

Comment Set 14



United States Department of the Interior
Fish and Wildlife Service
 Sacramento Fish and Wildlife Office
 2800 Cottage Way, Room W-2605
 Sacramento, California 95825-1846

IN REPLY REFER TO
 1-1-00-TA-2387

July 25, 2000

Ms. Judith Iklé
 c/o Aspen Environmental Group
 235 Montgomery Street, Suite 800
 San Francisco, California 94104

Subject: Response to the Northeast San Jose Transportation Reinforcement Project,
 Draft Environmental Impact Report

Dear Ms. Iklé:

This is in response to the June 2000, Northeast San Jose Transportation Reinforcement Project, Draft Environmental Impact Report (DEIR). The U.S. Fish and Wildlife Service (Service) has provided previous technical assistance to the California Public Utilities Commission for this project through correspondence dated October 26, 1999, (Service file 1-1-00-TA-75) (enclosed).

As stated in our October 26, 1999, letter, the Service believes that the project may result in take of the federally endangered salt marsh harvest mouse (*Reithrodontomys raviventris*) (harvest mouse), California clapper rail (*Rallus longirostris obsoletus*) (clapper rail), California least tern (*Sterna antillarum browni*) (tern), Contra Costa goldfield (*Lasthenia conjugens*) (goldfield), vernal pool tadpole shrimp (*Lepidurus packardii*) (tadpole shrimp), the threatened vernal pool fairy shrimp (*Branchinecta lynchi*) (fairy shrimp), and western snowy plover (*Charadrius alexandrinus nivosus*) (plover), which are protected under the Endangered Species Act of 1973, as amended (Act). Likewise, the project may have adverse impacts on the California tiger salamander (*Ambystoma tigrinum californiense*) (salamander), which is a candidate for listing under the Act.

After review of the DEIR it is apparent that this project will provide electricity to meet current and future needs for power in Northeast San Jose. The Service believes that this project will facilitate development in this region, thereby resulting in direct and indirect take of additional federally listed species, such as the threatened bay checkerspot butterfly (*Euphydryas editha bayensis*), and the endangered plants Metcalf Canyon jewelflower (*Streptanthus albidus* ssp. *albidus*), Santa Clara Valley dudleya (*Dudleya seitchellii*), Coyote ceanothus (*Ceanothus ferrisiae*), and Tiburon paintbrush (*Castilleja affinis* ssp. *neglecta*).

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The array of project alternatives provides several options for minimizing take within the project footprint. Of these options, the Service believes a combination of I-880-A and I-880-B would greatly minimize direct and indirect impacts to the harvest mouse, clapper rail, tern, goldfield, tadpole shrimp, fairy shrimp, and plover. Additionally, the Service would suggest an additional alternative to connect the I-880-B to the Los Esteros Substation (enclosed). As indicated in the enclosure, this alternative would follow State Route 237 east and I-880 north.

In future correspondence, please provide the following information to assist us with our analysis of the proposed project:

- 1) A complete discussion of the purpose and need for the project, and each of the project alternatives.
- 2) An assessment of how this project will affect the implementation of conservation plans and actions in recovery plans, if any, published by our agency.
- 3) Specific acreage and description of the types of habitats that may be affected by the proposed project or project alternatives. Maps and tables should be included to summarize such information.
- 4) Description of the biological resources associated with each habitat type. These descriptions should include both qualitative and quantitative assessments of the resources present on the proposed project site and alternatives. This should include complete species lists for all sensitive/rare biological resources on-site.
- 5) An assessment of direct, indirect, and cumulative project impacts to biological resources. Direct impacts are the immediate effects of the project on the species or its habitat and include the effects of interrelated and interdependent actions that would not occur but for the proposed project. All facets of the project (e.g., construction, implementation, operation) should be included in this assessment. Indirect impacts are caused by, or result from, the proposed action, are later in time, and are reasonably certain to occur. These impacts may occur outside of the area directly affected by the proposed project. We recommend that your cumulative impacts analysis be broad enough to include the effects of future State, Tribal, local, or private actions that are reasonably certain to occur within the sphere of influence of your project.
- 6) An analysis of how project-induced impacts may fragment and isolate biological resources at a local and regional scale. This should include a detailed discussion of proposed project impacts on each federally listed or proposed species that may be affected by the direct or indirect effects of the project.
- 7) Specific plans should be developed to avoid, minimize, and fully offset project-related impacts, including proposals for compensation for the cumulative impacts of direct and

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indirect habitat loss, degradation, or modification. Each plan should include a detailed monitoring program with provisions for assessing the success of restoration efforts and contingency plans to be implemented if initial efforts are unsuccessful. The plan should discuss funding and responsible parties that will guarantee the successful implementation of compensation and monitoring programs, and ensure the perpetual conservation of compensation sites. Issues that should be addressed include restrictions on vehicle and people access, proposed land dedications, monitoring and management programs, control of illegal dumping, restrictions on lighting near the mitigation areas, etc.

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- 8) Identification of methods to be employed to prevent the discharge and disposal of toxic and/or caustic substances, including oil and gasoline, on the project site especially during construction.

Additionally, an analysis should be provided with respect to impacts of declining air quality on the listed and rare plants and wildlife living on serpentine soils in the project vicinity, notably on Tulare Hill, the Santa Teresa Hills, and the eastern ridge of the Santa Clara Valley ("Coyote Ridge"). All of these habitat areas were found to be essential to the continued survival and eventual recovery of the Bay checkerspot butterfly, and the Metcalf Canyon jewelflower, Santa Clara Valley dudleya, Coyote ceanothus, and Tiburon paintbrush which are mentioned in the Service's 1998 *Recovery Plan for Serpentine Soil Species of the San Francisco Bay Area*. These species and numerous other special-status species specialize on and are virtually restricted to serpentine habitats, which are themselves rare and have special status with the State of California. Deposition of excess nitrogen from air pollution, in particular, poses a significant threat to these species and their habitats (e.g., S. B. Weiss, December 1999, "Cars, cows, and checkerspot butterflies: Nitrogen deposition and management of nutrient-poor grasslands for a threatened species," *Conservation Biology* vol. 13, pp. 1476-1486). The air pollution impacts of the plan are cumulative to existing impacts from San Jose and Bay area pollution, and to the proposed impacts of the adjacent Calpine Metcalf Energy Center project, and must be analyzed as such. The Service believes that existing impacts of excess nitrogen from air pollution are already having a significant impact, and that cumulative increases in pollution-derived nitrogen deposition due to the proposed project would seriously threaten these listed and rare species and rare serpentine habitats.

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If you have any questions, please contact Don Hankins or Kenneth Sanchez at (916) 414-6625.

Sincerely,

Karen J. Miller
 Chief, Endangered Species Division

Enclosure

