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**SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF SANTA CLARA**

Willow Glen Trestle Conservancy,
an unincorporated association, and
Friends of the Willow Glen Trestle,
an unincorporated association;

Petitioners,

v.

City of San José; City of San José
Department of Public Works; California
Department of Fish and Wildlife; and
Does 1 to 10;

Respondents;

Case No. 18CV335801

**Declaration of Lawrence Ames,
PhD., in support of
Renewed Motion
for Preliminary Injunction**

Honorable Thomas E. Kuhnle

Date	June 10, 2019
Time	2:00 p.m.
Dept	5

1 I, Lawrence Ames, declare:

2 1. I am a founding member of the Willow Glen Conservancy and the Friends
3 of the Willow Creek Trestle.

4 2. I am a recently retired Senior Staff Physicist at Lockheed Martin, where I
5 was employed since 1983. I have a B.S. in Mathematics and Physics from the University
6 of Arizona and an M.S. and Ph.D. in Physics from the University of Wisconsin.

7 3. I have been very active in the Willow Glen community for decades. I served
8 on the Willow Glen Neighborhood Association Board from 1983-88 and 1993-2008,
9 including four years as President. I was a member of the Los Gatos Creek Streamside
10 Park Committee and served from about 1982 until its end around 2000. I was Project
11 Manager for the Los Gatos Creek Urban Stream Restoration Project from 1993 to 1996.
12 I was a member of the Lincoln Avenue Master Plan Task Force (1984) and the first
13 Founder's Day Committee. The trestle is less than two blocks from the scope of this
14 study. I am founder (1999), owner, and moderator of 'the eList' -- Willow Glen's
15 "electronic equivalent of talking to friends and neighbors over the back fence."
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17 4. I served as an appointed Commissioner on the Santa Clara County Parks
18 Commission from 1995 to 2004, including the committee that developed the County
19 Parks Strategic Plan. I currently serve, since 2018, as an appointed Commissioner on
20 the San José Parks and Recreation Commission.

21 5. I am aware that the City has deemed the rehabilitation of the Willow Glen
22 Trestle feasible based upon detailed analyses prepared by CH2M-Hill engineers in their
23 report entitled "Three Creeks Trail Railroad Trestle at Los Gatos Creek."
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1 6. I previously provided declarations in the 2014 CEQA action documenting
2 my opinion that the Willow Glen Trestle does not create a flood or fire hazard. I have
3 briefly reviewed the new declaration of Mr. Von Rueden in the hours available for this
4 motion. His Exhibits A and B purport to show water backed up on a dam of debris
5 collected on the Trestle. I too took photos after the winter rain, including one from
6 February 20, 2019 that shows that the debris dam is actually collecting on a tree that
7 has fallen some short distance upstream of the Trestle. Also visible in the photo is a
8 second debris dam on a second fallen tree downstream of the Trestle. While the Trestle
9 may contribute to the formation of debris dams, it is not the only source.
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12 7. I personally observed that much of the debris on the Trestle was caused by
13 a flood in February 2016. The US Government's FEMA was willing to reimburse cities
14 for the cost to clear debris from city property. I pointed this out to staff at PRNS (Parks,
15 Recreation, and Neighborhood Services) to no avail.
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17 8. I took video in 2018 that shows that native salmon were able to swim past
18 the debris dam and spawn further upstream.
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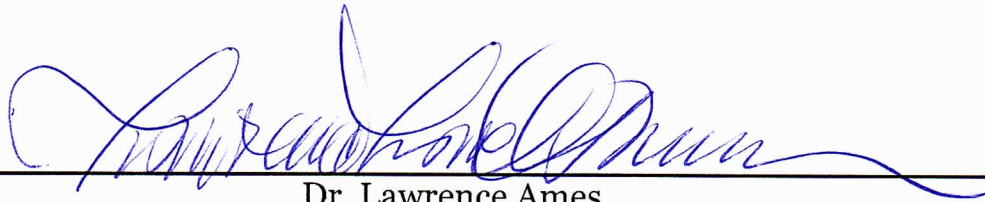
20 http://www.wgbackfence.net/photos/salmon_2018.mp4

21 9. Mr. Von Reuden's Exhibit E depicts the fire-damaged metal cat-walk. It
22 has been in that condition for at least a decade, as documented by a photo in my
23 possession from March 2009. No one has suggested that the cat-walk be preserved.
24 Regarding Exhibit H, a couple of the ties were severely weathered in 2009, so their
25 absence now is not unexpected. They are easily replaced.
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1 10. By all accounts of which I am aware, the Trestle can be rehabilitated to
2 serve as a unique bridge in the Three Creeks Pedestrian Trail and could have five years
3 ago. Irreparable harm would attend its demolition, and there is no indication of
4 irreparable harm from its continued presence this summer while this case proceeds.
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6 11. I am actively pursuing a portion of a \$5 million grant for the rehabilitation
7 of the Trestle from the County of Santa Clara's current Historic Grant Program and
8 believe the Trestle is eminently qualified.
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11 I declare under penalty of perjury that the foregoing is true to the best
12 of my knowledge and is executed on June 7, 2019, at San José, California.
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Dr. Lawrence Ames