



## Santa Clara Valley Habitat Conservation Plan/Natural Community Conservation Plan

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**DATE:** September 7, 2007

### **Notice of Preparation (NOP) to prepare an Environmental Impact Report/Environmental Impact Statement (EIR/EIS) for the Issuance of Incidental Take Permits Associated with the Santa Clara Valley Habitat Plan – A Conservation Legacy.**

#### **INTRODUCTION**

Pursuant to the National Environmental Policy Act (NEPA) and the California Environmental Quality Act (CEQA), the Santa Clara Valley Habitat Plan Local Partners (Cities of Gilroy, Morgan Hill and San Jose, County of Santa Clara, Santa Clara Valley Water District, and Santa Clara Valley Transportation Authority) and the U.S. Fish and Wildlife Service plan to prepare an EIR/EIS on the Santa Clara Valley Habitat Conservation Plan/Natural Communities Conservation Plan, named the Santa Clara Valley Habitat Plan – A Conservation Legacy. The Plan Area is located within Santa Clara County, covering approximately 520,000 acres generally coinciding with the Coyote and Pajaro watersheds as well as a significant portion of the Guadalupe watershed [see FIGURE 1]. The Local Partners intend to request Endangered Species Act (ESA) permits for 30 species that are listed as federal or State threatened or endangered species or identified as Federal or State species of concern. [see TABLE 1]. The permits are needed to authorize take of listed species that could occur as a result of implementation activities covered under the Plan (see Proposed Implementation Activities below).

#### **SANTA CLARA VALLEY HABITAT PLAN – A CONSERVATION LEGACY**

##### **Project Description**

The purpose of the Santa Clara Valley habitat Plan is to protect and enhance ecological diversity and function in the greater portion of Santa Clara County, while allowing appropriate and compatible growth and development in accordance with applicable laws. The Plan is both a habitat conservation plan (HCP) intended to fulfill the requirements of the ESA and a natural community conservation plan (NCCP) to fulfill the requirements of the California Natural Community Conservation Planning Act (NCCP Act). As an NCCP, the Plan not only addresses impact mitigation, but will also contribute to the recovery and delisting of listed species and help preclude the need to list additional species in the future.

##### **Covered Species**

Currently, 30 species are proposed for coverage under the Plan. Table 1 lists those species and their current status. Species may be added or deleted during the course of Plan development based on further analysis, new information, agency consultation, and public comment.

##### **Plan Area**

The Plan Area includes approximately 520,000 acres within Santa Clara County. This area generally covers the southeastern portion of the County including portions of the Santa Cruz Mountains to the west, the central portion of the Santa Clara Valley, and portions of the Diablo Range to the east, and generally coinciding with the Coyote and Pajaro watersheds as well as a significant portion of the Guadalupe watershed. A majority of the Plan Area is unincorporated, but includes all of the Cities of

Gilroy and Morgan Hill and all of San Jose except the Bayland areas. The Plan Area encompasses a diversity of land uses, including a variety of urban and suburban development types, agriculture uses and ranchlands, rural residential, recreation, and public and private open space. It also contains diverse natural community types, including variety of grasslands, serpentine, oak woodlands, mixed riparian forests, scrub/chaparral, marshes and other areas.

### **Proposed Implementation Activities**

Because the Plan is still under development, the list of covered activities has not been finalized. Activities under the following covered activity categories are currently under consideration by the Local Partners and Service for coverage under the Plan. The covered activity categories include:

- Urban development.
- In-stream capital projects.
- In-stream operations and maintenance.
- Rural capital projects
- Rural operation and maintenance (outside streams).
- Rural residential development.
- Conservation Strategy implementation (activities within the Reserve System).

The Coyote Valley Specific Plan (CVSP), and Fisheries and Aquatic Habitat Collaborative Effort (FAHCE) will be excluded from the take permit under this Plan. The CVSP and FAHCE projects would obtain any necessary take authorization in a separate consultation with the State and Federal Wildlife Agencies. During Plan development, there may be other projects also identified as excluded from the Plan.

### **Mitigation**

Under the Plan, the effects of covered activities are expected to be minimized and mitigated through participation in a conservation strategy, and conditions on covered activities, which will be fully described in the Plan. The focus of a conservation strategy is to provide long-term protection of covered species by protecting biological communities in the Plan area. Because the Plan is also a Natural Community Conservation Plan, it will also contribute to the recovery of the listed covered species and to the conservation of non-listed species to try to prevent their listing in the future.

The conservation strategy stems from the biological goals and objectives developed for the Plan. A series of conservation actions are under consideration by the Local Partners and the State and Federal Wildlife Agencies that will accomplish the following goals and objectives:

- Creation of a Reserve System that will preserve between approximately 30,000 and 58,000 acres of land for the benefit of covered species, natural communities, biological diversity, and ecosystem function.
- Protection and management of aquatic resources in the plan area, particularly native fish-bearing streams, inside and outside the Reserve System.
- Preservation of major local and regional connections between key habitat areas and between existing protected areas.
- Establishment of a framework for long-term management of the Reserve System and streams outside the Reserve System to enhance populations of covered species and maintain biological diversity.

- Incorporation of up to approximately 98,000 acres of existing protected areas into the Reserve System to enhance their long-term management.
- Restoration of approximately 1,250 acres of valley oak woodland, riparian woodland, wetlands, and ponds to offset losses of these land cover types and contribute to species recovery.
- Also, as required by ESA and California Endangered Species Act (CESA), the Plan includes measures to avoid and minimize take of covered species, which are under consideration by the Local Partners, and the Fish and Wildlife Service as conditions on covered activities.

### **ENVIRONMENTAL IMPACT REPORT/ENVIRONMENTAL IMPACT STATEMENT**

The Local Partners and Fish and Wildlife Service will prepare a joint document in compliance with NEPA and CEQA. The Local Partners will be responsible for the scope and content of the document for CEQA purposes, and the Service will be responsible for the scope and content of the document for NEPA purposes. The EIR/EIS will consider the proposed action (issuance of ESA permits), and a reasonable range of alternatives. A detailed description of the proposed action and alternatives will be included in the EIR/EIS. It is anticipated that several alternatives will be developed, which may vary by the level of conservation, impacts caused by the proposed activities, permit area, covered species, or a combination of these factors. The EIR/EIS will also identify potentially significant impacts on biological resources, land use, air quality, water quality, mineral resources, water resources, economics, and other environmental issues that could occur directly or indirectly with implementation of the proposed action and alternatives. For all potentially significant impacts, the EIR/EIS will identify mitigation measures where feasible to reduce these impacts to a level below significance.

### **PUBLIC MEETING**

A public meeting is scheduled to provide an overview of the proposed action and obtain feedback. The meeting will be held on:

**Wednesday, September 26, 2007  
7.00 to 9.00 p.m.**

The public meetings will be held at:

**Morgan Hill Community and Cultural Center,  
El Toro Room,  
17000 Monterey Road (at East Dunne Avenue)  
Morgan Hill, CA**

### **SUBMITTING COMMENTS**

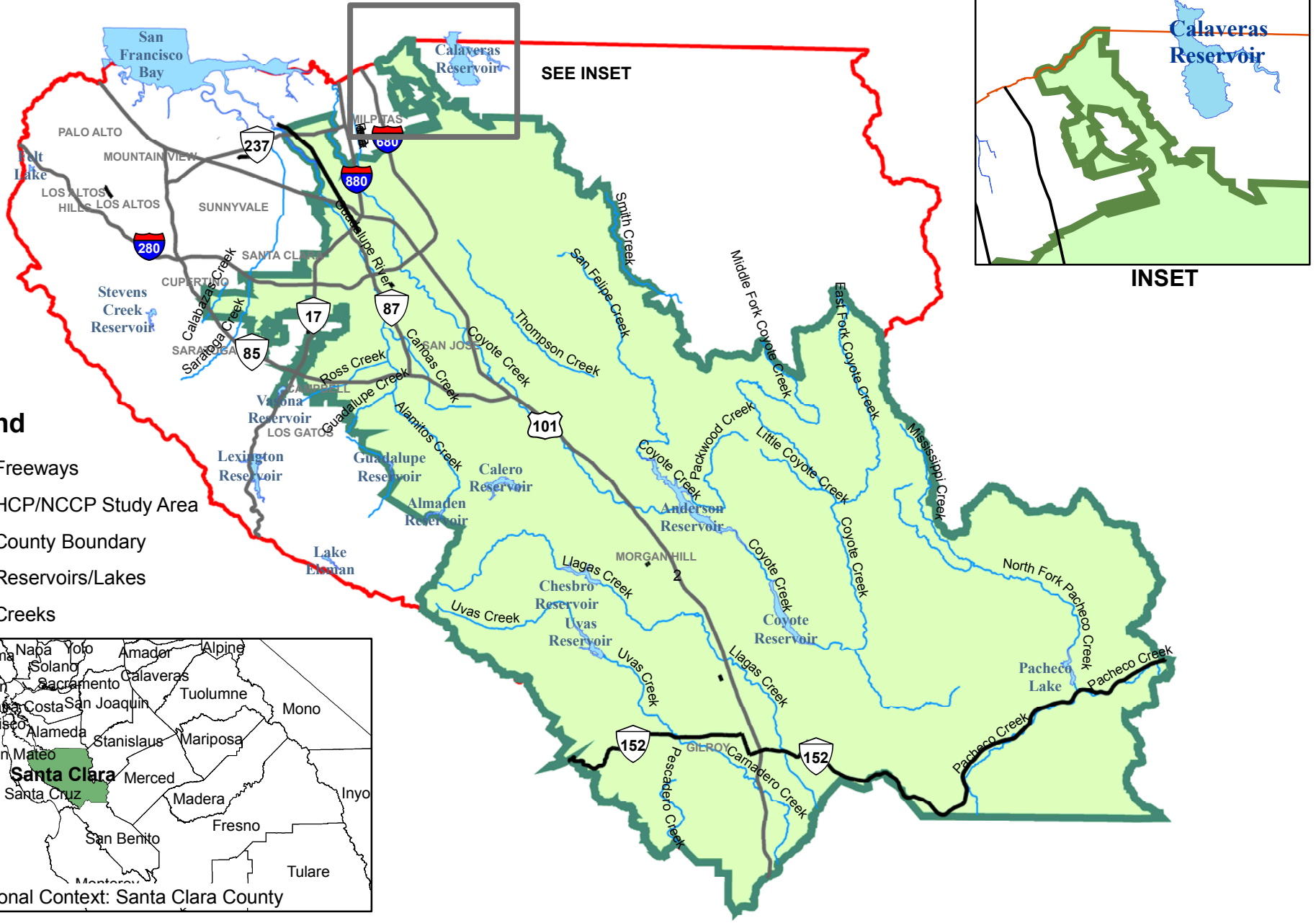
Written comments from interested parties regarding the scope of the EIR/EIS are invited to ensure that the full range of environmental issues related to the proposed action are identified and evaluated. All comments received, including names and addresses, will become part of the official administrative record and will be made available to the public. Information, written comments, or questions related to the preparation of the EIR/EIS should be received on or before October 22, 2007. Written comments should be directed to the contact below:

Ken Schreiber, Habitat Plan Program Manager  
County of Santa Clara  
70 West Hedding Street, East Wing, 7<sup>th</sup> Floor  
San Jose, CA 95110  
(408) 299-5789

For additional information regarding the Santa Clara Valley Habitat Plan, please visit the Santa Clara Valley Habitat Plan website: [www.scv-habitatplan.org](http://www.scv-habitatplan.org)

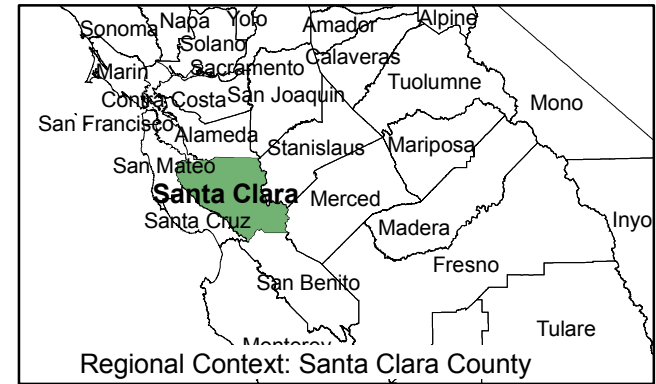
**SUPPLEMENTARY INFORMATION**

Persons needing reasonable accommodations in order to attend and participate in the public meeting should contact Ken Schreiber at (408) 299-5789 as soon as possible. In order to allow sufficient time to process requests, please call no later than one week before the public meeting.



**Legend**

- Freeways
- HCP/NCCP Study Area
- County Boundary
- Reservoirs/Lakes
- Creeks



**Santa Clara Valley HCP/NCCP Study Area Boundary**

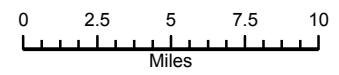


FIGURE 1  
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While the GIS data used to create this map is deemed reliable, it should be only used for planning purposes and the Local Partners assume no liability

TABLE 1 - Recommended Covered Species in the Santa Clara valley habitat Plan

Species	Status <sup>a</sup>		Criteria <sup>b</sup>				Recommended Covered Status <sup>c</sup>	Notes
	State/ CNPS	Federal	Range	Status	Impact	Data		
Invertebrates								
Bay checkerspot butterfly <i>Euphydryas editha bayensis</i>	—	FT	Y	Y	Y	Y	Y	Study area contains almost all known populations and habitat of species throughout range
Fish								
Pacific lamprey <i>Lampetra tridentata</i>	—	—	Y	Y	Y	Y	Y	Petition for federal listing; recently rejected but may be resubmitted
South-Central California Coastal steelhead <i>Oncorhynchus mykiss</i>	CSC	FT	Y	Y	Y	Y	Y	Occurs in Pajaro River and tributaries; suitable habitat occurs above Uvas Dam (CNDDDB 2005)
Central California Coastal steelhead <i>Oncorhynchus mykiss</i>	—	FT	Y	Y	Y	Y	Y	Occurs in Coyote Creek and tributaries (CNDDDB 2005)
Central valley fall-run Chinook salmon <i>Oncorhynchus tshawytscha</i>	CSC	SOC	Y	Y ?	Y	Y	Y	Occurs in Guadalupe River; species was federal candidate but listing was not warranted per 1999 decision; NOAA considers population in study area to be of hatchery stock and not part of the listed ESU; due to increasing population numbers listing of this species is may be unlikely
Amphibians and Reptiles								
California tiger salamander <i>Ambystoma californiense</i>	CSC	FT	Y	Y	Y	Y	Y	Known to occur in multiple locations in study area (CNDDDB 2005)
California red-legged frog <i>Rana aurora draytoni</i>	CSC	FT	Y	Y	Y	Y	Y	Known to occur in multiple locations in study area (CNDDDB 2005)
Foothill yellow-legged frog <i>Rana boylei</i>	CSC	—	Y	Y	Y	Y	Y	Known from study area

Species	Status <sup>a</sup>		Criteria <sup>b</sup>				Recommended Covered Status <sup>c</sup>	Notes
	State/ CNPS	Federal	Range	Status	Impact	Data		
Western pond turtle <i>Clemmys marmorata</i>	CSC	—	Y	Y	Y	Y	Y	Known to occur in study area (CNDDDB 2005); likelihood of listing within the permit term is low to moderate
Birds								
Golden eagle <i>Aquila chrysaetos</i>	FP	BGPA, MBTA	Y	Y	Y	Y	Y	Take of individuals and nests not allowed; recommended as a covered species to address loss of habitat in case species is state or federally listed
Western burrowing owl <i>Athene cunicularia hypugea</i>	CSC	MBTA	Y	Y	Y	Y	Y	Known to occur in study area (CNDDDB 2005); could become listed during permit term. Species is protected under MBTA; take of individuals not allowed
Least Bell's vireo <i>Vireo bellii pusillus</i>	SE	FE, MBTA	Y	Y	Y	Y	Y	Recent breeding records from Llagas Creek area (CNDDDB 2005). Suitable habitat present on Uvas Creek, on Pajaro River, and around Coyote Reservoir (D. Padley pers. comm.). Species is listed under MBTA but Special Purpose Permit can be acquired for take of individuals
Tricolored blackbird <i>Agelaius tricolor</i>	CSC	MBTA	Y	Y	Y	Y	Y	Known to breed in region (CNDDDB 2005); high likelihood of occurring in study area. Species is protected under MBTA; take of individuals not allowed
Mammals								
Pacific Townsend's (=western) big-eared bat <i>Corynorhinus townsendii townsendii</i>	CSC	—	Y	Y	Y	Y	Y	Species could become listed during permit term due to population declines throughout most of range
San Joaquin kit fox <i>Vulpes macrotis mutica</i>	ST	FE	Y	Y	Y	Y	Y	Known to occur occasionally at edges of study area (two records from 1975, Aug. 2002 record in Henry Coe State Park; CNDDDB 2005)

Species	Status <sup>a</sup>		Criteria <sup>b</sup>				Recommended Covered Status <sup>c</sup>	Notes
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Plants								
Big scale balsamroot <i>Balsamorhiza macrolepis</i> var. <i>macrolepis</i>	1B	—	Y	Y	Y	Y	Y	Two occurrences in Santa Clara Valley (CNDDDB 2005)
Chaparral harebell <i>Campanula exigua</i>	1B	—	Y	Y	Y	Y	Y	One occurrence along Coyote Creek (CNDDDB 2005)
<u>Tiburon Indian paintbrush</u> <i>Castilleja affinis</i> ssp. <i>neglecta</i>	<u>ST/ 1B</u>	<u>FE</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>Two occurrences west of Anderson Reservoir on Coyote Ridge</u>
Coyote ceanothus <i>Ceanothus ferrisiae</i>	1B	FE	Y	Y	Y	Y	Y	Study area includes all known populations and habitat of species throughout range
Mount Hamilton thistle <i>Cirsium fontinale</i> var. <i>campylon</i>	1B	—	Y	Y	Y	Y	Y	30 occurrences in study area (CNDDDB 2005)
San Francisco collinsia <i>Collinsia multicolor</i>	1B	—	Y	Y	Y?	Y	Y	Occurrence in Almaden Quicksilver County Park
Santa Clara Valley dudleya <i>Dudleya setchellii</i>	1B	FE	Y	Y	Y	Y	Y	Study area includes all known populations and habitat of species throughout range (CNDDDB 2005)
Fragrant fritillary <i>Fritillaria liliacea</i>	1B	—	Y	Y	Y	Y	Y	Eight occurrences on east side of Santa Clara Valley (CNDDDB 2005)
Loma Prieta hoita <i>Hoita strobilina</i>	1B	—	Y	Y	Y	Y	Y	Seven occurrences in study area (CNDDDB 2005)
Smooth lessingia <i>Lessingia micradenia</i> var. <i>glabrata</i>	1B	—	Y	Y	Y	Y	Y	Study area includes all known populations and habitat of species throughout range (CNDDDB 2005)
Hall's bush mallow <i>Malacothamnus hallii</i>	1B	—	Y	Y	Y	Y	Y	13 occurrences in study area (CNDDDB 2005)



Species	Status <sup>a</sup>		Criteria <sup>b</sup>				Recommended Covered Status <sup>c</sup>	Notes
	State/ CNPS	Federal	Range	Status	Impact	Data		
Robust monardella <i>Monardella villosa</i> ssp. <i>globosa</i>	1B	—	Y	Y	Y	Y	Y	Occurs in Uvas County Park and adjacent Santa Clara Valley Open Space Authority land; may also occur in Henry Coe State Park
Rock sanicle <i>Sanicula saxatilis</i>	SR/ 1B		Y	Y	Y?	Y	Y	One occurrence in Henry Coe State Park (CNDDDB 2005); also known from Mt. Hamilton on University of California and private land just outside study area; impacts from covered activities uncertain; elevational range of species (2,000'-3,850') within elevational range of study area (up to 3,777')
Metcalf Canyon jewelflower <i>Streptanthus albidus</i> subsp. <i>albidus</i>	1B	FE	Y	Y	Y	Y	Y	12 occurrences, mostly in Santa Clara Valley (CNDDDB 2005)
Most beautiful jewelflower <i>Streptanthus albidus</i> subsp. <i>peramoenus</i>	1B	—	Y	Y	Y	Y	Y	24 occurrences in study area (CNDDDB 2005)

Species	Status <sup>a</sup>		Criteria <sup>b</sup>				Recommended Covered Status <sup>c</sup>	Notes
	State/ CNPS	Federal	Range	Status	Impact	Data		
Notes								
<p>a. <b>Status</b></p> <p><b>State Status</b></p> <p>FP Fully Protected</p> <p>SE State listed as endangered</p> <p>ST State listed as threatened</p> <p>SR State listed as rare</p> <p>CSC California special concern species (July 2005 list)</p> <p><b>Federal Status</b></p> <p>BGPA Bald Eagle and Golden Eagle Protection Act</p> <p>MBTA Migratory Bird Treaty Act</p> <p>FE Federally endangered</p> <p>FT Federally threatened</p> <p>FC Candidate for federal listing</p> <p>FPT Federally proposed for threatened listing</p> <p>FPD Federally proposed for delisting</p> <p>FD Federally delisted</p> <p>SOC Species of Concern (National Marine Fisheries Service designation)</p> <p><b>California Native Plant Society Ranking</b></p> <p>1A Presumed extinct in California</p> <p>1B Rare or endangered in California and elsewhere</p> <p>2 Rare or endangered in California, more common elsewhere</p> <p>3 Plants about which more information is needed</p>					<p>b. <b>Criteria</b></p> <p><b>Range:</b> The species is known to occur or is likely to occur within the HCP/NCCP study area, based on credible evidence, or the species is not currently known in the study area but is expected in the study area during the permit term (e.g., through range expansion or reintroduction to historic range).</p> <p><b>Status:</b> The species is either:</p> <ul style="list-style-type: none"> <li>▪ listed under the federal ESA as threatened or endangered, or proposed for listing;</li> <li>▪ listed under CESA as threatened or endangered or a candidate for such listing, or listed under the Native Plant Protection Act as rare; or</li> <li>▪ expected to be listed under ESA or CESA within the permit term. Potential for listing during the permit term is based on current listing status, consultation with experts and Wildlife Agency staff, evaluation of species population trends and threats, and best professional judgment.</li> </ul> <p><b>Impact:</b> The species or its habitat would be adversely affected by covered activities or projects that may result in take of the species.</p> <p><b>Data:</b> Sufficient data exist on the species' life history, habitat requirements, and occurrence in the study area to adequately evaluate impacts on the species and to develop conservation measures to mitigate these impacts to levels specified by regulatory standards.</p> <p>Species proposed for coverage in the Plan were limited to those species for which impacts from covered activities were likely, in order to provide take authorization for the highest priority species. However, many other special-status species are expected to benefit from the Plan, as described in Chapter 5.</p> <p>c. <b>Recommended Covered Status</b></p> <p>Y recommended as covered species in Santa Clara Valley HCP/NCCP</p> <p>N not recommended for coverage in Santa Clara Valley HCP/NCCP</p>			