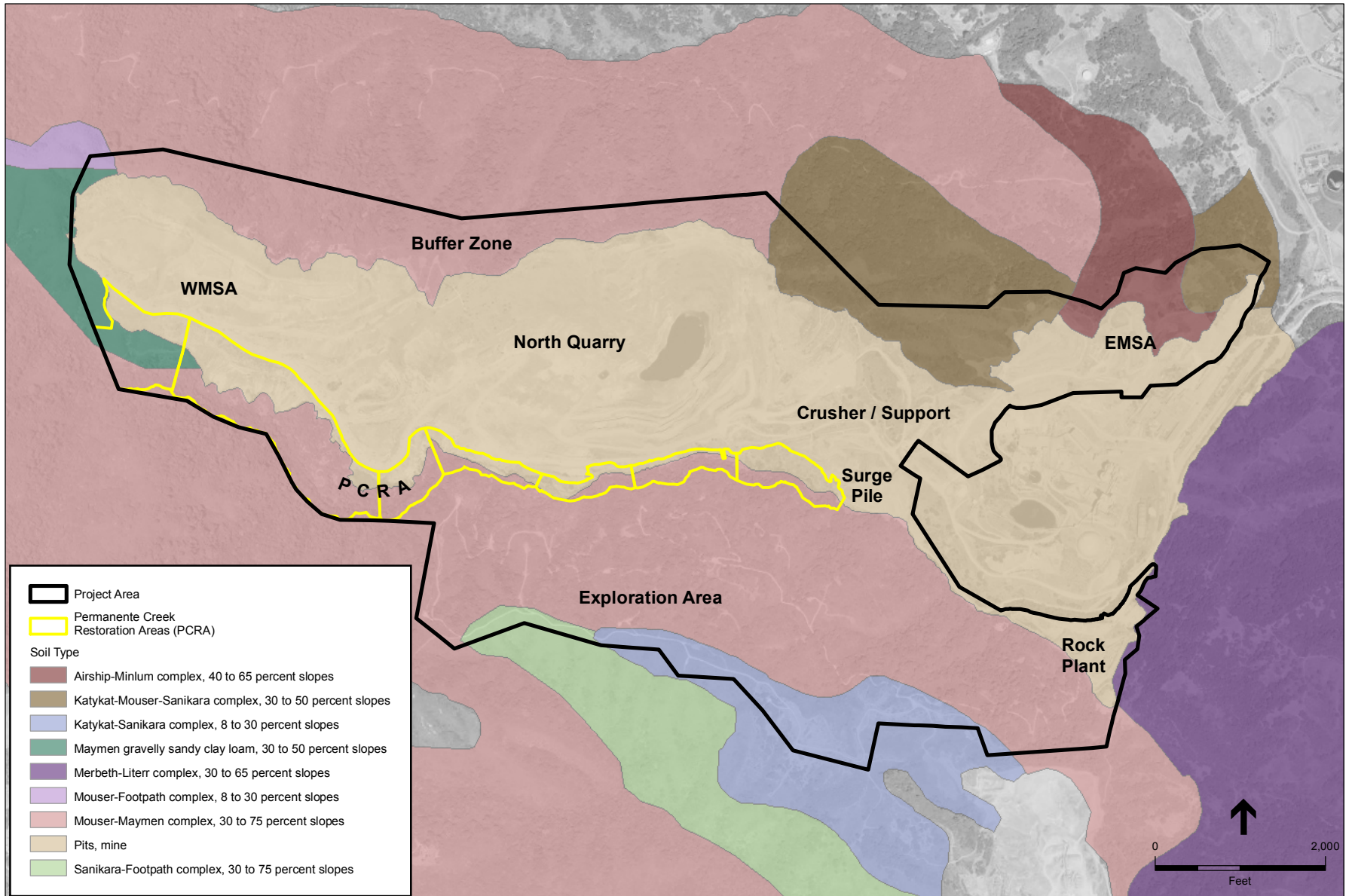
None of the lands in the Project Area are farmed, and the Project would not convert any farmland (much less 10 or more acres of farmland) to a non-agricultural use. The County updated its

geographic information system (GIS) in October 2011 (Bazhaw, 2011). The new data replaces the outdated report prepared by the U.S. Department of Agriculture, Soil Conservation Service, entitled *Soils of Santa Clara County*, which had been published in 1968 (USDA, 1968; Bazhaw, 2011).

The *Soils of Santa Clara County* did not classify any acres in the Project Area as farmland or as “prime.” Instead, it identified native soil types (map units) Countywide, including seven soil types in (and in the immediate vicinity of) the Project Area (USDA, 1968; WRA, 2011). The County’s updated GIS information identifies the following nine soil types in (and in the immediate vicinity of) the Project Area. This is consistent with the conclusions of the *Custom Soil Resource Report* prepared by the County for the Project (USDA, 2011). As noted below, none of the nine soil type/ map units in the Project Area is classified as prime farmland. See **Figure 4.2-1, Soil Types in the Project Area**.

1. Pits, mine. This map unit includes the WMSA, Quarry pit, EMSA, Crusher/Support area, Surge Pile, Rock Plant, and portions of the PCRA. It is not prime farmland (CSRL, 2011a).
2. Merbeth-Literr complex, 30 to 65, percent slopes. This map unit includes a sliver of the Project Area just east of the Rock Plant. It is not prime farmland (CSRL, 2011b).
3. Airship-Minlum complex, 40 to 65 percent slopes. This map unit includes a portion of the Project Area along the northern side of the EMSA. It is not prime farmland (CSRL, 2011c).
4. Mouser-Maymen complex, 30 to 75 percent slopes. This map unit includes the buffer areas north of the WMSA and Quarry pit, the PCRA, the Exploration Area, and the area west of the Rock Plant. It is not prime farmland (CSRL, 2011d).
5. Katykat-Mouser-Sanikara complex, 30 to 50 percent slopes. This map unit includes a portion of that area north of the Crusher/Support area, northwest of the Quarry pit, and the northeastern edge of the EMSA. It is not prime farmland (CSRL, 2011e).
6. Katykat-Sanikara complex, 8 to 30 percent slopes. This map unit includes some of the Exploration Area. It is not prime farmland (CSRL, 2011f).
7. Mouser-Footpath complex, 8 to 30 percent slopes. This map unit includes a sliver of the buffer area in the north-westernmost corner of the buffer area, northwest of the WMSA. It is not prime farmland (CSRL, 2011g).
8. Sanikara-Footpath complex, 30 to 75 percent slopes. This map unit includes a narrow ribbon of land along the southern edge of the Exploration Area. It is not prime farmland (CSRL, 2011h).
9. Maymen gravelly sandy clay loam, 30 to 50 percent slopes. This map unit includes a crescent-shaped area to the northwest, west, and southwest of the EMSA. It is not prime farmland (CSRL, 2011i).

Because none of the soils in the Project Area are classified as prime farmland, the Project would cause no impact related to criterion a).



SOURCE: USDA, 2011

Lehigh Permanente Quarry Reclamation Plan Amendment. 211742

Figure 4.2-1
Soil Types in the Project Area

b) The Project would not conflict with existing zoning for agricultural use.

As discussed above, several parcels within the Project Area are zoned *Exclusive Agriculture* (A-d1); however, there are no agricultural operations within the Project Area or on the site. No change in zoning is proposed by the Project. As described in Section 4.11, *Land Use*, the A-d1 zoning district applies to lands envisioned in the General Plan for agricultural and open space uses. The Project is designed to make the reclaimed lands suitable for future open space uses. Consequently, implementation of the Project would not conflict with existing zoning for agricultural use. The Project would cause no impact related to criterion b).

c) The Project would not conflict with an existing Williamson Act Contract or the County's Williamson Act Ordinance (§C13 of County Ordinance Code).

The Project Area is not subject to an existing Williamson Act contract. Therefore, the Project would not conflict with the provisions of an existing Williamson Act contract or the County's Williamson Act Ordinance. The Project would cause no impact related to criterion c).

d) The Project would not conflict with existing zoning for, or cause rezoning of forest land or timberland.

The Project Area is not zoned for forestland or timberland, and implementation of the proposed RPA would not cause rezoning of forestland or timberland elsewhere. The Project would cause no impact related to criterion d).

e) The Project would not result in the loss of forest land, or convert forest land to non-forest use.

As noted above, land that can support 10 percent native tree cover of any species under natural conditions and that allows for management of one or more forest resources, including timber, aesthetics, fish and wildlife, biodiversity, water quality, recreation, and other public benefits, constitutes "forestland" as defined by Public Resources Code §12220(g).

The Biological Resources Assessment prepared by WRA Environmental Consultants for the Project identified the following as among the biological communities present on the site's 3,510 acres: 15.6 acres of buckeye woodland, 438.4 acres of California bay forest, 920.6 acres of oak woodlands and forests, 15 acres of white alder riparian forest, and 4.3 acres of willow riparian forest and scrub, in addition to and 1,050 acres of chaparral (WRA, 2011a). However, as shown in **Table 4.2-2, *Forest-related Biological Communities in the Project Area***, tree cover is substantially reduced within the portion of the Project Area that has been disturbed by surface mining operations and would be reclaimed by the Project.

Because topsoil and other soils necessary to support growth have been removed as part of the surface mining process or otherwise are not present, the WMSA, Quarry pit, EMSA, crusher/support area, surge pile and rock plant could not support 10 percent native tree cover of any species. Consequently implementation of the Project would not result in the loss of forest land, or convert forest land to non-forest use, in these areas. No trees would be removed in the Exploration Area or PCRA as a result of the Project. Instead, reclamation of these areas would consist

**TABLE 4.2-2
 FOREST-RELATED BIOLOGICAL COMMUNITIES IN THE PROJECT AREA**

Biological Community	Quarry Pit (acres)	WMSA (acres)	EMSA (acres)	Crusher/Support (acres)	Surge Pile (acres)	Rock Plant (acres)	Exploration Area (acres)	PRCA (acres)
Buckeye Woodland	0	0	0	0	0	0	0	0
California Bay Forest	0.04	0	0	0	0	0	0	0.4
Oak Woodlands, Forests	2.8	0.3	0	0	0.01	0.3	0	1.0
White Alder Riparian Forest	0	0	0	0	0	0	0	1.4
Willow Riparian Forest and Scrub	0	0	0	0	0	0	0	1.6
Chamise Chaparral	2.4	3.4	0	0	0	0	0	3.3
Northern Mixed Chaparral	3.1	0.02	0	0	0	0.4	0	0.2
Oak Chaparral	0	0.1	0	0	0	0	0	0
Total	8.34	3.82	0	0	0.01	0.7	0	7.9

SOURCE: WRA, 2011 (Table 2)

primarily of revegetation efforts, maintenance of revegetated areas, and continued monitoring until reclamation standards are met. Because no trees would be removed, implementation of the Project would not result in the loss of forest land, or convert forest land to non-forest use, in these areas regardless of whether these areas could, under natural conditions, support 10 percent native tree cover of any species. Finally, the proposed set aside of undisturbed acreage would be accomplished by mapping, and would not require or involve tree removal of any sort.

For these reasons, implementation of the Project would not result in the loss of forestland or the conversion of forestland to any non-forest use, and so would cause no impact related to criterion e).

f) The Project would not involve other changes in the existing environment that, due to their location or nature, could result in conversion of farmland to non-agricultural use or conversion of forest land to non-forest use.

There is no active farmland in the Project Area or adjacent parcels. As discussed above, the Project would increase open space, including forestland, and would not convert forestland to non-forest use. The proposed reclamation of lands in the Project Area that have been or will be affected by surface mining operations is intended to make the reclaimed lands suitable for future open space uses. The slope stabilization, revegetation, and other reclamation-related activities could not result in the conversion of farmland or forestland. The Project would cause no impact related to criterion f).

4.2.5 Impacts and Mitigation Measures

Because implementation of the Project would cause no impact on agriculture or forestry resources, there are no impacts and no mitigation measures to be discussed in this section.

4.2.6 Alternatives

4.2.6.1 Alternative 1: Complete Backfill Alternative

Alternative 1 would have no impact related to the conversion of prime farmland, forest land, or timberland; neither would it conflict with agricultural zoning, forest land or timberland zoning, or with Williamson Act contracted lands. None of the lands that would be affected by Alternative 1 is farmed, none is designated “prime” farmland, and no farmland would be converted to a non-agricultural use as a result of the implementation of Alternative 1. None of the lands that would be affected by the implementation of Alternative 1 is zoned for forest land or timberland, and implementation of this alternative would not cause rezoning of forest land or timberland elsewhere. No zoning change would be required to implement Alternative 1. The uses that would result from its adoption would not conflict with existing zoning. The area that would be affected by Alternative 1, like the rest of the site, is not subject to an existing Williamson Act contract. As shown in Table 4.2-2, there are no forest-related biological communities present in the EMSA, and backfilling the Quarry pit with materials from the EMSA would not cause any greater impact on such communities. For the same reasons described in the analysis of Project impacts, Alternative 1 would not involve other changes in the existing environment that, due to their location or nature, could result in conversion of farmland to non-agricultural use or conversion of forest land to non-forest use. Consequently, the implementation of Alternative 1 would have the same impact (no impact) as implementation of the Project.

4.2.6.2 Alternative 2: Central Materials Storage Area Alternative

Alternative 2 would have no impact related to the conversion of prime farmland, forest land, or timberland; neither would it conflict with agricultural zoning, forest land or timberland zoning, or with Williamson Act contracted lands. None of the lands that would be affected by Alternative 2 is farmed, none is designated “prime” farmland, and no farmland would be converted to a non-agricultural use as a result of the implementation of Alternative 2. None of the lands that would be affected by the implementation of this alternative is zoned for forestland or timberland, and its implementation would not cause rezoning of forestland or timberland elsewhere. No zoning change would be required. The uses that would result from the adoption of Alternative 2 would not conflict with existing zoning. The area that would be affected by Alternative 2, like the rest of the site, is not subject to an existing Williamson Act contract. For the same reasons described in the analysis of Project impacts, Alternative 2 would not involve other changes in the existing environment that, due to their location or nature, could result in conversion of farmland to non-agricultural use.

The impacts of implementing Alternative 2 would differ from those of implementing the Project in one respect. As shown in Figure 3d of the Biological Resources Assessment prepared on behalf of the Applicant for the Project (WRA, 2011), implementation of Alternative 2 would result in the stockpiling of overburden on currently undisturbed land identified with the following forest-related biological communities: chamise chaparral, northern mixed chaparral, and some oak woodlands and forest. Although the stockpiling of overburden could occur as a vested right, this mining activity could not be conducted in the CMSA unless the CMSA were included within an

approved reclamation plan boundary. This analysis conservatively assumes that the inclusion of the CMSA within an approved reclamation plan boundary would convert land that can support 10 percent native tree cover of any species under natural conditions and that allows for management of one or more forest resources, including aesthetics and other public benefits, and so would convert forest land to a non-forest use. The Project would cause no corresponding impact.

Consequently, the implementation of Alternative 2 would cause the same impact as the Project to agriculture, and a greater impact to forestry resources than would be caused by implementation of the Project.

4.2.6.3 No Project Alternative

The No Project Alternative would cause no impact related to the conversion of prime farmland, forest land, or timberland; neither would it conflict with agricultural zoning, forest land or timberland zoning, or with Williamson Act contracted lands. None of the lands that would be affected by the No Project Alternative is farmed, none is designated “prime” farmland, and no farmland would be converted to a non-agricultural use as a result of its implementation. None of the lands that would be affected by the implementation of the No Project Alternative is zoned for forest land or timberland, and implementation of this alternative would not cause rezoning of forest land or timberland elsewhere. No zoning change would be required to implement the No Project Alternative. The uses that would result from its adoption would not conflict with existing zoning. The area that would be affected by the No Project Alternative, like the rest of the site, is not subject to an existing Williamson Act contract. Implementation of the No Project Alternative would cause no greater impact to forest-related biological communities than the Project. For the same reasons described in the analysis of Project impacts, the No Project Alternative would not involve other changes in the existing environment that, due to their location or nature, could result in conversion of farmland to non-agricultural use or conversion of forest land to non-forest use. Consequently, the implementation of the No Project Alternative would have the same impact (no impact) as implementation of the Project.

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