



State of California – The Natural Resources Agency
DEPARTMENT OF FISH AND WILDLIFE
Bay Delta Region
7329 Silverado Trail
Napa, CA 94558
(707) 944-5500
www.wildlife.ca.gov

EDMUND G. BROWN JR., Governor
CHARLTON H. BONHAM, Director



August 28, 2014

Mr. Yen Han Chen
City of Santa Clara
1500 Warburton Avenue
Santa Clara, CA 95050

Dear Mr. Chen:

Subject: Centennial Gateway Mixed-Use Development, Notice of Preparation of a Draft Environmental Impact Report, SCH #2014072024, City and County of Santa Clara

This letter is in response to the Notice of Preparation (NOP) of a draft Environmental Impact Report (EIR) for the Centennial Gateway Mixed-Use Project (Project), received by the California Department of Fish and Wildlife (CDFW) on July 14, 2014. The Project will consist of the construction of between 600,000 and 850,000 square feet of new hotel, retail, restaurant, and office space within an 8.4-acre development envelope. The Project is located at the corner of Tasman Drive and Centennial Boulevard in the City and County of Santa Clara.

CDFW is identified as a Trustee Agency pursuant to the California Environmental Quality Act (CEQA) §15386. As a trustee for the State's fish and wildlife resources, CDFW has jurisdiction over the conservation, protection, and management of fish, wildlife, native plants and the habitat necessary for biologically sustainable populations of those species pursuant to California Fish and Game Code §1802. In this capacity, CDFW administers the California Endangered Species Act (CESA), the Native Plant Protection Act, the Lake and Streambed Alteration Program and other provisions of the Fish and Game Code that afford protection to the State's fish and wildlife trust resources.

CDFW is aware the suggested timeframe to provide comments on the NOP has passed. However, CDFW anticipates the recommendations below will be beneficial and respectfully requests they be included in the CEQA document prepared for this Project. Therefore, CDFW is offering the following comments, and recommendations regarding the proposed Project.

Burrowing Owl

Once one of the most common birds in the state, burrowing owl numbers have declined significantly since the 1940s with an increasing downward trend from the 1970s onward. The burrowing owl population in the entire South San Francisco Bay Area was probably around 1,000 pairs in the 1970s and by 1980, there were perhaps only 250 pairs remaining (Albion Environmental, Inc. 2000).

The first comprehensive surveys of burrowing owls in the Bay Area took place beginning in 1991 (DeSante et al. 1997; DeSante et al. 2007) and yielded estimates of 153 pairs (1997) and 165 pairs (2007) for the Bay Area as a whole. Results of a larger statewide survey suggested that there had been approximately 50% declines in both the numbers of owls and the number of

breeding groups in the San Francisco Bay Area from the period 1986–1991. A report by Albion Environmental, Inc.(2000) estimated that the Santa Clara County burrowing owl population in 1997 consisted of between 120 and 141 pairs, most of which were found in 12 discrete locations.

As part of the development of the conservation strategy for the Santa Clara Habitat Conservation Plan/Natural Community Conservation Plan (HCP/NCCP) (Plan), the Plan area was surveyed for breeding burrowing owls from May 26 to July 23, 2008 (Albion Environmental, Inc. 2008). The survey was conducted at 96 locations: 84 locations inside the HCP/NCCP area and 12 immediately outside the northern and southern boundaries of the HCP/NCCP area where breeding owls were known to occur, i.e., Alviso environs and northern San Benito County. This survey resulted in an estimate of 19–20 pairs in the HCP/NCCP area, 20 to 21 pairs in the City of San Jose (includes pairs in Alviso outside the plan area), and 21 to 23 breeding pairs when including pairs observed just outside the north and south HCP/NCCP Plan area boundaries. All except two breeding pairs in the Plan area were located on either San Jose International Airport or north San Jose/Alviso. These data strongly support the observation that the South Bay burrowing owl population has declined catastrophically, since just 1997 and that the remaining owls are limited to fewer and fewer locations. In developing a Population Viability Analysis to provide the basis for a HCP/NCCP conservation strategy for the species, only three sites in the South Bay area; Moffett Airfield, San Jose International Airport, and Shoreline Park had enough owls to be used in the analysis.

The current circumstances are such that the remaining burrowing owl breeding and foraging areas are found on the open spaces along the Highway 237 corridor from roughly Shoreline/Moffett to the west to Interstate 880 to the east. This area includes the parcels where the Centennial Gateway development is proposed. These areas are critical to the sustainability of the local burrowing owl population and any loss of useable open space in this area should be considered a significant impact in any CEQA evaluation.

The California Natural Diversity Data Base lists numerous burrowing owl occurrences on and around the Centennial Gateway site (see attached). In addition to the pair of owls which bred near Levi's Stadium the past two years, local burrowing owl biologists have observed owls foraging on the golf course, nesting on the slope of Tasman Drive in front of the golf course parking lot, under the sidewalk along Centennial, and on the berm inside the Pacific Gas and Electric Company substation at the end of Centennial. These records and the proximity of other nesting occurrences establish the site as active burrowing owl habitat and this should be used as the CEQA baseline in the draft EIR.

As noted above, a regionally-specific burrowing owl recovery plan was developed as part of the Santa Clara HCP/NCCP to establish a recovery strategy for the species within the Plan area. Since almost all the remaining owls in the South Bay are located in or near the HCP/NCCP area, this recovery strategy, by extension, serves as the most specific, detailed and local strategy to compensate for the loss of burrowing owl habitat (foraging, movement and breeding) in the South Bay and on the Peninsula. Accordingly, the strategy (Appendix M of the HCP/NCCP, available at <http://scv-habitatagency.org/DocumentCenter/Home/View/120>), is the best available mitigation and should be discussed and utilized in the draft EIR to mitigate for the loss of burrowing owl habitat resulting from the eventual construction of Centennial Gateway.

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Given the state of the local population, out of the area mitigation should not be considered for this project as it will provide no benefit locally and little for the species as a whole.

Nitrogen Deposition

Atmospheric nitrogen deposition is a complex process by which reactive chemical species of nitrogen (N)—nitrogen oxides (NO_x), ammonia (NH₃), and their reaction products—are deposited onto surfaces and enter ecosystems as N fertilizer. N-deposition estimates (from varied studies) for the Santa Clara Valley range from 8–20 kilograms of nitrogen per hectare per year (kg-N/ha/y).

In Santa Clara County, N-deposition threatens serpentine grasslands that support numerous rare and endangered species, including the threatened Bay checkerspot butterfly (*Euphydryas editha bayensis*). The added N allows nutrient-poor serpentine soils to be invaded by non-native annual grasses that displace the native forbs that provide caterpillar food and adult nectar for the butterfly. N-deposition is the largest indirect impact of urban development on the serpentine grassland ecosystem. Although indirect, the impacts from new development on local serpentine communities are considerable and is advised to be considered a significant impact in the draft EIR.

As with burrowing owls, a specific N-deposition analysis was done for the HCP/NCCP (Appendix E, available at <http://scv-habitatagency.org/DocumentCenter/Home/View/113>). The City and its consultant team should work closely with the HCP/NCCP Implementing Entity and the U.S. Fish and Wildlife Service to analyze the specific impact from Centennial Gateway and to establish appropriate mitigation based on the local, specific strategy developed for this impact.

Thank you for the opportunity to comment at this early stage of the review process. If you have any questions, please contact Mr. Dave Johnston, Environmental Scientist, at (831) 464-6870 or david.johnston@wildlife.ca.gov; or Ms. Annee Ferranti, Senior Environmental Scientist (Supervisory), at (707) 944-5554 or annee.ferranti@wildlife.ca.gov.

Sincerely,



Scott Wilson
Regional Manager
Bay Delta Region

ec:

Joseph Terry, U.S. Fish and Wildlife Service – joseph.terry@fws.gov
Edmund Sullivan, Santa Clara Valley Habitat Agency – edmund.sullivan@scv-habitatagency.org
Terah Donovan, ICFI International – Terah.Donovan@icfi.com

Mr. Yen Han Chen
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Reference:

Albion Environmental, Inc. 2000. City of San Jose, burrowing owl habitat conservation strategy and implementation plan. Draft Final Report. April 2000.

Albion Environmental, Inc. 2008. Burrowing owl survey in the Santa Clara Valley HCP/NCCP. Unpublished report.

DeSante, D.F., E.D. Ruhlen, S.L. Adamany, K.M. Burton and S. Amin. 1997. A census of burrowing owls in central California in 1991. Pages 38–48 in Lincer, J.L. and K. Steenhof. (Eds.). 1997. *The Burrowing Owl, its Biology and Management: Including the Proceedings of the First International Symposium*. Raptor Research Report Number 9.

DeSante, D.F., E.D. Ruhlen, and R. Scalf. 2007. The distribution and relative abundance of burrowing owls in California during 1991–1993: Evidence for a declining population and thoughts on its conservation. Pages 1–41 in Barclay, J.H., K.W. Hunting, J.L. Lincer, J. Linthicum, and T.A. Roberts (Eds.). 2007. *Proceedings of the California Burrowing Owl Symposium, November 2003*. Bird Populations Monographs No. 1. The Institute for Bird Populations and Albion Environmental, Inc. Point Reyes Station, CA, vii + 197 pp.



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August 28, 2014

Ms. Debby Fernandez
City of Santa Clara
1500 Warburton Avenue
Santa Clara, CA 95050

Dear Ms. Fernandez:

Subject: City Place Project, Notice of Preparation of a Draft Environmental Impact Report, SCH #2014072078, City and County of Santa Clara

This letter is in response to the Notice of Preparation (NOP) of a draft Environmental Impact Report (EIR) for the City Place Project (Project), received by the California Department of Fish and Wildlife (CDFW) on August 4, 2014. The Project will consist of the construction of up to 8.34 million square feet of new retail/entertainment, hotel, restaurant, office space, and urban residential within a 230-acre development envelope. The Project is in an area which currently supports a golf course and tennis club, fire station, BMX track, and open space. It is located north of Tasman Drive, west of Lafayette Street, and west of Great American Parkway in the City and County of Santa Clara.

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Burrowing owl

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The first comprehensive surveys of burrowing owls in the Bay Area took place beginning in 1991 (DeSante et al. 1997; DeSante et al. 2007) and yielded estimates of 153 pairs (1997) and 165 pairs (2007) for the Bay Area as a whole. Results of a larger statewide survey suggested that there had been approximately 50% declines in both the numbers of owls and the number of breeding groups in the San Francisco Bay Area from the period 1986–1991. A report by Albion

Environmental, Inc.(2000) estimated that the Santa Clara County burrowing owl population in 1997 consisted of between 120 and 141 pairs, most of which were found in 12 discrete locations.

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Thank you for the opportunity to comment at this early stage of the review process. If you have any questions, please contact Mr. Dave Johnston, Environmental Scientist, at (831) 464-6870 or david.johnston@wildlife.ca.gov; or Ms. Annee Ferranti, Senior Environmental Scientist (Supervisory) at (707) 944-5554 or annee.ferranti@wildlife.ca.gov

Sincerely,



Scott Wilson
Regional Manager
Bay Delta Region

ec:

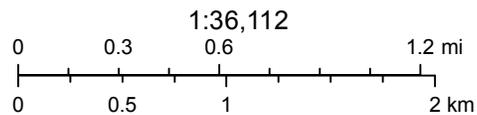
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Map of Project Area

- Plant (80m)
- Plant (specific)
- Plant (non-specific)
- Plant (circular)
- Animal (80m)
- Animal (specific)
- Animal (non-specific)
- Animal (circular)
- Terrestrial Comm. (80m)
- Terrestrial Comm. (specific)
- Terrestrial Comm. (non-specific)
- Terrestrial Comm. (circular)
- Aquatic Comm. (80m)
- Aquatic Comm. (specific)
- Aquatic Comm. (non-specific)
- Aquatic Comm. (circular)
- Multiple (80m)
- Multiple (specific)
- Multiple (non-specific)
- Multiple (circular)



August 25, 2014



Source: Esri, DigitalGlobe, GeoEye, I-cubed, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AEX, Getmapping, Aerogrid, IGN, IGP,