



COMMITTEE FOR  
GREEN FOOTHILLS



Santa Clara Valley Audubon Society  
Founded 1926

## NEWS RELEASE

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FOR MORE INFORMATION:

**Brian Schmidt**, Legislative Advocate  
Committee for Green Foothills  
(650) 968-7243 • [Brian@GreenFoothills.org](mailto:Brian@GreenFoothills.org)

**Craig Breon**, Executive Director  
Santa Clara Valley Audubon Society  
(408) 252-3748 • [Craig@scvas.org](mailto:Craig@scvas.org)

### Groups move to shut down illegal golf course

#### COURSE ASSOCIATED WITH FRY'S ELECTRONICS VIOLATES FEDERAL STATE AND LOCAL ENVIRONMENTAL PROTECTIONS

MORGAN HILL, CA (7/10/03) --Two local environmental organizations filed official complaints today with the City of Morgan Hill and several environmental agencies in an effort to stop the illegal use of a golf course east of Highway 101 in Morgan Hill. The course, constructed without permits by an institute closely associated with Fry's Electronics, has been declared off limits by the City Planning Department, which has prohibited play on the course until the proper permits are secured.

Committee for Green Foothills (CGF) and Santa Clara Valley Audubon Society (SCVAS), the organizations filing today's complaint, are concerned about the serious environmental impacts from the course's construction, maintenance, and use. These impacts include loss of habitat for endangered species and wildlife, and threats to surface and groundwater from the unpermitted course's fertilizer and pesticide use. These impacts were all described by a draft environmental impact report for the golf course prepared by the City of Morgan Hill.

The city's draft report for the golf course noted the nitrogen in drinking water could rise to three times the recommended health level. This in an area already affected by perchlorate makes the water quality impacts especially severe.

The two groups alerted the City in May of this year that the golf course was operating without required permits. The City notified the American Institute of Mathematics (AIM) on June 25 that use of their course is illegal until the Environmental Impact Report (EIR) for the project is completed and certified. Despite the City's warning, golfers continue to use the course. Fry's Electronics has a long association with AIM, including providing substantial financial support and sharing office space at the Fry's Palo Alto store location.

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### **Groups hope complaints help stop serious environmental damage**

“Fry’s Electronics has in effect a ‘bad neighbor’ policy through their associated institute,” said Brian Schmidt, Legislative Advocate for CGF. “Fry’s is harming the environment and its own corporate image. We filed the complaint with Morgan Hill to make sure the golf course operators follow the same environmental restrictions as everyone else.”

“Letting the golf course operators use the course and especially to maintain the course prior to getting permits is rewarding them for their illegal behavior,” said Schmidt. “It’s not right to let them go ahead where a law-abiding citizen has to wait until permits are issued. Equally important, they are harming their neighbors and the environment. If they eventually get a permit to use the expanded area, they will be free to return it to a playable course, but right now they have no right to impose the environmental impact they’re having.”

In a separate letter, SCVAS and CGF wrote to the Central Coast Regional Water Quality Control Board, the U.S. Army Corps of Engineers, the U.S. Fish and Wildlife Service, and the California Department of Fish and Game, asking them to take enforcement actions against past and present violations of environmental laws at the golf course. Morgan Hill’s draft report on the project notes potential violations of the federal Clean Water Act, the California Water Code, the California Department of Fish and Game Code, and the federal Endangered Species Act.

### **Course threatens endangered species, water quality**

Like other golf courses, this project threatens a myriad of environmental resources, including the probable destruction and loss of habitat for several endangered species, including the federally threatened California red-legged frog and on California tiger salamander and the western pond turtle, species of special concern.

In addition, use of fertilizers and herbicides on the course may be damaging groundwater supplies.

### **History of course filled with strife and illegal actions**

The course, at the former Hill Country Golf Course on Foothill Avenue, was constructed illegally in 1998 as part of the planned American Institute of Mathematics (AIM) Conference Center, a project of Fry’s Electronics CEO John Fry and AIM executive Steve Sorenson.

The owners scuffled with Morgan Hill officials four years ago when they obtained a permit to grade 40 acres to improve the nine-hole course, but then graded 150 acres. The City ordered the work stopped and required the production and approval of an environmental impact report.

The temporary use permit (which allowed limited use of the golf course) expired in May 2001. Although the owners have stated that the city has granted them a verbal extension of the use permit, the city denies this, and has no documentation of an extension. Temporary use permits may be extended for six months.

Before play can legally resume on the course, an environmental impact report must be drafted, publically reviewed, finalized, and certified. Consultants presented a draft EIR for the project to the City Council in March 2003. The owners of the property argued that the mitigations required by the EIR would be too restrictive, thus sending the report back to the drawing board.



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For copies of either the formal complaint sent to the City of Morgan Hill or the letter sent to environmental agencies, contact either SCVAS or CGF at the above address.

**About the Committee for Green Foothills**

Committee for Green Foothills is a regional grassroots organization working to establish and maintain land-use policies that protect the environment throughout San Mateo and Santa Clara Counties. Committee for Green Foothills, established in 1962, is a Bay Area leader in the continuing effort to protect open space and the natural environment of our Peninsula.

**About the Santa Clara Valley Audubon Society**

Founded in 1926, the Santa Clara Valley Audubon Society is the third largest Audubon chapter in California. The chapter works to maintain, preserve and protect native animal and plant habitats and to foster a greater public awareness of our environment, with emphasis on birds and their ecosystems, particularly in Santa Clara County and in the San Francisco Bay Area.

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