



# United States Department of the Interior

FISH AND WILDLIFE SERVICE  
Sacramento Fish and Wildlife Office  
2800 Cottage Way, Room W-2605  
Sacramento, California 95825

IN REPLY REFER TO:

PPN 2723

August 2, 2000

Judith Iklé, CPUC  
Aspen Environmental Group  
235 Montgomery Street, Suite 800  
San Francisco, California 94104

Subject: Draft Environmental Impact Report; NE San Jose Transmission Reinforcement Project, San Francisco Bay, Santa Clara County, California

Dear Ms. Iklé:

Thank you for the opportunity to review the Draft Environmental Impact Report (DEIR) related to the NE San Jose Transmission Reinforcement Project (Project). The U. S. Fish and Wildlife Service (Service) is providing following comments to assist you in determining the least environmentally damaging alternative.

## **SERVICE POLICY**

When reviewing projects, the Service generally does not object to projects meeting the following criteria:

1. They are ecologically sound;
2. The least environmentally damaging reasonable alternative is selected;
3. Every reasonable effort is made to avoid or minimize damage or loss of fish and wildlife resources and uses;
4. All important recommended means and measures have been adopted, with guaranteed implementation to satisfactorily compensate for unavoidable damage; or
5. For wetland and shallow water habitats, the proposed activity is clearly water dependent and there is a demonstrated public need.

The Service may recommend the “no project” alternative for those projects which do not meet all of the above criteria, and where there is likely to be a significant fish and wildlife resource loss.

It is the regional policy of the Service to ensure no net loss of wetland acreage or value, whichever is greater. To offset unavoidable resource losses for acceptable projects, the Service recommends that appropriate mitigation be provided. The Council on Environmental Quality regulations for implementing the National Environmental Policy Act define mitigation to include: (1) avoiding the impact; (2) minimizing the impact; (3) rectifying the impact; (4) reducing or eliminating the impact over time; and (5) compensating for impacts. The Service supports and adopts this definition of mitigation and considers the specific elements to represent the desirable sequence of steps in the mitigation planning process. Accordingly, we maintain that the best way to mitigate for adverse biological impacts is to avoid them altogether.

## **PROJECT DESCRIPTION**

The project purpose is to meet the projected electric demand in the cities of Fremont, Milpitas, San Jose, and Santa Clara. The project is located in the cities of Fremont and San Jose and includes a small unincorporated area of Santa Clara County. There are four major components of the proposed project, which are:

1. **The Los Esteros Substation:** A new 230/115kV substation located in unincorporated Santa Clara County to provide 230kV power, which would be transformed to 115kV power and distributed to existing distribution facilities. The proposed site is currently being used for agriculture.
2. **230kV Transmission Line:** A new 7.3-mile long 230kV double circuit transmission line from the existing 230kV Newark Substation (in the City of Fremont) to the proposed Los Esteros Substation.
3. **Newark Substation Modification:** Modifications of the existing Newark substation to accommodate the new 230kV double circuit transmission line.
4. **115kV Connections and Distribution Line Upgrade:** The Los Esteros Substation would initially be connected to four existing 115kV distribution lines that connect to 115kV substations and facilities.

## **GENERAL COMMENTS**

Although an environmentally superior alternative has been identified as a combination of alternatives I-880A and I-880-B, this combined alternative is only environmentally superior for the comparable segment of the proposed transmission line. To make the proposed project fully environmentally superior, the line should be aligned to reduce the “significant unavoidable impact” of bird collisions. If the proposed project were aligned along Interstate 880 (I-880) from the Los Esteros Substation along State Route 237 to I-880 North, to and along the Auto Mall Parkway, the probability of bird collisions would be significantly reduced for the reasons outlined below.

As stated in the DEIR (C.3-63), “bird collisions with transmission lines have been found to be much greater where there is a greater concentration of bird use.” Significant waterfowl and shorebird use along the proposed route include the following sites: various salt ponds, the Bayside Business Park wetland mitigation pond, the San Jose/Santa Clara waste water treatment ponds, and the Newby Island landfill. In addition, just east of the waste water treatment ponds is the Coyote Creek riparian mitigation site, where the San Francisco Bay Bird Observatory has operated a banding station for more than 10 years, making it one of the longest ongoing bird banding/song bird studies in the west.

Also along the proposed 230kV route is the Pacific Commons Preserve, another mitigation site that will be impacted by the proposed route. The Don Edwards San Francisco Bay National Wildlife Refuge will be acquiring this mitigation site once the mitigation standards have been met. This site and the adjacent Warm Springs Unit of the refuge contain the only vernal pool complex adjacent to San Francisco Bay, and the only restorable ecotone between tidal marsh and a saline/alkali vernal pool complex.

The statement that the proposed transmission line route parallels an existing transmission line corridor (Page C.3-63) is not clear. Although the proposed route does parallel the existing Newark-Trimble/Newark-Kifer 115kV Tower line, the distance between the two lines appears to be approximately 1 mile. In contrast, the proposed route is much closer to the Newark-Milpitas/Newark-Dixon Landing 115kV Tower Line, which parallels I-880. There are no transmission lines along Coyote Creek, or near the waste water treatment ponds where the line is proposed. The San Jose/Santa Clara waste water treatment ponds experience some of the heaviest use by ducks in the entire San Francisco Bay area. If “additional bird mortality is expected to be lower when a line is constructed within an existing corridor than when it crosses new areas” as stated on page C.3-63, then the Service recommends that the line be aligned along I-880, from the Los Esteros Substation to State Route 237 west, and continuing north along I-880 where there is an existing line and limited bird use.

The proposed route has been identified to impact three wetland mitigation areas. Mitigation sites are created to offset losses to other wetland impacts, and are often at a replacement ratio greater than 1:1 due to temporal losses incurred while developing the functions and values of the wetland being impacted. Depending on the mitigation area values, the Service may require a substantially higher mitigation ratio to address project impacts. For example, one area with high values is the Pacific Commons Preserve which the Service designated as Resource Category 1 in 1986, as an Aquatic Resource of National Importance in 1997.

## **RECOMMENDATIONS**

Based on the information provided in the DEIR, the Service believes that bird collisions can be reduced significantly if the proposed line is aligned along I-880, from the Los Esteros Substation to State Route 237 west, and continuing north along I-880 where there is an existing line and limited bird use. Appropriate mitigation for the proposed project would include development of habitat that will compensate for the direct loss of birds through collisions with the project facilities.

If you have any questions regarding these comments, please contact Richard Smith in the Wetlands Branch at (916) 414-6580.

Sincerely,

Dale A. Pierce  
Acting Field Supervisor

cc: ARD (ES), Portland, OR  
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