

**DRAFT ENVIRONMENTAL IMPACT STATEMENT FOR AUTHORIZATION  
FOR INCIDENTAL TAKE AND IMPLEMENTATION OF THE STANFORD  
UNIVERSITY HABITAT CONSERVATION PLAN**

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**APPENDIX A  
SCOPING REPORT**

# **Scoping Report**

Environmental Document for  
Stanford University's  
Anticipated Application for an  
Incidental Take Permit

**January 19, 2007**

Prepared for  
U.S. Fish and Wildlife Service  
National Marine Fisheries Service

Prepared by  
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## Introduction

This scoping report summarizes the public scoping meeting and comments received for the environmental document being prepared in connection with Stanford University's anticipated application for an incidental take permit under Section 10(a) of the Endangered Species Act (ESA). The environmental document will consider potential impacts of implementing Stanford's Habitat Conservation Plan and issuance of an incidental take permit by the U.S. Fish and Wildlife Service and National Oceanic and Atmospheric Administration. The report is organized in the following sections:

- Introduction
- Background
- Action and Environmental Document
- Scoping Process
- Comments Received
- Summary of Scoping Comments
- List of Agencies or Individuals to Add to Mailing List
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- Attachment 2: Scoping Meeting Presentation
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## Background

Stanford is in the process of developing a conservation strategy for various aquatic and riparian species occurring on approximately 8,100 acres of Stanford land in Santa Clara and San Mateo Counties. As required by the federal Endangered Species Act (ESA), Stanford is preparing a Habitat Conservation Plan (Plan) in connection with its anticipated permit applications. Stanford expects to apply for an incidental take permit pursuant to Section 10(a)(1)(B) of the ESA from the National Oceanic and Atmospheric Administration, National Marine Fisheries Service for steelhead (*Onchorhynchus mykiss*) and from the U.S. Fish and Wildlife Service for California red-legged frog (*Rana aurora draytonii*) and California tiger salamander (*Ambystoma californiense*). There is also one unlisted species proposed for coverage; the western pond turtle (*Clemmys marmorata*). Species may be added or deleted during the course of the Plan development based on further analysis.

The draft Plan to be prepared by Stanford in support of the permit applications will describe the impacts of take on proposed covered species, and will propose a conservation strategy to minimize and mitigate those impacts on each covered species to the maximum extent practicable.

## Action and the Environmental Document

The incidental take permit will allow activities proposed by the Stanford Habitat Conservation Plan, called “Covered Activities”. These Covered Activities are related to water management, academic uses, maintenance and construction of new urban infrastructure, recreational and athletic uses, activities carried out by Stanford’s tenants and future development. Issuance of the permits under the ESA is a federal action, and therefore is subject to environmental review in accordance with the National Environmental Policy Act (NEPA). Therefore an environmental document (either an Environmental Assessment or an Environmental Impact Statement) will be prepared to examine potential significant environmental effects of the Services’ approval of the permits, as well as the potential significant environmental impacts of the alternatives to the project.

## Scoping Process

The U.S. Fish and Wildlife Service and the National Marine Fisheries Service (Services) and Stanford held a public meeting on September 21<sup>st</sup>, 2006, from 4 to 6 p.m. on the Stanford Campus at Jordan Hall, 450 Serra Mall, Building 420, Room 040, Stanford, California.

The Services published a Notice of Intent (NOI) in the Federal Register (71 FR 175:53466-53467) on September 11<sup>th</sup> 2006 (Attachment 1), to serve notice of the preparation of an environmental document, announce the initiation of a public scoping period, obtain information to assist the Services in determining whether to write an EA or EIS, and to obtain suggestions on the scope and issues to be included in the environmental document. The NOI provided information on the background and purpose of the Habitat Conservation Plan and provided details for the public scoping meeting.

Stanford also sent meeting notifications via email and regular mail (Attachment 1) to the following agencies/representatives:

- Mayor, City of Palo Alto
- Palo Alto City Manager
- Mayor, City of Menlo Park
- Menlo Park City Manager
- Mayor, Town of Portola Valley
- Portola Valley Town Manager
- Mayor, Town of Woodside
- Woodside Town Manager
- Mayor, City of East Palo Alto
- East Palo Alto City Manager
- Santa Clara County Executive
- San Mateo County Executive
- Executive Director, San Francisquito Creek Joint Powers Authority
- Coordinator and Project Director, San Francisquito Watershed Council
- Midpeninsula Regional Open Space District
- Director of Planning, San Mateo County

- Director of Parks and Recreation, San Mateo County
- Director of Planning, East Palo Alto
- Director of Planning, Woodside
- Planning Manager, Portola Valley
- Menlo Park Community Development Director
- Director of Planning, Palo Alto
- Director of Planning, Santa Clara County
- Director of Parks and Recreation, Santa Clara County

The scoping meeting was also advertised in the September 15th 2006 issue of the Palo Alto Weekly newspaper (Attachment 1), describing the purpose, location, and time of the meeting.

The objective of the scoping meeting was to solicit comments to assist the preparation of the environmental document and scope of the Habitat Conservation Plan. Commentors were asked to identify important issues and alternatives related to the proposed action to ensure the full range of issues related to the permit requests is identified.

Members of the public were greeted on arrival and asked to sign the attendance record form listing their name, address, and affiliation. Literature was made available to attendees at the sign-in table, including but not limited to information on the Endangered Species Act and Habitat Conservation Plans, the NEPA process, and the Federal Register NOI. The meeting was held with an open house format beginning with introductions then presentations from Sheila Larsen of USFWS, Alan Launer of Stanford University, and Gary Stern (NMFS) (Attachment 2). The public was then invited to submit verbal comments. Comment cards and mailing information were also provided for written comments. The notice indicates that written comments would be accepted through October 11, 2006. However, the Services agreed to accept additional comments beyond this deadline and accepted the additional comments through October 31, 2006.

Twelve people signed the attendance list (Attachment 3) for the scoping meeting including:

- Val Alexeeff, Santa Clara County
- Ryan Navratil, San Francisquito Watershed Council
- Philippe S. Cohen, Jasper Ridge Biological Preserve
- Trish Mulvey, San Francisquito Watershed Council
- Viv Blomenkamp, San Francisquito Watershed Council
- Kent Steffens, City of Menlo Park
- Kevin Murray, City of Menlo Park
- Ana Ruiz, Midpeninsula Regional Open Space District
- Pam Sturner, San Francisquito Watershed Council
- Dave Holland, San Mateo County Parks
- Paul Garcia, Santa Clara County Board of Supervisors
- Sarah Gaines, U.S. Army Corps of Engineers

## Comments Received

A total of 8 oral comments were received from the meeting held on the Stanford campus. The official comment period ended on October 11, 2006, however comments were accepted through October 31, 2006. A total of eleven separate written comment letters, both email and postal letters (Attachment 4), and one request for an extension of the comment period were received by October 31, 2006 and are considered in this report. Comments were submitted by private individuals, public agencies, and private conservation groups.

The list of individuals or organizations providing written comments is as follows:

- San Francisquito Creek Joint Powers Authority
- Department of the Army, San Francisco District, Corps of Engineers
- Trish Mulvey
- Stoecker Ecological
- B. Sachau
- City of Palo Alto
- City of Menlo Park
- American Rivers, California Field Office
- Santa Clara Valley Water District
- Santa Clara County
- City of East Palo Alto

## Summary of Scoping Comments

Comments regarding the Plan's environmental document were categorized into several broad categories: (1) General comments regarding the contents of the environmental document, (2) scope of the impact analysis (3) alternatives, (4) level of NEPA environmental documentation, and (5) additional information.

### **(1) General Comments Regarding the Contents of the Environmental Document**

There were numerous comments requesting consideration of the HCP's relationship with other plans and projects that affect the same geographical area or include the same species. The agencies and projects mentioned included:

- San Francisquito Creek Joint Powers Authority and Army Corps of Engineers in their preparation of the Flood Damage Reduction and Ecosystem Restoration Project
- Santa Clara County's preparation of a Habitat Conservation Plan/Natural Community Conservation Plan
- Santa Clara County, Department of Fish and Game, U.S. Department of Fish and Wildlife Service, and Stanford California Tiger Salamander Management Agreement (1998)

- Santa Clara Valley Water District Habitat Conservation Plan for the Fisheries Aquatic Habitat Collaborative Effort (FAHCE)
- Stanford's General Use Permit from Santa Clara County

### **(2) Scope of the Impact Analysis**

Many comments were received on the scope of the impact analysis. Several comments stated the HCP should analyze flood protection/storm water detention activities and that the environmental document should address water quality and increased storm water. Several comments requested studying Searsville dam and reservoir, the impacts of barriers to fish passage and the impacts of barrier removal to covered species. One comment expressed the need to study the existing hydraulic and hydrologic conditions of San Francisquito Creek. Other comments were to include serpentine and riparian bat species.

### **(3) Alternatives**

One comment was made to consider an Incidental Take Permit duration of less than 50 years. Another comment was that the geographic area covered by the HCP should be limited to increase effectiveness.

### **(4) Level of NEPA Environmental Documentation**

Five comments were made urging the preparation of an Environmental Impact Statement as the appropriate level of documentation to describe the impacts of the issuance of the Incidental Take Permits.

### **(5) Additional Information**

Some requests were made for additional information about the scope of the HCP and Covered Activities, future development, and about the scoping process and schedule. Three comments requested additional opportunity for public comment after additional information is provided on the HCP.

## **List of Agencies or Individuals to Add to Mailing List**

- Ryan Navratil, San Francisquito Watershed Council
- Kent Steffens, City of Menlo Park
- Ana Ruiz, Midpeninsula Regional Open Space District
- Kevin Murray, City of Menlo Park
- Sarah Gaines, U.S. Army Corps of Engineers
- Dave Holland, San Mateo County Parks
- Paul Garcia, Santa Clara County Board of Supervisors
- Pam Sturner, San Francisquito Watershed Council
- American Rivers
- Pat Showalter, Santa Clara Valley Water District
- Beau Goldie, Santa Clara Valley Water District
- Ann Draper, Santa Clara Valley Water District
- Kenneth Schreiber, Santa Clara County

**Attachment 1: Meeting Advertisements and Notices**

- **Notice of Intent**
- **Agency Notification Email Letter/Text**
- **Palo Alto Weekly Advertisement**

Dated: August 25, 2006.

**Monica Farris,**

*Senior Permit Biologist, Branch of Permits,  
Division of Management Authority.*

[FR Doc. E6-15007 Filed 9-8-06; 8:45 am]

**BILLING CODE 4310-55-P**

**DEPARTMENT OF THE INTERIOR**

**Fish and Wildlife Service**

**DEPARTMENT OF COMMERCE**

**National Oceanic and Atmospheric Administration**

[I.D.082906B]

**Notice of Intent to Conduct Public Scoping Meeting and Prepare an Environmental Document for the Stanford University Habitat Conservation Plan, Palo Alto, CA**

**AGENCIES:** Fish and Wildlife Service, (FWS), Interior; National Marine Fisheries Service, (NMFS), National Oceanic and Atmospheric Administration, (NOAA), Commerce.

**ACTION:** Notice of intent.

**SUMMARY:** The Fish and Wildlife Service and National Marine Fisheries Service (Services) advise interested parties of their intent to conduct public scoping meeting under the National Environmental Policy Act (NEPA) necessary to gather information to prepare an environmental assessment (EA) or environmental impact statement (EIS), (collectively referred to as "environmental document"). The Services anticipate permit applications from Stanford University (Stanford) submitted under the Endangered Species Act (ESA) for the incidental take of federally listed species. The permit applications would be associated with the Stanford University Habitat Conservation Plan (Plan) at Stanford in Palo Alto, CA. We provide this notice to: describe the proposed Plan and possible alternatives; advise other Federal and state agencies, affected Tribes, and the public of our intent to prepare an environmental document; announce the initiation of a public scoping period; obtain information to assist the Services in determining whether to write an EA or EIS; and obtain suggestions and information on the scope of issues to be included in the environmental document.

**DATES:** A public meeting will be held on September 21, 2006, from 4 to 6 pm. Written comments should be received on or before October 11, 2006.

**ADDRESSES:** The meeting will be held on the Stanford Campus at Jordan Hall, 450

Serra Mall, Building 420, Room 040, Stanford, CA. Written comments or questions relating to the preparation of an environmental document and the NEPA process should be addressed to: Ms. Lori Rinek, Chief, Conservation Planning and Recovery Division, Fish and Wildlife Service, Sacramento Fish and Wildlife Office, 2800 Cottage Way, Room W-2605, Sacramento, CA 95825, facsimile 916-414-6713; Gary Stern, San Francisco Bay Region Team Leader, National Marine Fisheries Service, Santa Rosa Area Office, 777 Sonoma Avenue, Room 325, Santa Rosa, CA 95404, facsimile 707-578-3435; or *Stanford.HCP@NOAA.gov*.

**FOR FURTHER INFORMATION CONTACT:** Sheila Larsen, Fish and Wildlife Service or Lori Rinek, Chief, Conservation Planning and Recovery Division, Fish and Wildlife Service, at the address shown above or at 916-414-6600, or Gary Stern, National Marine Fisheries Service, at the address shown or at 707-575-6060.

**SUPPLEMENTARY INFORMATION:**

**Background**

Section 9 of the ESA (16 U.S.C. 1532 *et seq.*) and implementing regulations prohibit the "taking" of fish and wildlife species listed as endangered or threatened. The term "take" is defined under the ESA to mean harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or to attempt to engage in any such conduct (16 U.S.C. 1532(19)). Harm is defined by the FWS to include significant habitat modification or degradation where it actually kills or injures wildlife by significantly impairing essential behavioral patterns, including breeding, feeding, and sheltering (50 CFR 17.3). NMFS' definition of harm includes significant habitat modification or degradation where it actually kills or injures fish or wildlife by significantly impairing essential behavioral patterns, including breeding, feeding, spawning, migrating, rearing, and sheltering (64 FR 60727, November 8, 1999).

Section 10 of the ESA specifies requirements for the issuance of incidental take permits (permits) to non-Federal landowners for the take of endangered and threatened species. Any proposed take must be incidental to otherwise lawful activities, not appreciably reduce the likelihood of the survival and recovery of the species in the wild and minimize and mitigate the impacts of such take to the maximum extent practicable. In addition, an applicant must prepare a habitat conservation plan describing the impact that will likely result from such taking,

the strategy for minimizing and mitigating the incidental take, the funding available to implement such steps, alternatives to such taking, and the reason such alternatives are not being implemented. To obtain a permit, the applicant must prepare a habitat conservation plan that meets the issuance criteria established by the Services (50 CFR 17.22(b)(2) and 222.307). Should permits be issued, the permits would include assurances under the Services' "No Surprises" regulations [50 CFR 17.22(b)(5) and 17.32(b)(5)].

Currently, three federally listed species are proposed for coverage under the Plan, and one additional species that may be listed in the future is also proposed to be covered. The federally listed species are the threatened California red-legged frog (*Rana aurora draytonii*), California tiger salamander (*Ambystoma californiense*), and steelhead (*Oncorhynchus mykiss*). The one unlisted species proposed for coverage is the western pond turtle (*Clemmys marmorata*). Species may be added or deleted during the course of Plan development based on further analysis.

**Proposed Plan**

Stanford is a major research university that owns 8,180 acres of contiguous land in northern Santa Clara County and southern San Mateo County. These lands consist of both developed and undeveloped areas. Most of the urban facilities, including academic buildings, housing, roads, pedestrian/bicycle pathways, and recreational facilities are located in the central part of the campus. A generally undeveloped "Academic Reserve" outside this core academic area is used for low intensity academic uses. Stanford maintains three open water reservoirs: Lagunita, Felt Lake, and Searsville. Some of Stanford's lands are leased for interim non-academic purposes.

Activities proposed to be covered by the Plan (Covered Activities) are generally activities related to water management, academic uses, maintenance and construction of new urban infrastructure, recreational and athletic uses, campus management and maintenance, activities carried out by Stanford's tenants and future development.

The draft Plan to be prepared by Stanford in support of the permit applications will describe the impacts of take on proposed covered species, and will propose a conservation strategy to minimize and mitigate those impacts on each covered species to the maximum extent practicable. Components of a

conservation program are now under consideration by the Services and Stanford. These components will likely include the following conservation strategy. Stanford has divided its 8,180 acres into four zones according to their relative habitat value for the Covered Species. Zone 1 (approximately 1,150 acres) supports, or provides critical resources for, one or more Covered Species. Zone 2 (approximately 1,260 acres) is occasionally occupied by, or occasionally provides some of the resources used by, one or more Covered Species. Zone 3 (approximately 2,500 acres) consists of generally undeveloped open space lands that have some biological value, but provide only limited and indirect benefit to the Covered Species. Zone 4 (approximately 3,270 acres) consists of urbanized areas that do not provide any habitat value for any Covered Species. The draft Plan will identify alternatives considered by Stanford and will explain why those alternatives were not selected.

To mitigate unavoidable impacts to proposed Covered Species from Covered Activities, the mitigation program will consist mainly of preserving large areas of the highest quality habitats and managing them for the benefit of the Covered Species. To ensure that mitigation precedes impacts, Stanford will designate several large preserve areas during the planning process and apply preservation "credits" against land development and related impacts over the course of the Plan. Stanford will also restore habitat values in certain areas in which habitat quality has been degraded over time through a variety of land uses.

#### National Environmental Policy Act

NEPA (42 U.S.C. 4321 *et seq.*) requires that Federal agencies conduct an environmental analysis of their proposed actions to determine if the actions may significantly affect the human environment. To assist in determining whether this project would cause significant impacts that would result in the preparation of an EIS refer to 40 CFR 1508.27 or 40 CFR 1508.2. These sections provide information on how to determine whether effects are significant under NEPA and would therefore trigger the preparation of an EIS. Under NEPA, a reasonable range of alternatives to proposed projects is developed and considered in the Services environmental review. Alternatives considered for analysis in an environmental document may include: variations in the scope of covered activities; variations in the location, amount, and type of conservation; variations in permit

duration; or, a combination of these elements. In addition, the environmental document will identify potentially significant direct, indirect, and cumulative impacts on biological resources, land use, air quality, water quality, water resources, and socioeconomic, as well as other environmental issues that could occur with the implementation of the proposed actions and alternatives. For all potentially significant impacts, the environmental document will identify avoidance, minimization, and mitigation measures to reduce these impacts, where feasible, to a level below significance.

The primary purpose of the scoping process is for the public to assist the Services in developing the EA or EIS by identifying important issues and alternatives related to the proposed action. The Services propose to serve as co-lead Federal agencies under NEPA for preparation of the environmental documents. Written comments from interested parties are welcome to ensure that the full range of issues related to the permit requests is identified. All comments and materials received, including names and addresses, will become part of the administrative record and may be released to the public.

Comments and materials received will be available for public inspection, by appointment, during normal business hours at the offices listed in the **ADDRESSES** section.

The Services request that comments be specific. In particular, we request information regarding: the direct, indirect, and cumulative impacts that implementation of the proposed Plan could have on endangered and threatened and other covered species, and their communities and habitats; other possible alternatives that meet the purpose and need; potential adaptive management and/or monitoring provisions; funding issues; existing environmental conditions in the plan area; other plans or projects that might be relevant to this proposed project; and minimization and mitigation efforts.

The environmental review of this project will be conducted in accordance with the requirements of the NEPA of 1969 as amended (42 U.S.C. 4321 *et seq.*), Council on the Environmental Quality Regulations (40 CFR parts 1500–1508), other applicable Federal laws and regulations, and policies and procedures of the Services for compliance with those regulations. This notice is being furnished in accordance with 40 CFR 1501.7 of NEPA to obtain suggestions and information from other agencies and the public on the scope of issues

and alternatives to be addressed in the environmental document.

#### Reasonable Accommodation

Persons needing reasonable accommodations in order to attend and participate in the public meeting should contact Gary Stern at 707–575–6060 as soon as possible. In order to allow sufficient time to process requests, please call no later than one week before the public meeting. Information regarding this proposed action is available in alternative formats upon request.

Dated: August 31, 2006.

**Paul Henson,**

*Acting Deputy Manager, Fish and Wildlife Service, California/Nevada Operations Office.*

Dated: August 31, 2006.

**Angela Somma,**

*Chief, Endangered Species Division, National Marine Fisheries Service, Office of Protected Resources.*

[FR Doc. 06–7572 Filed 9–8–06; 8:45 am]

**BILLING CODES 4310–55–S, 3510–22–S**

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## DEPARTMENT OF THE INTERIOR

### National Park Service

#### Notice of Inventory Completion: Kansas State University, Manhattan, KS

**AGENCY:** National Park Service, Interior.  
**ACTION:** Notice.

Notice is here given in accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), 25 U.S.C. 3003, of the completion of an inventory of human remains in the possession of Kansas State University, Manhattan, KS. The human remains were removed from McPherson and Rice Counties, KS.

This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA, 25 U.S.C. 3003 (d)(3). The determinations in this notice are the sole responsibility of the museum, institution, or Federal agency that has control of the Native American human remains. The National Park Service is not responsible for the determinations in this notice.

A detailed assessment of the human remains was made by Kansas State University professional staff in consultation with representatives of the Wichita and Affiliated Tribes (Wichita, Keechi, Waco & Tawakonie), Oklahoma.

Sometime between 1928 and 1988, human remains representing a minimum of one individual were removed from site 14MP1, also known as Paint Creek site, McPherson County,

From: Jean McCown [mailto:jmccown@stanford.edu]  
Sent: Monday, September 11, 2006 10:56 AM  
To: [judy@judykleinberg.org](mailto:judy@judykleinberg.org); [frank.benest@cityofpaloalto.org](mailto:frank.benest@cityofpaloalto.org); [jellins@pacbell.net](mailto:jellins@pacbell.net); [aaheineck@menlopark.org](mailto:aaheineck@menlopark.org); [dsboesch@menlopark.org](mailto:dsboesch@menlopark.org); [steve.emslie@cityofpaloalto.org](mailto:steve.emslie@cityofpaloalto.org); [stoben@portolavalley.net](mailto:stoben@portolavalley.net); [ahoward@portolavalley.net](mailto:ahoward@portolavalley.net); [dcgordon@stanford.edu](mailto:dcgordon@stanford.edu); [llambert@portolavalley.net](mailto:llambert@portolavalley.net); [hvsullivan@woodsidetown.org](mailto:hvsullivan@woodsidetown.org); [sgeorge@woodsidetown.org](mailto:sgeorge@woodsidetown.org); [rubenabrica@aol.com](mailto:rubenabrica@aol.com); [mbanico@cityofepa.org](mailto:mbanico@cityofepa.org); [ajames@cityofepa.org](mailto:ajames@cityofepa.org); [pete.kutras@ceo.sccgov.org](mailto:pete.kutras@ceo.sccgov.org); [sfcreekjpa@menlopark.org](mailto:sfcreekjpa@menlopark.org); [pam@sanfranciscuito.org](mailto:pam@sanfranciscuito.org); [cbritton@openspace.org](mailto:cbritton@openspace.org); [Val.Alexeeff@pln.sccgov.org](mailto:Val.Alexeeff@pln.sccgov.org); [Lisa.Killough@prk.sccgov.org](mailto:Lisa.Killough@prk.sccgov.org); [dholland@co.sanmateo.ca.us](mailto:dholland@co.sanmateo.ca.us); [jmaltbie@co.sanmateo.ca.us](mailto:jmaltbie@co.sanmateo.ca.us); [lgrote@co.sanmateo.ca.us](mailto:lgrote@co.sanmateo.ca.us)  
Cc: Dave Daly; Jean McCown; Catherine Palter; Charles Carter  
Subject: NEPA Public Scoping Meeting for Stanford Habitat Conservation Plan

Dear Public Agency Colleagues:

Stanford University is beginning a process to obtain federal approval of a comprehensive, long-term Habitat Conservation Plan ("HCP") for the conservation of federally protected endangered species and their habitats on Stanford lands.

On Thursday, Sept. 21, from 4 to 6 p.m., the Fish and Wildlife Service (FWS) and National Marine Fisheries Service (NMFS) will hold a "scoping meeting" as the first step in the permit application process. The meeting will be held in room 040 of Jordan Hall, Building 420 at 450 Serra Mall. A searchable campus map is available at <http://campus-map.stanford.edu/http://campus-map.stanford.edu/>

Habitat Conservation Plans, made possible by the U.S. Endangered Species Act, allow landholders to create comprehensive, long-term conservation plans including conservation strategies and habitat protections to minimize and mitigate impacts on federally protected endangered species. Currently, three federally listed species (California red-legged frog, California tiger salamander and steelhead) and one additional species (western pond turtle) that may be listed in the future are being considered for coverage under the Plan.

FWS and NMFS published a Notice of Intent in the Federal Register today (September 11, 2006) announcing their intent to conduct the September 21, 2006 public scoping meeting pursuant to the National Environmental Policy Act (NEPA) for the purpose of gathering information to prepare an environmental assessment (EA) or environmental impact statement (EIS.) Written comments are to be submitted within 30 days of the date of publication of that notice in the Federal Register. A copy of the Notice is attached to this message.

Written comments or questions relating to the preparation of an environmental document and the NEPA process should be addressed to:

Ms. Lori Rinek, Chief, Conservation Planning and Recovery Division, Fish and Wildlife Service, Sacramento Fish and Wildlife Office, 2800 Cottage Way, Room W-2605, Sacramento, CA 95825, facsimile 916-414-6713;

Gary Stern, San Francisco Bay Region Team Leader, at National Marine Fisheries Service, 777 Sonoma Avenue, Room 325, Santa Rosa, CA 95404, facsimile 707-578-3435; or [Stanford.HCP@noaa.gov](mailto:Stanford.HCP@noaa.gov).

FOR FURTHER INFORMATION CONTACT: Sheila Larsen, Fish and Wildlife Service, or Lori Rinek, Chief, Conservation Planning and Recovery Division, Fish and Wildlife Service at 916-414-6600; Gary Stern, National Marine Fisheries Service, at 707-575-6060; Catherine Palter, Land Use and Environmental Planning Office, Stanford University at 650-723-0199, [cpalter@stanford.edu](mailto:cpalter@stanford.edu).

Very Truly Yours,

Jean McCown  
Director of Community Relations  
Stanford University

INTER, 250 HAMILTON AVENUE BROADCAST ON KZSU, FM 90.1 CABLECAST LIVE ON GOVERNMENT ACCESS CHANNEL 26

AGENDA HOTLINE : 329-2477

SPECIAL MEETING - COUNCIL CONFERENCE ROOM SEPTEMBER 18, 2006 - 8:00 P.M.

Public Art Commission

A - REGULAR MEETING - COUNCIL CHAMBERS SEPTEMBER 18, 2006 - 7:00 P.M.

Appreciation to Public Counsel for Outstanding Public Service as a Land Use and Transportation Commissioner
Appreciation to Amber Peterson for Outstanding Public Service as a Land Use and Transportation Commissioner
The Promotion of Health Awareness for Ourselves, our Families

Neighborhood
with Casey Construction, Inc. in the amount of \$758,247 to
orm Drain Gulch to the Adobe Pump Station, Capital
Project SD-06103
the Amount of \$102,235 with Hewlett-Packard for Operating
d Support of the City's Hewlett-Packard Servers
Alfon Construction Company in the amount of \$1,584,590 for
ation Expansion/Modification by Relocating Alma 22/23

for FY
for FY

with

ion Recommendation

Recommendation from the Historic Resources Board to Reclassify
Built in 1866 from Category 3 to Category 2 on the City's
nt to PAMC Chapter 16.49

Technical Currency Agreement (TCA) with Indus Utility Systems,
amount of \$166,680 for Annual Maintenance Under Contract

s for November 7, 2006 Election and Assembly Bill 32
mmendation for Council Approval of Ultra-High-Speed
proposal (RFP) From Finance Committee Meeting of July 18,
n August 7, 2006

to Amend Palo Alto Municipal Code Chapter 16.47
with Impacts on Housing
Lieu Fee Payment
on Affordable Housing

ion Recommendation
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ation of these Principles
ion Recommendation for City
onfidence Resolution

for the Stanford/Palo Alto Community
ity of Palo Alto, Eden Housing, Inc. and Community Housing
posit for Site Acquisition and to Conduct Final Development
Alma Street Family Rental Housing Project
OR NEGOTIATOR
nees pursuant to Merit Rules and Regulations Employee
EIU

de Section 54957.6(a)
ATTORNEY - EXISTING LITIGATION
v. City of Palo Alto, et al., Santa Clara Superior

de section 54956.9(a)

PLANNING COMMITTEE MEETINGS

Regular meeting on Tuesday, September 19, 2006, at 7:00 p.m.
discuss: 1) the City Auditor's Fiscal Year 2006-07 Work Plan;
certain Utility Emergency Plant Replacement Reserve and Rate
chedules, or Purposes, and Direct Staff to work with the Utilities
ommendations for Changes

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HOOVER PARK RENOVATION CAPITAL IMPROVEMENT PROJECT

PUBLIC MEETINGS

September 19th at 6:30 pm and September 22nd at 10:00 am

Please come to hear about the Public Works Capital Improvement Project that plans to address the deterioration of the existing irrigation, drainage, pathways, and park amenities. Improvements also will include meeting accessibility requirements.

Hoover Park Picnic Area 2901 Cowper St, Palo Alto

For more information, call (650) 617-3127

NOTICE OF PUBLIC SCOPING MEETING

NOAA National Marine Fisheries Service and U.S. Fish and Wildlife Service advise interested parties of their intent to conduct public scoping under the National Environmental Policy Act to gather information to prepare an environmental assessment or environmental impact statement. The Services anticipate permit applications from Stanford University submitted under the Endangered Species Act for incidental take of federally listed species. The permit applications would be associated with the Stanford University Habitat Conservation Plan.

The public meeting will be held September 21, 2006 from 4:00-6:00 at Stanford University Main Quad, Jordan Hall, 450 Serra Mall, Building 420, Room 040.

Further information is provided at http://a257.g.akamaitech.net/7/257/2422/01jan20061800/edoc.ket.access.gpo.gov/2006/pdf/06-7572.pdf



Did you know...?

- The Palo Alto Weekly is adjudicated to publish in the County of Santa Clara.
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## **Attachment 2: Scoping Meeting Presentation**

# **Stanford University Habitat Conservation Plan**

## **National Environmental Policy Act Scoping Meeting**



**21 September 2006**

## **Scoping meeting presenters**

- **Catherine Palter**
  - Stanford University
  - Assistant Director Land Use and Environmental Planning
  
- **Sheila Larsen**
  - U.S. Fish and Wildlife Service
  - Senior Staff Biologist, Conservation Planning Branch
  
- **Gary Stern**
  - National Marine Fisheries Service, Southwest Region
  - Protected Resources Division, San Francisco Bay Team Leader
  
- **Alan Launer, Ph.D.**
  - Stanford University
  - Campus Biologist

## Scoping meeting agenda

- **Presentations**
  - **Endangered Species Act**
  - **National Environmental Policy Act**
  - **Concepts for Stanford's HCP**
  - **Next steps**
- **Public comments on scope of NEPA document**



## Commenting process

- **Oral comments**
- **Comment sheet**
- **NEPA scoping comment period ends October 11, 2006**



Los Trancos Creek, August 2006



# NEPA Document for the Stanford University Habitat Conservation Plan Public Scoping Meeting

September 21, 2006



U.S. Fish & Wildlife Service



National Marine Fisheries Service



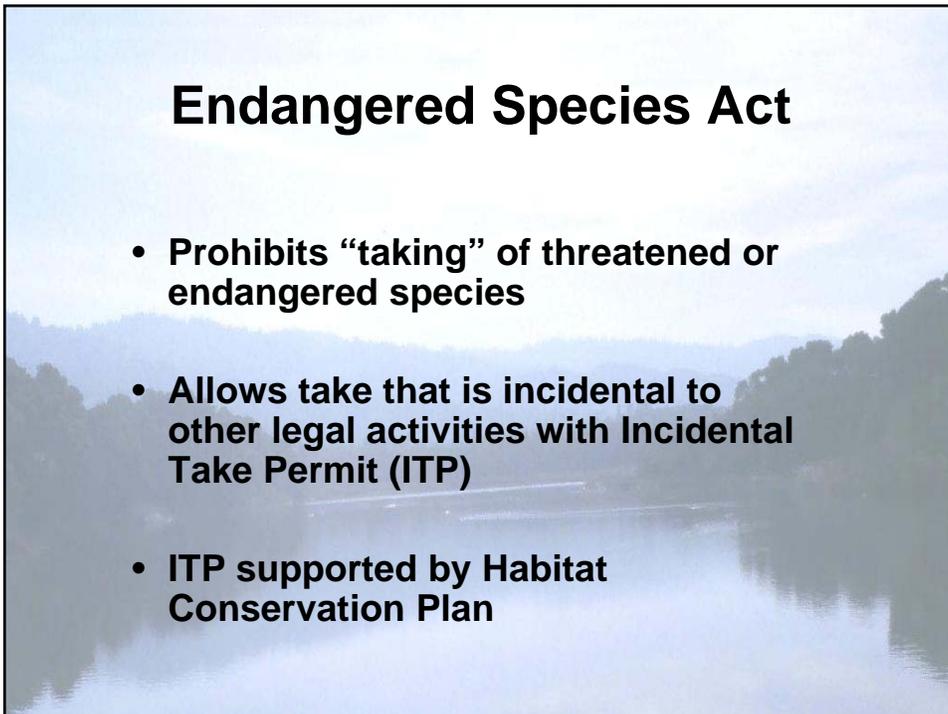
## Scoping Meeting Objectives

- Provide Habitat Conservation Plan (HCP) overview
- Describe the environmental review process
- Obtain input on scope of NEPA Document



## Endangered Species Act

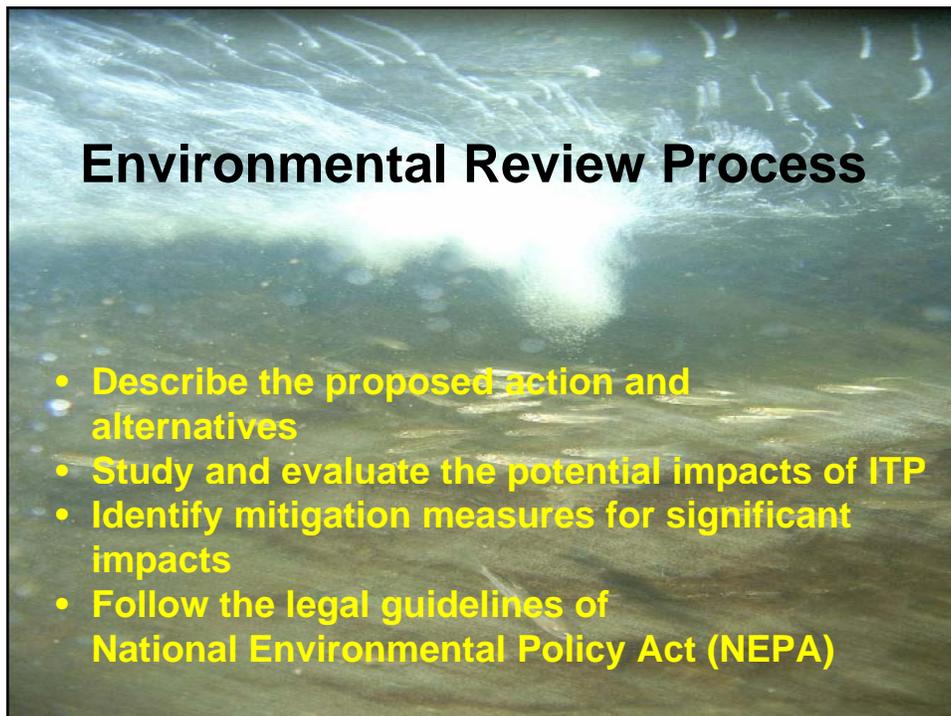
- Prohibits “taking” of threatened or endangered species
- Allows take that is incidental to other legal activities with Incidental Take Permit (ITP)
- ITP supported by Habitat Conservation Plan





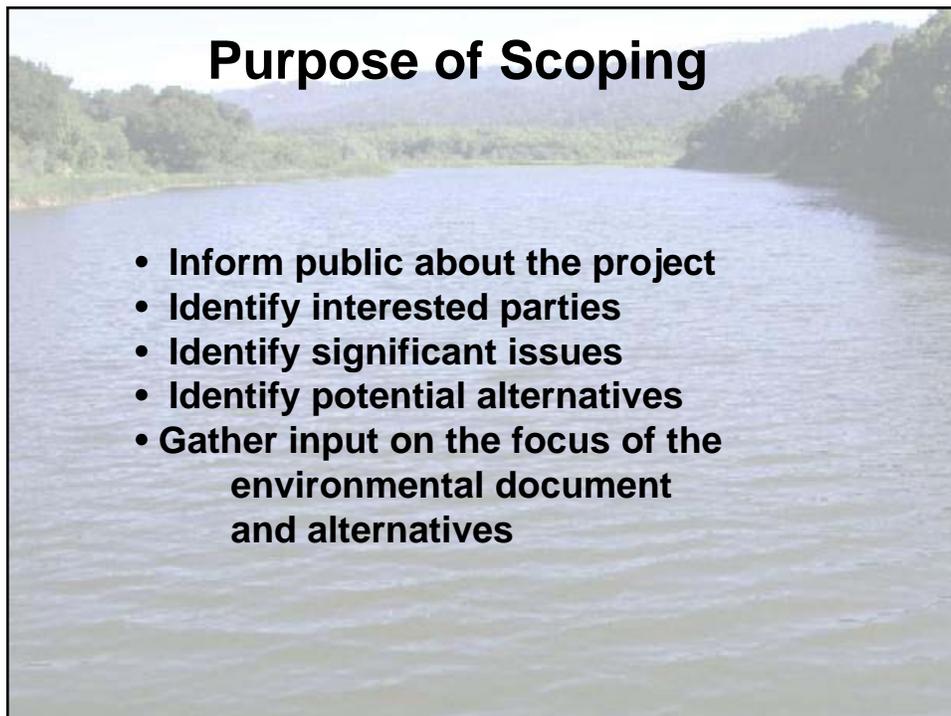
## Habitat Conservation Plan

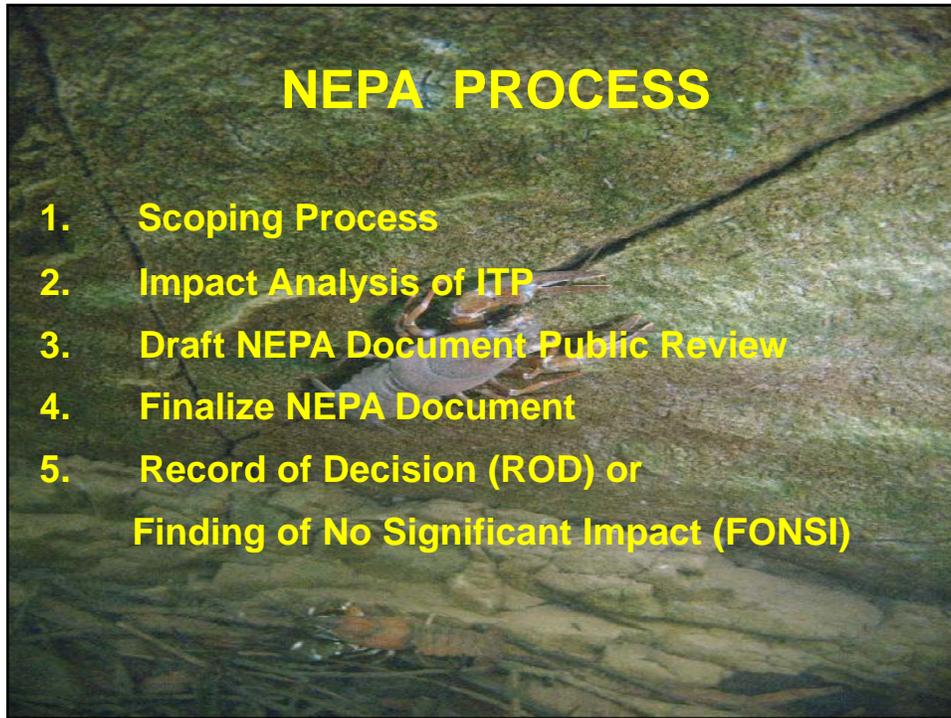
- **Includes:**
  - Covered Species
  - Covered Activities
  - Anticipated Impacts
  - Minimization Measures
  - Mitigation for Impacts to Covered Species
- **Ensures there is adequate minimizing and mitigating of the effects of the authorized incidental take**



## Environmental Review Process

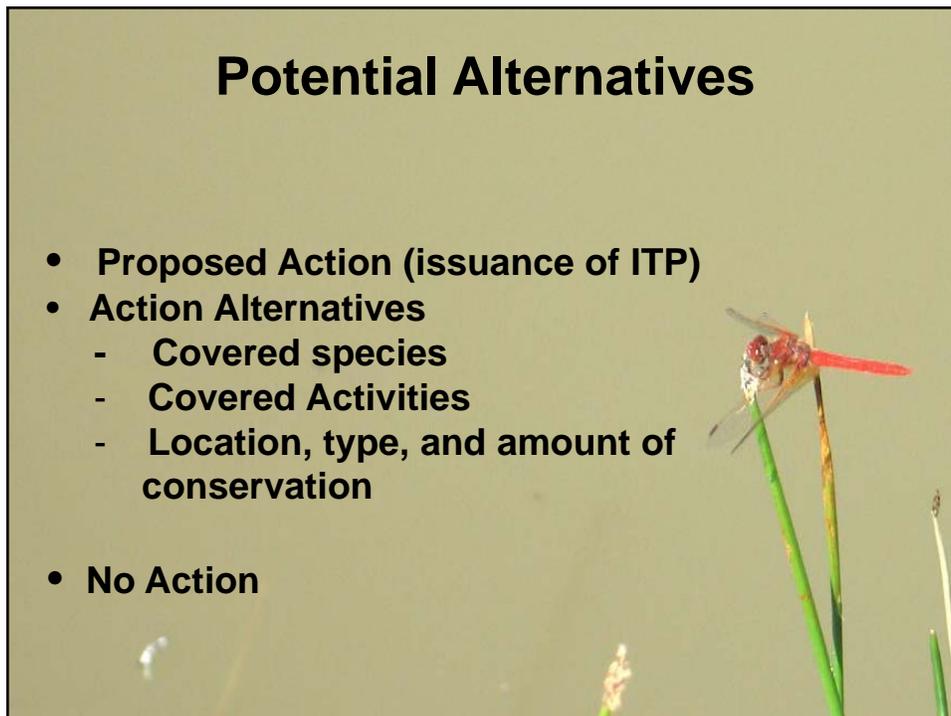
- **Describe the proposed action and alternatives**
- **Study and evaluate the potential impacts of ITP**
- **Identify mitigation measures for significant impacts**
- **Follow the legal guidelines of National Environmental Policy Act (NEPA)**





## NEPA PROCESS

1. **Scoping Process**
2. **Impact Analysis of ITP**
3. **Draft NEPA Document Public Review**
4. **Finalize NEPA Document**
5. **Record of Decision (ROD) or Finding of No Significant Impact (FONSI)**



## Potential Alternatives

- **Proposed Action (issuance of ITP)**
- **Action Alternatives**
  - **Covered species**
  - **Covered Activities**
  - **Location, type, and amount of conservation**
- **No Action**

## Environmental Factors Considered

- Biological resources
- Land use
- Water resources
- Socioeconomics
- Growth inducement
- Public services
- Geology and soils
- Cultural resources



## Environmental Factors Considered

- Transportation and circulation
- Noise
- Air quality
- Recreation
- Public health and safety
- Aesthetics
- Environmental justice
- Indian trust assets





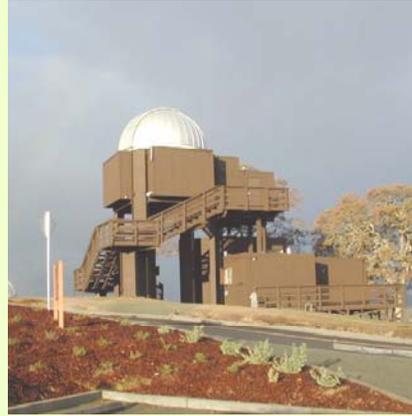
## Stanford's mission

- education
- research
- all functions necessary to support education and research



## Stanford's challenge

- **meeting the demands of running a university**
- **responsible stewardship of natural resources**
- **achieving appropriate balance**



Student Observatory

## Academics

- **~14,900 students**
  - **~6,700 undergraduates**
  - **~8,200 graduate students**
- **~1,770 faculty**
- **7 schools**
  - **Humanities and Sciences**
  - **Medicine**
  - **Law**
  - **Business**
  - **Engineering**
  - **Education**
  - **Earth Sciences**



## Operations and facilities

- buildings
- housing and dining
- public health and safety
- recreation
- transportation
- utilities



## Revenue generation

- investments
- land as endowment
  - agricultural
  - industrial
  - retail
  - regional utilities



## Redevelopment and development

- **main focus is redevelopment of already built areas**
- **some development in undeveloped parts of campus is inevitable**



## Broad conservation considerations for Stanford Habitat Conservation Plan

- **address regional issues**
- **incorporate multiple levels of biotic diversity**
- **permanently preserve significant natural resources**
- **long-term management**
- **further integration into university's academic fabric**



## Regional context for Stanford HCP: Conservation in suburbia

- extensive development
- water
- pollution
- non-native species
- disease
  
- habitat loss or modification
- direct take



## Species lost



**Grizzly bear**

C. Servheen, USFWS



**Tule elk**

Point Reyes National Seashore, 1993



**Sacramento perch**

H.L. Todd, NOAA



**Greater roadrunner**

Photo by Marcus Martin

## “Target” levels of biotic diversity for Stanford HCP

- individual and genetic
- population
- species
- community
- ecosystem



## Native species from Stanford and vicinity

- 50+ species of mammals
- 175+ species of birds
- ~20 species of reptiles
- ~12 species of amphibians
- ~10 species of freshwater fishes
- ~650 species of plants
- nearly countless species of invertebrates



*Bufo boreas*, Stanford 2005



*Euphydryas chalcedona* on *Layia platyglossa*, East Hills, 2005

## Species to “cover” California red-legged frog (*Rana aurora draytonii*)

- listed as “Threatened” by the USFWS in 1996
- two concentrations at Stanford: Matadero/Deer creeks and upper San Francisquito Creek
- adults and juveniles often found kilometers from breeding sites
- large concentrations of red-legged frogs are present on west-side of Santa Cruz Mountains



© 2004 William Flaxington



Matadero Creek (quarry pool), September 2006

## Species to “cover” California tiger salamander (*Ambystoma californiense*)

- listed as “Threatened” by the USFWS in 2004
- local population dependent on an aging reservoir: Lagunita
- most of life cycle spent in upland areas – usually underground
- cross-country migrations occur during rainy night



Lagunita 1997

## Species to “cover”

### Western pond turtle

(*Actinemys marmorata*)

- scattered throughout San Francisco Peninsula, but common in only a few locations
- uncommon at Stanford, but still found in San Francisquito Creek
- problematic population demographics
  - very few young
- extensive use of upland, non-aquatic habitats



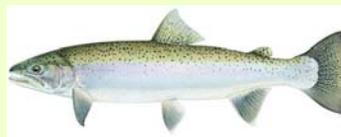
San Francisquito Creek; upper May 2005, lower July 2006

## Species to “cover”

### Steelhead

(*Oncorhynchus mykiss*)

- “Central California Coast” ESU listed as “Threatened”
- historically found locally in many creeks that flow directly to the ocean or bay
- significant “run” present in the San Francisquito system
- anadromous “form” of rainbow trout



© Tomerelli



Los Trancos Creek, Aug 2006

## Other species to consider

- Bay checkerspot butterfly (*Euphydryas editha bayensis*)
- listed as “Threatened” by the U.S. Fish and Wildlife Service in 1987
- studied at Stanford since 1959
- extinct at Stanford since 1997
- “Critical Habitat” designated in 2001 (including part of Jasper Ridge)



East Hills, Santa Clara County, April 2006



Stanford, Jasper Ridge, image by P.R. Ehrlich

## Other species to consider

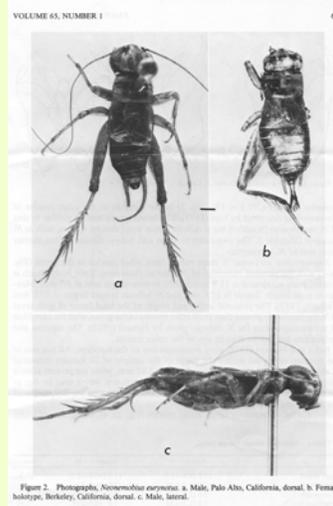
- freshwater mussels
- at least one species is found at Stanford (*Anodonta* species)
- in serious decline across most of North America



Collected at Stanford, November 2005

## Other species to consider

- Bay Area ground cricket (*Neonemobius eurynotus*)
- recorded from non-native, annual grasslands in vicinity of Berkeley and Stanford
- listed as “Lower Risk/conservation dependent” by IUCN



## Other species to consider



**Western leatherwood**  
Stanford, Jasper Ridge Biological Preserve



**Burrowing owl**  
C. Andrejko, Arizona Game and Fish



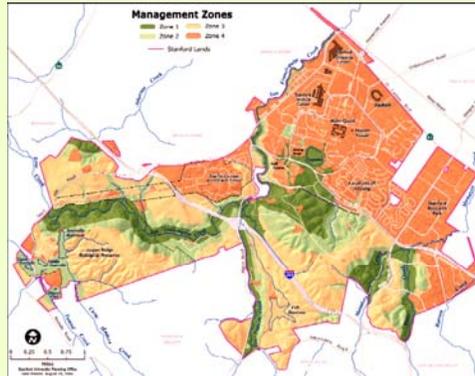
**Unsilvered silverspot butterfly**  
Specimen from Skyline Boulevard where Santa Cruz, San Mateo, and Santa Clara counties meet



**Micro-blind harvestmen**  
*Calicina* species, image from California Academy of Sciences

## Stanford Habitat Conservation Plan: conceptual approach

- classify all Stanford lands based on “value” to “covered” species
- identify priority areas for conservation
- develop and implement long-term management and restoration plans



DRAFT MAP, August 2006; based on four “covered” species

## Stanford Habitat Conservation Plan: conceptual approach

- compensate for future loss of habitat with permanent land preservation
- expand or modify existing conservation programs



## Ongoing conservation actions: pond construction

- 8 ponds constructed in lower foothills in 2003
- by spring 2006:
  - California tiger salamanders reproduced in 2 ponds
  - aquatic invertebrates and wetland plants are thriving
  - used by many terrestrial species



## Ongoing conservation actions: minimization of impacts



Best Management Practices



Review field activities



Modification of diversion structures and operation



Construction-related

## Ongoing conservation actions: monitoring

- annual work since mid-1990s
- goal to determine the distribution and abundance of species of conservation concern
- efforts include:
  - creek and pond monitoring
  - night surveys



## Stanford Habitat Conservation Plan: conceptual approach



Middle Searsville Reservoir, 2005





**Attachment 3: Scoping Meeting Attendance Record**

# Scoping Meeting for the Environmental Impact Statement of

## STANFORD UNIVERSITY HCP

Name of Plan

9/21/06 4:00 pm - 6:00 pm

Date & Time

**PLEASE PRINT LEGIBLY**

NAME	ADDRESS	CITY/STATE/ZIP	ORGANIZATION	Mark to be added to mailing list
Val Alexeeff	70 W. Hedding St		Santa Clara Co.	
Ryan Navaril	3921 E. Bayshore DR PA		SAN FRANCISCO WATERSHED COUNCIL	/
Philippe S. Cohen		MC: 5020	Jasper Ridge Biological Reserve	
TRISH MULVEY	527 Rhodes Dr	Palo Alto 94303	San Francisco Watershed Council	
Viv Blomenkamp	1023 Forest Ave	Palo Alto 94301	" "	
Kent Steffens	701 Laurel St.	Menlo Park 94025	City of Menlo Park	✓
Kevin Murray	701 Laurel St	Menlo Park	San Francisco Creek Joint Powers Authority	✓
Ana Ruiz	330 Dintel Circle Los Altos CA 94022		Midpen Reg Open Space District	✓
Pam Swer	3921 E. Bayshore Rd Palo Alto, CA 94303		San Francisco Watershed Council	✓
DAVE HOLLAND	455 County Center Redwood City CA 94063		San Mateo Co Parks	✓

### Scoping Meeting for the Environmental Impact Statement of

STANFORD HCP

Name of Plan

**PLEASE PRINT LEGIBLY**

9/21/06

Date & Time

NAME	ADDRESS	CITY/STATE/ZIP	ORGANIZATION	Mark to be added to mailing list
Paul Garcia	70 west hedding St <sup>upper</sup> floor San Jose Ca		SCC Board of Sup	✓
SARAH GAINES	333 Market St San Francisco, CA 94105		US Corp of Engineers	✓

10/02/06 12:34 FAX 7075783435

NMFS SANTA ROSA

003

## **Attachment 4: Scoping Letters**



**UNITED STATES DEPARTMENT OF COMMERCE**  
**National Oceanic and Atmospheric Administration**  
NATIONAL MARINE FISHERIES SERVICE

Southwest Region  
777 Sonoma Avenue, Room 325  
Santa Rosa, California 95404

NOV - 3 2006

F/SW03:GRS

Ms. Sheila Larsen  
US Fish and Wildlife Service  
2800 Cottage Way, Room W-2605  
Sacramento, California 95825

Taylor Peterson  
TRA Environmental Sciences, Inc.  
545 Middlefield Road, Suite 200  
Menlo Park, California 94025

Catherine Palter  
Land Use and Environmental Planning Office  
Stanford University  
655 Serra St., 2nd Floor  
Stanford, CA 94305-6115

In response to our request for comments related to scoping for the Stanford University Habitat Conservation Plan, I received eleven comment letters and one request for an extension of the comment period. I have enclosed a complete set of these comment letters for your information and records.

Sincerely,

A handwritten signature in black ink that reads "Gary Stern".

Gary Stern  
San Francisco Bay Region Team Leader





**SAN FRANCISQUITO CREEK  
JOINT POWERS AUTHORITY**

EAST PALO ALTO MENLO PARK PALO ALTO SAN MATEO COUNTY FLOOD CONTROL DISTRICT SANTA CLARA VALLEY WATER DISTRICT

Page 1  
G. Stern  
OCT 10 2006  
NOV 1 2006  
Santa Rosa, CA

October 10, 2006

Ms. Lori Rinek  
Fish and Wildlife Service (FWS)  
Sacramento Fish and Wildlife Office  
2800 Cottage Way, Room W-2605  
Sacramento, CA 95825

Mr. Gary Stern  
National Marine Fisheries Service (NMFS)  
Santa Rosa Area Office  
777 Sonoma Ave, Room 325  
Santa Rosa, CA 95404

RE: Federal Register Notice of Intent (NOI), September 11, 2006 - Stanford University Habitat Conservation Plan (HCP)

Dear Ms. Rinek and Mr. Stern,

The following comments are being submitted as a brief statement from the San Francisquito Creek Joint Powers Authority (Authority) Director as required within the 30 day comment period for scoping on the above referenced HCP Environmental Documentation. I spoke to Mr. Stern, Ms. Shelia Larson (FWS), and received a message from Ms. Rinek, all of whom relayed that the Authority would be allowed to submit further comments after the Board of Directors meets on October 19<sup>th</sup>, 2006. However, there remains some ambiguity as to whether or not the additional comments would become a part of the record of comments for the scoping process. In addition to the above conversations, the Authority, via email and phone, also made a formal request for an extension of the comment period on September 22<sup>nd</sup> to Mr. Stern and Ms. Rinek. This request was denied by the Federal agencies.

As was explained in these communications, the Authority Board of Directors would like the opportunity to discuss and collectively comment on the project scope. However, due to the scheduling, the Authority Board has not been afforded sufficient lead time to do so. The NOI was released on September 11, 2006; the scoping meeting was held on a regularly scheduled Authority Board meeting night of September 21<sup>st</sup>; and the Board does not convene again until October 19<sup>th</sup>. (The official closing date for the scoping comments is October 11, 2006). (Members of the Authority are: the City of Palo Alto, the City of Menlo Park, the City of East Palo Alto, the Santa Clara Valley Water District, and the San Mateo County Flood Control District. Associate non-voting members are Stanford University and the San Francisquito Watershed Council). *Please clarify whether or not any additional comments submitted by the Authority Board will become part of the comment period record.*

In 2002, the Authority received Congressional Authorization to partner with the Army Corps of Engineers on a watershed wide "Flood Damage Reduction and Ecosystem Restoration" (FDRER) watershed wide

project. The current study will investigate multipurpose projects throughout the entire San Francisquito Creek Watershed and tidal areas, focusing on ecosystem restoration and flood damage reduction opportunities.

The FDRER has been the subject of numerous communications over the last four years between the Authority and agencies involved in the HCP project. The Fish and Wildlife Service, National Marine Fisheries, and Stanford have been engaged in the FDRER in various ways. Stanford participates monthly in the Authority's Management Team discussions and project development, and has submitted a letter in response to the Federal Register for the Authority's project in April 2006. Authority staff has held briefing meetings for regulatory agencies in which the National Marine Fisheries Service attended. As recent as July of 2006, a Fish & Wildlife staff from the Sacramento office toured the watershed with Authority and Corps staff to review the FDRER project. All agencies received the Federal NOI/NOP for the FDRER project in April 2006.

*The FDRER project has the potential to be limited by, and potential opportunity to be enhanced by, actions within an HCP for Stanford lands. Unfortunately neither the scoping meeting, nor the Federal Notice for the HCP, has yielded sufficient information to provide meaningful comment on either of these outcomes. The Federal Register is general in describing actions of the plan and permit as containing: "Covered Activities, anticipated impacts to covered species, mitigation measures, designation of preserves and application of credits for land development". These are vague descriptions and based on specific details each could imply very different types of potential impacts to the FDRER project.*

The Feasibility Phase of the FDRER will determine the final project design and will be completed in 5 years time. Meanwhile, the Authority continues to pursue opportunities to develop a project that will provide some immediate flood relief, while advancing the entire project. Of Stanford University's 8,180 acres to be covered by the proposed HCP, roughly 5,000 acres are centrally located within the San Francisquito Creek watershed. *Being limited by actions associated with the HCP, may inhibit potential flood reduction measures and could have a considerable impact on our ability to provide flood damage reduction to the downstream communities of Palo Alto, Menlo Park, East Palo Alto, unincorporated Santa Clara and San Mateo Counties, and Stanford itself. Flood damage reduction should be included as an action item within the scope of the HCP and plans coordinated with the Authority.*

*Conversely, cooperation on development of the HCP and FDRER project offers an exciting opportunity for partnership on ecosystem restoration, species protection, and overall watershed health. Coordination between these two projects would encourage a unique level of collaboration between multiple federal, local and regional agencies. The FDRER project has gained much support at the Congressional and Federal level due to the watershed jurisdictions willingness to collaborate on finding solutions. The Authority would like to continue to foster this method of cooperation and suggest that a meeting between both project teams in the near future be convened.*

Lastly, given the complexity of cultural and environmental issues in the watershed, and to promote best results for both projects, the Authority recommends that *an Environmental Impact Report be completed for the HCP and that Stanford, FWS, and NMFS provide the public with another opportunity to comment on the scope of the environmental document once specific information regarding the actions of the HCP is released for review.* Failure to identify and allow public review of the scope of proposed actions and the locations of actions within Stanford lands being addressed by the HCP, may be in violation of both NEPA/CEQA guidelines.

We appreciate the opportunity to comment on the Environmental Documentation for the Stanford University Habitat Conservation Plan. A letter from the Authority Board will follow after the October 19, 2006 meeting. We look forward to improved communication and coordination on our projects in this area. Please contact me directly for any further information or questions regarding this comment letter.

Sincerely,



Cynthia D'Agosta, Executive Director  
San Francisquito Creek Joint Powers Authority  
[cdagosta@menlopark.org](mailto:cdagosta@menlopark.org)  
650-330-6765

cc: San Francisquito Creek Authority Board of Directors  
San Francisquito Creek Management Team  
Sarah Gaines, Janice Lera-Chan Corps or Engineers  
Jean McCown, Catherine Palter, Stanford University  
Congresswoman Anna Eshoo

Page 44  
G. Stern



**DEPARTMENT OF THE ARMY**  
**SAN FRANCISCO DISTRICT, CORPS OF ENGINEERS**  
333 MARKET ST.  
SAN FRANCISCO, CALIFORNIA 94105-2197

October 10, 2006

Mr. Gary Stern  
National Marine Fisheries Service  
Santa Rosa Area Office  
777 Sonoma Ave, Room 325  
Santa Rosa, CA 95404

SWR2006SR03848

Dear Mr. Stern,

In response to the Notice of Intent issued in the Federal Register on September 11, 2006 by the Fish and Wildlife Service and the National Marine Fisheries Service regarding the preparation of an environmental document for the proposed Stanford University Habitat Conservation Plan (HCP), we submit the following comments on behalf of the U.S. Army Corps of Engineers (Corps).

Since 1958, the Corps has been involved in a series of studies considering opportunities for flood damage reduction along the San Francisquito Creek. In May 22, 2002 the Committee on Transportation and Infrastructure of the United States House of Representatives authorized the current study, a multipurpose study of the entire San Francisquito Creek Watershed and tidal areas focusing on ecosystem restoration and flood damage reduction opportunities. Our local sponsor on this project is the San Francisquito Creek Joint Powers Authority (JPA). The JPA is comprised of member agencies including the City of Palo Alto; the City of Menlo Park; the City of East Palo Alto; the Santa Clara Valley Water District; and the San Mateo County Flood Control District and associate members: Stanford University and the San Francisquito Watershed Council. We are currently in the feasibility phase of this study; no preferred alternatives have been selected at this point.

Stanford University's 8,180 acres that would be covered by the proposed HCP, make up a significant portion of the upper watershed of the San Francisquito Creek. Any limitations imposed by the HCP that may inhibit potential flood damage reduction measures in the relatively undeveloped upper watershed – a crucial region in watershed-scale projects - could have a severe impact on our ability to provide flood damage reduction to the downstream communities including Palo Alto, Menlo Park, East Palo Alto, and Stanford University itself. It is in the best interest of Stanford University, as well as a responsibility to the neighboring communities, to include consideration of flood damage reduction measures in the development plan, the HCP, and discussions of environmental impacts in the Environmental Document prepared for the HCP. For this reason, we request that the Covered Activities for the HCP, as discussed in the NOI, are more specific than 'generally activities related to water management', but explicitly include flood damage reduction considerations.

That said, the HCP also offers an exciting opportunity for partnership on the ecosystem restoration portion of our current project, as the expectation is that our project will result in improved habitat for the same species the HCP aims to protect. We anticipate that coordination between these two projects will facilitate a unique level of collaboration between multiple federal, local and regional agencies. We look forward to sharing information gained through years of work in the Watershed. We propose a meeting between both project teams in the near future to discuss interactions between the projects in terms of planning, scope, and NEPA compliance.

Additionally, the Corps and JPA are anticipating the preparation of an Environmental Impact Statement/Report based on complexity of the human and natural environment of the Watershed, in no small part on the unique cultural and natural resources at Stanford University and the diversity of the communities in the Watershed. We recommend that an Environmental Impact Statement be prepared for the HCP as well.

Finally, we are concerned that our sponsor on the San Francisquito Creek feasibility study was not provided with sufficient notice of this HCP plan by Stanford University, their own associate member, and by Fish and Wildlife Services with whom we've been coordinating. The JPA was further denied adequate response time during the public comment period: the Public Scoping Meeting was conducted during their monthly management board meeting, despite Stanford University's position on that board, and their requests for an extension on the public comment period, necessitated by the meeting of their board and approval of the official JPA letter, were denied by the Fish and Wildlife Service. Based on subsequent conversations between Corps and Fish and Wildlife Service staff, it is understood that comments received from the JPA after the comment period will be accepted by the Fish and Wildlife Service but may not appear in the public scoping comment summary. We strongly request that these comments be accepted and included as a part of the public record. Otherwise, this treatment draws into question the sufficiency of this public scoping, and therefore compliance with NEPA.

Thank you for the opportunity to comment on the Environmental Documentation for the Stanford University Habitat Conservation Plan, Palo Alto, CA. We look forward to improved communication and coordination on our projects in this area. Please contact Sarah Gaines at [Sarah.M.Gaines@usace.army.mil](mailto:Sarah.M.Gaines@usace.army.mil) or 415.977.8533 for any further information or questions regarding this comment letter or the Corps project in the San Francisquito Creek Watershed.

Sincerely,



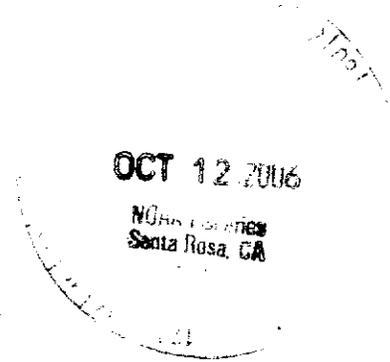
Eric Jolliffe  
Chief, Environmental Section A  
San Francisco District  
U.S. Army Corps of Engineers

cc: San Francisquito Creek JPA Board of Directors

October 9, 2006  
Via electronic mail to Stanford.HCP@NOAA.gov

Ms. Lori Rinek  
Chief, Conservation Planning and Recovery Division  
U.S. Fish and Wildlife Service  
Sacramento Fish and Wildlife Office  
2800 Cottage Way, Room W-2605  
Sacramento, CA 95825

Mr. Gary Stern  
Team Leader, San Francisco Bay Region  
National Marine Fisheries Service  
Santa Rosa Area Office  
777 Sonoma Ave. Room 325  
Santa Rosa, CA 95404



**RE: Notice of Intent to Conduct Public Scoping and Prepare an Environmental Document for the Stanford University Habitat Conservation Plan, Palo Alto, CA [I.D.082906B]**

Please consider the following suggestions in preparing the subject Environmental Document for the Stanford HCP:

**ISSUES:** Searsville Dam and Reservoir should be included as essential habitat conservation elements that are covered in the Stanford HCP - including assessment of removal of the dam.

**SPECIES:** Appropriate species representative of the serpentine habitat on University lands should be included. Additionally, please include special status riparian bat species.

**COORDINATION:** The Stanford HCP and associated permitting should be coordinated with both the HCP/NCCP now being prepared for Santa Clara County and planning for the flood damage reduction and ecosystem restoration project that is underway with the U.S. Army Corps of Engineers and the San Francisquito Creek Joint Powers Authority.

Thank you for your attention to these recommendations. I would appreciate being included on the "interested parties" list for the Stanford HCP, and I would like to receive a draft of the Plan as soon as it is available for review.

Sincerely,  
*Trish Mulvey*  
Trish Mulvey  
527 Rhodes Drive, Palo Alto, CA 94303  
650/326/0252 or mulvey@ix.netcom.com

cc: Interested Parties

**TO:**

- Ms. Lori Rinek, Chief, Conservation Planning and Recover Division  
US Fish & Wildlife Service, Sacramento Office  
[Lori\\_Rinek@fws.gov](mailto:Lori_Rinek@fws.gov)
- Mr. Gary Stern, San Francisco Bay Region Team Leader,  
National Marine Fisheries Service, Santa Rosa Office  
[gary.stern@noaa.gov](mailto:gary.stern@noaa.gov)
- Ms. Shelia Larsen, Fish & Wildlife Service, Sacramento Office  
[Shelia\\_Larsen@fws.gov](mailto:Shelia_Larsen@fws.gov)
- Kim Turner, Fish & Wildlife Service, Sacramento Office  
[Kim\\_S\\_Turner@fws.gov](mailto:Kim_S_Turner@fws.gov)
- Ms. Catherine Palter, Land Use and Environmental Planning Office  
Stanford University  
[cpalter@stanford.edu](mailto:cpalter@stanford.edu)
- Mr. Chris Christofferson, Vice Provost - Utilities Department, Stanford University and  
Stanford representative to the San Francisquito Creek Joint Powers Authority (Stanford is a non-  
voting, Associate Member of the Authority)  
[chrisc@bonair.stanford.edu](mailto:chrisc@bonair.stanford.edu)

**FROM:**

Cynthia D'Agosta, Executive Director  
San Francisquito Creek Joint Powers Authority  
[cdagosta@menlopark.org](mailto:cdagosta@menlopark.org)

phone: 650-330-6769

**RE: Fish & Wildlife / NOAA / Stanford HCP**

Ms. Rinek and Mr. Stern,

---

The San Francisquito Creek Joint Powers Authority (Authority), via this email, is **requesting a two week extension of the public comment period** ending October 12, 2006 for Federal Register #53466 / Vol 71, No 175 filed Monday September 11, 2006 for the Stanford Habitat Conservation Planning.

The Joint Powers Authority is a local government agency whose members include the cities of Menlo Park, Palo Alto, and East Palo Alto; San Mateo County Flood Control District and Santa Clara Valley Water District. The San Francisquito Watershed Council and Stanford University are non-voting Associate members of the Authority.

The Authority and Army Corps of Engineers are currently conducting the Feasibility Phase of a General Investigation (G.I.) - "*Flood Damage Reduction and Ecosystem Restoration*" project for the San Francisquito Creek watershed. Your offices received a "Notice of Preparation/Notice of Intent to prepare a joint EIS/EIR in April 2006 for the project. (Federal Register #18292/Vol 71, No. 69 was filed April 6, 2006).

Ms. Turner of Fish & Wildlife reviewed the G.I. project, and toured the watershed in July 2006 with Authority and Corps of Engineer staff. Mr. Erik Schmidt of NOAA has participated in project team meetings regarding the project. Mr. Chris Christofferson of Stanford University participates in Authority project development meetings on a regular basis.

**Coordination of these two projects, and potential benefit of collaboration on the issues, is of high interest and importance to the Authority.** The Authority Board of Directors would like the opportunity to discuss the HCP process and will need to review a draft comment letter prepared by staff, before it is submitted. The Board met on the evening of September 21<sup>st</sup>, as you were conducting the scoping meeting. The Board does not meet again until October 19<sup>th</sup>, 2006 and will discuss/review the information at that time. Once the review is completed, a comment letter will be submitted. Therefore, **an extension until October 26, 2006 is requested.** Please advise as soon as possible so that we may adequately prepare for submittal.

Thank you for your immediate attention to the matter, and we look forward to working with you on these important projects.

Cynthia D'Agosta

10/3/2006

**STOECKER ECOLOGICAL**  
NATURAL RESOURCE ASSESSMENT AND RESTORATION SERVICES

Ms. Lori Rinek  
Conservation Planning and Recovery Division  
Fish and Wildlife Service  
Sacramento Fish and Wildlife Office  
2800 Cottage Way, Room W-2605  
Sacramento, CA 95825

10-4-06

Gary Stern  
San Francisco Bay Region Team Leader  
National Marine Fisheries Service  
Santa Rosa Area Office  
777 Sonoma Ave. Room 325  
Santa Rosa, CA 95404

**RE: Notice of Intent to Conduct Public Scoping Meeting and Prepare an Environmental Document for the Stanford University Habitat Conservation Plan, Palo Alto, CA [I.D.082906B]**

Thank you for the opportunity to provide comments on the Stanford University Habitat Conservation Plan (HCP). Such a plan to protect and improve habitat conditions for the species that live on, or migrate through, Stanford University land is welcomed. Please include my comments and requests below for consideration with development of the HCP.

**Searsville Dam and Reservoir-**

In terms of impact on listed aquatic species and habitat conservation, Searsville Dam and Reservoir represent the most influential facility that Stanford operates. To be effective, the HCP must address this facility and its impacts on the San Francisquito Creek watershed and ecosystem. This over a century old dam and reservoir has a dramatic impact on the past, present, and future conditions related to flooding, safety, and environmental issues within the San Francisquito Creek watershed and requires detailed multi-disciplinary studies in order to effectively assess potential alternatives and their impacts on habitat quality and species protection.

As Searsville Reservoir continues to fill with sediment, watershed conditions related to ecosystem health will also change, and future actions (or inaction) at the dam and reservoir will impact the entire watershed particularly listed aquatic species. While the dam and most of the reservoir complex is within Stanford University property, this facility impacts the entire watershed and adjacent stakeholders. The dam currently blocks the largest amount of former steelhead habitat in the entire watershed and has directly caused the elimination of steelhead from almost half of the watershed's tributary habitat. The remaining threatened steelhead population in the San Francisquito Creek watershed downstream of the dam has been identified by DFG and NOAA as one of the last wild, naturally reproducing populations in the southern San Francisco Bay and an essential link

in recovery of the species. The dam is also a major migration barrier to other native wildlife (for example upstream wild rainbow trout, turtles, Garter snake, Ca. newt) and wildlife migrating along the riparian zone. In addition, the reservoir harbors several exotic fish, amphibian, and plant species that compete with native species within the reservoir and downstream where they are known to disperse. Some exotic species such as bass, crappie, and bullfrogs prey on listed native species including steelhead and should constitute a "take" due to their occurrence and persistence due to the presence of Searsville Reservoir's artificial flat-water habitat. Reservoirs are known to alter water quality that is discharged (for example dissolved oxygen and temperature) and the impact of the reservoir on downstream water quality should be assessed and appropriate measures taken to preserve and/or improve the quality of discharged water.

The HCP should outline a specific plan and timeline for Stanford to work with interested watershed stakeholders to: a) compile baseline dam and reservoir conditions, b) develop and analyze Searsville Dam removal alternatives, and c) develop and implement a final design plan that will protect native species, improve habitat conditions, and provide effective, unassisted steelhead passage to and from upstream habitat. Such a process could follow a similar model to the one that the U.S. Army Corps of Engineers is currently undertaking with the Matilija Dam Ecosystem Restoration Project (for which the Army Corps won the 2004 Outstanding Planning Achievement Award).

#### Lake Lagunita Diversion Dam-

Currently this obsolete dam does not provide upstream juvenile steelhead passage and the design does not facilitate upstream adult steelhead passage during certain flows and due to recurring debris blockage. The dam site is downstream of all significant steelhead spawning and rearing tributaries and represents a partial or complete barrier to different life stages of steelhead even when functioning properly without debris blockages. Stanford recently expressed a willingness to pursue grant funding and remove this dam at a San Francisquito Watershed Council Steelhead Task Force meeting (7-18-05) and the HCP should identify measures for Stanford, in coordination with adjacent landowners who own part of the dam, to conduct the necessary studies to modify or remove this dam and allow unimpeded juvenile and adult steelhead passage.

#### Golf Course Grade Control Structures-

Following Stanford's recent and well-executed Golf Course Crossing fish barrier removal, several small grade control structures have become exposed upstream as the sediment behind the crossing flushes out. These features should be assessed and fish migration barriers should be removed or have small notches cut into them to focus flows and reduce the small jump to improve steelhead passage.

#### Local Assistance-

Several local organizations and resource agencies can offer funding, permitting, and community outreach assistance to Stanford for each of the above mentioned projects. Thank you for your time and please feel free to contact me with any questions.

Respectfully submitted,

Matt Stoecker

**STOECKER ECOLOGICAL**  
NATURAL RESOURCE ASSESSMENT AND RESTORATION SERVICES

Stoecker Ecological

P.O. Box 2062

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135 Campo Rd.

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(650) 380-2965

[Matt@StoeckerEcological.com](mailto:Matt@StoeckerEcological.com)

[www.StoeckerEcological.com](http://www.StoeckerEcological.com)

Member, Steelhead Task Force, San Francisquito Watershed Council

Cc:

Cynthia D'Agosta, San Francisquito Creek Joint Powers Authority

Pam Sturner, San Francisquito Watershed Council

Katie Pilat, San Francisquito Watershed Council

Philippe Cohen, Jasper Ridge Biological Preserve, Stanford University

Chris Christofferson, Associate Vice Provost for Facilities, Stanford University

Trish Mulvey, CLEAN South Bay

Steve Rothert, American Rivers

Ted Frink, California Department of Water Resources

Margaret Paul, California Department of Fish and Game

Krissy Atkinson, California Department of Fish and Game

Michael Clossen, Acterra

Mondy Lariz, Northern California Chapter, Federation of Fly Fishers

Brian Stranko, Executive Director, California Trout

Jerry Yesavage, Conservation Committee, California Trout

Chuck Bonham, California Director, Trout Unlimited

Marcia Brockbank, Program Manager, San Francisco Estuary Project

Gordan Becker, CEMAR

Michael Bowan, California Coastal Conservancy

Barry Nelson, Natural Resources Defense Council

From Bk1492@aol.com

Date Monday, September 11, 2006 5:14 am

To stanford.hcp@noaa.gov

Subject public comment on federal register of 9/11/06 vol 71 #175 pg 53466  
fed reg doc 06 7572 attention lori rinek doi fws doc noaa id 082906B  
noi mtg stanford habitat conservation palo alto ca

looking for permission to kill federally protected species meeting on sept 21 2006

i protest any development of these areas. all such buildings negatively impact creatures all of us need to survive for an ecologically complete world. stanford should buiild in already congested horrible areas already ruined by mankind, not take more of the open space that God has provided for man's protection.

i very much oppose any building plans to harm any wildlife or birds.

i also note for the record that no mitigation plan has ever truly worked. the animals and birds pick their own homes. they do not migrate into alleged "mitigation". this is simmply a fake scam put out there by those who attempt to fool the public and get their profiteering building done.

b. sachau  
15 elm st  
florham park nj07932

City of Palo Alto

Office of the Mayor and City Council

October 4, 2006

Ms. Lori Rinek  
US Fish and Wildlife Service  
2800 Cottage Way, Room W-2605  
Sacramento, CA 95825

SWR 2006 R03797

Mr. Gary Stern  
National Marine Fisheries Service  
777 Sonoma Avenue, Room 325  
Santa Rosa, CA 95404

**Subject:** Response to Notice of Intent for Preparation of an Environmental Document for Stanford University's Proposed Habitat Conservation Plan

Dear Ms. Rinek and Mr. Stern:

Pursuant to the Notice of Intent issued by the US Fish and Wildlife Service and the National Marine Fisheries Service (Services) on September 11, 2006 regarding preparation of an environmental document for Stanford University's proposed Habitat Conservation Plan (HCP), I would like to submit the following scoping comments on behalf of the City of Palo Alto:

- It is critical that the environmental assessment to be conducted by the Services take into account the ongoing feasibility study being jointly conducted by the US Army Corps of Engineers (Corps) and the San Francisquito Creek Joint Powers Authority (JPA) for a Flood Damage Reduction and Ecosystem Restoration project in the San Francisquito Creek watershed.

During the reconnaissance phase of the Corps/JPA project, the study team identified preliminary flood control project alternatives located within the area to be covered by Stanford's HCP. These options include the use of in-stream and/or off-stream water impoundment in the upstream reaches of San Francisquito Creek and its tributaries in order to reduce peak stream flows downstream. City staff believe that flood damage reduction for the San Francisquito Creek watershed will only be achievable through a comprehensive combination of upstream detention and downstream flow capacity enhancements. Staff believe that the Corps/JPA feasibility study will identify the detention of stream flow upstream of Highway 280 as an essential element of any feasible flood control alternative.

It is expected that the HCP will likely designate specified habitat protection zones along San Francisquito Creek and its tributaries that will constrain the future use of the land within the zones. As a result, the City is concerned that the adoption of an

HCP covering Stanford-owned lands in the San Francisquito Creek watershed will virtually eliminate consideration of the modification of these lands for a future flood control project. Therefore, the environmental assessment of the HCP should address the potential negative impacts of the plan's adoption on the feasibility of future flood control alternatives. Furthermore, the environmental assessment should identify and evaluate HCP alternatives that maximize the opportunity to accommodate stream detention in and along San Francisquito Creek and its tributaries within the HCP protection zones.

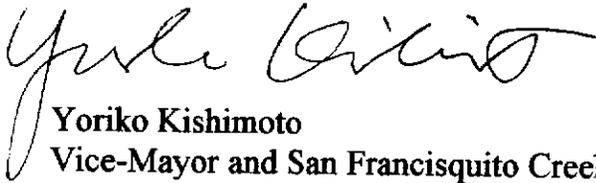
- The Corps/JPA feasibility study is in its preliminary stages and will not be complete for three to five years. As a result, the specific nature and location of potential stream detention facilities on lands to be covered by the Stanford HCP have not yet been determined. City staff are concerned that, considering the limited nature of information available at this time, it will be difficult to conduct an accurate assessment of the impacts of the HCP on the future flood control project. Therefore, staff recommends that the Services delay the environmental assessment and approval of the Stanford HCP until enough information is generated by the feasibility study to provide an informed evaluation of the HCP's impacts on the Corps/JPA project's flood control alternatives.

If the Services elect to proceed with the environmental assessment and approval of the Stanford HCP at this time, City staff request that the Services perform the requisite hydrologic and hydraulic analyses of the San Francisquito Creek watershed needed to identify and assess the feasible flood control options on the reaches of San Francisquito Creek and its tributaries on Stanford-owned lands.

- The lack of specific information on the elements of Stanford's proposed HCP makes it extremely difficult to formulate comments and questions in response to the Notice of Intent issued by the Services. It is City staff's understanding that Stanford has completed an administrative draft of the HCP and that they have developed and compiled a large amount of relevant background information in the course of developing the draft document. It is also unclear at this stage how much public input and review will be accepted by Stanford and the Services during the upcoming environmental review period. In light of the circumstances, I request that the Services provide the City with a copy of all existing information related to Stanford's proposed HCP that has been made publicly available to-date. Furthermore, I request that City Director of Public Works Glenn Roberts be added to the Services' project mailing list in order to receive additional HCP-related information as it is made available by Stanford. Lastly, I request that the Services provide a summary of the proposed schedule and process (including a list of opportunities for public input and comment) to be followed for the review and environmental assessment of the Stanford HCP.

Thank you for the opportunity to provide comments on the scope of the environmental assessment of Stanford University's proposed Habitat Conservation Plan. I look forward to witnessing the Services coordinate closely with the Corps and the JPA on their ongoing flood control feasibility study in order to identify a watershed plan that effectively achieves flood management, ecosystem restoration, and habitat conservation in the San Francisquito Creek watershed. If you have any questions or need further information regarding this comment letter, please contact City Public Works Director Glenn Roberts at (650) 329-2325.

Sincerely,



Yoriko Kishimoto  
Vice-Mayor and San Francisquito Creek JPA Alternate Board Member

cc: Palo Alto City Council  
Frank Benest  
San Francisquito Creek JPA Board of Directors  
Cynthia D'Agosta, San Francisquito Creek JPA  
David Boesch, City of Menlo Park  
Alvin James, City of East Palo Alto  
Stan Williams, Santa Clara Valley Water District  
John Maltbie, County of San Mateo  
Pam Sturner, San Francisquito Watershed Council  
Jean McCown, Stanford University  
Chris Christofferson, Stanford University

*G. Stern*  
Page A-55

NICHOLAS JELLINS  
MAYOR

KELLY FERGUSSON  
MAYOR PRO TEM

ANDREW COHEN  
COUNCIL MEMBER

LEE DUBOC  
COUNCIL MEMBER

MICKIE WINKLER  
COUNCIL MEMBER



701 LAUREL STREET, MENLO PARK, CA 94025-3483  
www.menlopark.org

DOC NO. *SWR2006804083*  
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OCT 10 2006  
SANTA ROSA, CA

October 10, 2006

Ms. Lori Rinek  
US Fish and Wildlife Service  
2800 Cottage Way, Room W-2605  
Sacramento, CA 95825

Mr. Gary Stern  
National Marine Fisheries Service  
777 Sonoma Avenue, Room 325  
Santa Rosa, CA 95404

**Subject: City of Menlo Park's Response to the Notice of Intent for Preparation of an Environmental Document for Stanford University's Application for an Incidental Take Permit**

Dear Ms. Rinek and Mr. Stern:

In response to the Notice of Intent issued by the U.S. Fish and Wildlife Service and the National Marine Fisheries Service on September 11, 2006, regarding preparation of an environmental document for Stanford University's proposed incidental take permit, I would like to comment on behalf of the City of Menlo Park.

As the City currently understands it, the application for an incidental take permit would allow Stanford University and its tenants to modify and degrade the habitat of Federally listed endangered and threatened species of wildlife that are currently found on Stanford lands. The term "take" is defined by the U.S. Fish and Wildlife Service as habitat modification or degradation that is significant enough to actually kill or injure endangered wildlife. If the permit were approved, Stanford would be required to develop a Habitat Conservation Plan (HCP) to mitigate its actions.

The City requests your consideration of the following points:

1. The City of Menlo Park, as a member of the San Francisquito Creek Joint Powers Authority (JPA), is actively engaged with the U.S. Army Corps of Engineers in a feasibility study of flood-damage reduction and ecosystem restoration in the San Francisquito Creek watershed. A majority of the area proposed to be covered by the incidental take permit is in this watershed. The City believes, on the basis of previous studies, that detention of water in the portion of the watershed above

**Building**  
TEL 650.330.6704  
FAX 650.327.5403

**City Clerk**  
TEL 650.330.6620  
FAX 650.328.7935

**City Council**  
TEL 650.330.6630  
FAX 650.328.7935

**City Manager's Office**  
TEL 650.330.6610  
FAX 650.328.7935

**Community Services**  
TEL 650.330.2200  
FAX 650.324.1721

**Engineering**  
TEL 650.330.6740  
FAX 650.327.5497

**Environmental**  
TEL 650.330.6763  
FAX 650.327.5497

**Finance**  
TEL 650.330.6640  
FAX 650.327.5391

**Housing & Redevelopment**  
TEL 650.330.6706  
FAX 650.327.1759

**Library**  
TEL 650.330.2500  
FAX 650.327.7030

**Maintenance**  
TEL 650.330.6780  
FAX 650.327.1953

**Personnel**  
TEL 650.330.6670  
FAX 650.327.5382

**Planning**  
TEL 650.330.6702  
FAX 650.327.5403

**Police**  
TEL 650.330.6300  
FAX 650.327.4314

**Transportation**  
TEL 650.330.6770  
FAX 650.327.5497

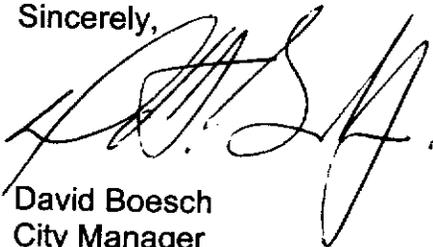
Interstate 280 will be an essential part of a comprehensive flood-control solution and offers significant opportunities for ecosystem restoration. The City is concerned that the HCP could have an unintended consequence of eliminating large portions of the Creek watershed from consideration as possible stormwater detention areas. The City requests that the HCP address the potential for stormwater detention and ecosystem restoration in the project area and that it specifically not preclude detention basins as a potential future land use. The City further requests that the San Francisquito Creek JPA and U.S. Army Corps of Engineers be considered key stakeholders also, and that they be consulted throughout the application and review process.

2. As the City understands it, the term of the incidental take permit is proposed to be 50 years. The City feels the term of the proposed permit is too long. Climatic and other changes over the next 50 years could affect wildlife habitat in ways that simply cannot be foreseen or adequately considered by the environmental document at this time. Therefore, the environmental document should consider other permit durations. As alternatives, the City requests terms of 10 and 25 years be considered by the environmental document. These shorter periods would allow unanticipated changes in habitat over time to be addressed sooner, resulting in better mitigation and reduced loss of critical habitat.
3. As proposed, the incidental take permit would cover all 8,180 acres of Stanford-owned lands. The City feels the geographic scope of the proposed permit is overly broad. As you know, Stanford currently leases a significant percentage of its land to commercial enterprises. Many of the leases are for terms of 50 or more years and Stanford cannot unilaterally change the terms of these leases. This causes the City to question the ability of Stanford to monitor and enforce the provisions of the proposed incidental take permit or HCP on its tenants. As an alternative, the environmental document should consider an incidental take permit that covers only the lands currently used for academic purposes, housing, or open space. This would allow for a more focused, thoughtful process and ensure that commercial developments in the future would still be required to adequately address potential impacts to endangered species.
4. Among the covered activities listed in the Notice of Intent is "future development." Clearly, future development has the potential to significantly degrade wildlife habitat. The City is concerned that at this time, no effort has been made to quantify the amount or identify the location of future development activities that would be covered by the incidental take permit. While the City understands that the extent of future development cannot be precisely known at this point, a range of uses and land-use intensities within general vicinities should be provided. In seeking more information about potential development activities, the City was referred to Stanford's General Use Permit (GUP) issued by Santa Clara County. Information from the GUP may

- be adequate for stakeholders concerned about activities in unincorporated areas of Santa Clara County. The GUP does not, however, cover Menlo Park, Palo Alto or unincorporated San Mateo County, where lies much of the land proposed to be covered by the incidental take permit. In order to properly develop the scope of an environmental document, more information is needed about potential development activities. Without more information about potential development in these other areas, interested stakeholders are hindered in providing meaningful input on the scope of the environmental document. If you are unable to provide information at this time about the scope of potential development activities outside of Santa Clara County, the City requests that the incidental take permit apply only to lands within unincorporated Santa Clara County.
5. Future development activity has the potential to increase stormwater runoff and pollutants being discharged to local watersheds and San Francisco Bay. The affects of this should be quantified and evaluated both in terms of downstream flooding potential and habitat degradation. Menlo Park is concerned about the affects to both San Francisquito Creek and Atherton Creek, both of which have known flooding problems downstream of the project area.
  6. Considering the scope of the proposed action, the City requests that a full Environmental Impact Statement be prepared, rather than an Environmental Assessment.
  7. The City wishes to express its disappointment with regards to the decision not to extend the comment period for the San Francisquito Creek JPA. It's unfortunate that the JPA, an agency that represents five key stakeholders in the San Francisquito Creek watershed, is not afforded some flexibility so that its elected officials could formally comment on the scope of the environmental document for the proposed action.

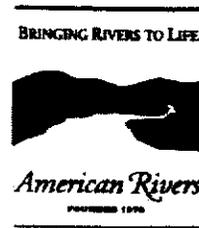
The City appreciates this opportunity to comment. If you have questions about these comments, please feel free to contact Kent Steffens, the City's Director of Public Works at 650-330-6781.

Sincerely,



David Boesch  
City Manager

Cc: Menlo Park City Council Members  
San Francisquito Creek JPA Board of Directors  
Cynthia D'Agosta, San Francisquito Creek JPA



October 31, 2006

Ms. Lori Rinek  
Conservation Planning and Recovery Division  
Fish and Wildlife Service  
Sacramento Fish and Wildlife Office  
2800 Cottage Way, Room W-2605  
Sacramento, CA 95825

Gary Stern  
San Francisco Bay Region Team Leader  
National Marine Fisheries Service  
Santa Rosa Area Office  
777 Sonoma Ave. Room 325  
Santa Rosa, CA 95404

**RE: Notice of Intent to Conduct Public Scoping Meeting and Prepare an Environmental Document for the Stanford University Habitat Conservation Plan, Palo Alto, CA [I.D.082906B]**

American Rivers appreciates the opportunity to provide comments on preparation of a Habitat Conservation Plan (HCP) for Stanford University. Such a plan to protect and improve habitat conditions for the federally listed species that live on, or migrate through, Stanford University land is an important step in the conservation of listed species.

Searsville Dam and Reservoir is listed as one of facilities associated with Stanford University's operations. As such the environmental analysis conducted under NEPA in preparation of an HCP must identify the direct, indirect and cumulative impacts of this facility on listed species. Searsville Dam causes several significant direct and indirect effects to federally listed steelhead trout (*Oncorhynchus mykiss*), including but not limited to: blocking access to several miles of high quality historic spawning and rearing habitat, alteration of water temperatures and flows and the interruption of gravels suitable for spawning transported from upstream of the dam. These impacts meet the definition of "take" as defined under the Endangered Species Act (16 U.S.C. 1532(19)). Specifically, these impacts harm steelhead trout by causing significant modification and degradation of its habitat that significantly impair essential behavioral patterns, including breeding, (50 CFR 17.3).

Because the impacts of Searsville Dam qualify as “take”, the NEPA analysis and HCP must identify and analyze avoidance, minimization and mitigation measures to reduce these impacts, where feasible, to a level below significance. American Rivers requests that the NEPA document analyze several potential measures, including: releasing flows from Searsville that mimic natural flows, modifying Searsville Dam outlet facilities to improve temperatures, augmenting the supply of gravel suitable for spawning habitat below the dam, providing facilities to provide upstream and downstream passage, and removing the dam.

Please include American Rivers in the service list of any subsequent communications (electronic preferred) related to this matter.

Thank you for your consideration.

Sincerely,



Steve Rothert  
Director,  
California Field Office

Cc:

Cynthia D'Agosta, San Francisquito Creek Joint Powers Authority  
Pam Sturner, San Francisquito Watershed Council  
Katie Pilat, San Francisquito Watershed Council  
Philippe Cohen, Jasper Ridge Biological Preserve, Stanford University  
Chris Christofferson, Associate Vice Provost for Facilities, Stanford University  
Ted Frink, California Department of Water Resources  
Michael Bowan, California Coastal Conservancy



October 10, 2006

OCT 10 2006

Ms. Lori Rinek  
US Fish and Wildlife Service  
2800 Cottage Way, Room W-2605  
Sacramento, CA 95825

Mr. Gary Stern  
National Marine Fisheries Service  
777 Sonoma Avenue, Room 325  
Santa Rosa, CA 95404

Subject: Response to Notice of Intent for Preparation of an Environmental Document for Stanford University's Proposed Habitat Conservation Plan

Dear Ms. Rinek and Mr. Stern:

Thank you for this opportunity to comment on the Notice of Intent for preparation of an environmental document for the Stanford Habitat Conservation Plan. Our agency mission includes stewardship of the streams of Santa Clara County as well as providing flood protection for the citizens of Santa Clara County. As such we are very interested in the development of this HCP and would like to be involved in its development and review.

The Santa Clara Valley Water District was a founding member of the San Francisquito Joint Powers Authority which is actively pursuing a Flood Damage Reduction and Ecosystem Restoration project in the San Francisquito Creek watershed through the US Corps of Engineers process. In the letter submitted by the City of Palo Alto and signed by their Vice Mayor, Yoriko Kishimoto, the issues related to flood protection in the San Francisquito Creek Watershed are well described. We have similar concerns especially with regards to coordinating with the mentioned Corps of Engineers project.

The Santa Clara Valley Water District is developing a combination Habitat Conservation Plan/ Natural Communities Conservation Plan for about 60% of Santa Clara County in partnership with the County of Santa Clara, cities of San Jose, Gilroy and Morgan Hill and the Valley Transportation Authority. The Stanford HCP should be developed to coordinate and complement the Santa Clara Valley HCP/NCCP. The three species noted in the *Federal Register* notice are included in the list being studied for the Santa Clara Valley HCP/NCCP. Please contact Ken Schreiber, the program manager for the Santa Clara Valley HCP/NCCP at (408) 299-5789 for assistance with coordination. At this time, the Santa Clara Valley HCP/NCCP is beginning to develop conservation strategies. It is particularly important that the conservation strategies for the Stanford HCP do not conflict with conservation strategies for the Santa Clara Valley HCP/NCCP, or in reverse. To provide good stewardship of the county's endangered species, the conservation strategies should be complimentary.

Ms. Lori Rinek  
Mr. Gary Stern  
Page 2  
October 11, 2006

A Habitat Conservation Plan is also being developed for the Fisheries and Aquatic Habitat Collaborative Effort (FAHCE) which applies to the Steven Creek, Guadalupe River, and Coyote Creek Watersheds. This HCP focuses on aquatic species and includes the three species listed in the *Federal Register* notice. The conservation strategies for the FAHCE HCP were developed as part of the settlement process and are described in the draft Settlement Agreement (6/1/2003) which can be found at [http://www.valleywater.org/Water/Watersheds\\_-\\_streams\\_and\\_floods/Taking\\_care\\_of\\_streams/FAHCE/Reports\\_&\\_Documents.shtm](http://www.valleywater.org/Water/Watersheds_-_streams_and_floods/Taking_care_of_streams/FAHCE/Reports_&_Documents.shtm). For information related to the FAHCE process, please contact Pat Showalter at [PShowalter@valleywater.org](mailto:PShowalter@valleywater.org).

The description of covered activities in the September 11, 2006 *Federal Register* notice was so broad that it is difficult to know exactly what is intended to be covered by the final version of the Stanford HCP. As such, it is particularly important that SCVWD staff be actively involved in the review process to ensure that our agency missions of stream stewardship and flood protection are well represented. Please contact Beau Goldie at [BGoldie@valleywater.org](mailto:BGoldie@valleywater.org) and Ann Draper [ADraper@valleywater.org](mailto:ADraper@valleywater.org) to coordinate on this project.

Again, thank you for this opportunity to comment.



Patricia Showalter, PE  
Senior Project Manager  
Operations Planning and Analysis Unit  
Water Supply Management Division

Cc: Joe Teresi, City of Palo Alto  
Cynthia D'Agosta, San Francisquito JPA  
Pam Sturner, San Francisquito Watershed Council  
S. Williams, J. Fielder, S. Akin, A. Draper, K. Whitman, B. Goldie, J. Christie

*G. Stern*

## County of Santa Clara

Department of Planning and Development  
Administration

County Government Center, East Wing, 7th Floor  
70 West Hedding Street  
San Jose, California 95110-1705  
(408) 299-6740 FAX (408) 288-9198

007 16 2006

San Jose, CA



October 11, 2006

DO NOT  
REMOVE  
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DESK FILE

National Marine Fisheries Service  
777 Sonoma Avenue, Room 325  
Santa Rosa, CA 95404  
Attn: Gary Stern, San Francisco Regional Team Leader

Dear Mr. Stern:

Thank you for the information provided at the September 21, 2006 scoping meeting regarding the environmental review for the forthcoming Stanford University Habitat Conservation Plan (HCP). The County of Santa Clara's Planning Office is very interested in the HCP and we look forward to actively participating in the review process.

Reviewing the information presented on September 21 answers some questions and raises the need for additional information based on the County's HCP experience thus far. Specifically:

1. The physical area to be covered by the HCP appears to be all Stanford owned land in Santa Clara and San Mateo Counties. Is this correct or are some Stanford lands excluded from the HCP Study and assumed Permit Area? When will Stanford's decision on their proposed Permit Area be made and provided to the public?
2. The potential permit term for the HCP could range from less than 30 years to over 50 years. When will we be informed about the permit term that Stanford will apply for?
3. Four covered species were identified: California Red Legged Frog, Western Pond Turtle, California Tiger Salamander and Central California Coast Steelhead. Information at the scoping meeting noted a number of other species as possible covered species. When will the final list of covered species be established and made available to interested agencies and the public?
4. Covered activities were broadly identified as Operations and Facilities and Redevelopment and Development. Given various jurisdictional interests and constraints and to facilitate implementation of the HCP, the HCP should break

down the covered activities by at least the following three geographical areas: City of Palo Alto, unincorporated Santa Clara County and San Mateo County. San Mateo County officials may desire a more detailed identification of activities for their jurisdictions. When will Stanford establish the final list of covered activities and make the list available to interested agencies and the public? For unincorporated Santa Clara County and Palo Alto.

Stanford should clarify how the list of covered activities relates to the University's General Use Permit (GUP). Condition J.9 states GUP conditions that relate to the CTS be superseded by "HCP approved by the USFWS" as long as it provides for as much habitat value and protection for CTS as the GUP Conditions. The GUP conditions are summarized as follows:

- a. Easements are to be dedicated to the County
  - b. Easements shall be in effect until CTS is delisted or if the species becomes extinct.
  - c. Easements may be abandoned by the County if all buildings are removed from within the CTS management zone and habitat is restored.
  - d. Easement shall be dedicated over the entire Lake Lagunita prior to ANY development activity within the designated CTS zone.
  - e. Easements at a 3:1 ratio are required prior to any (building project) approval in occupied CTS habitat.
  - f. Several conditions regarding specifics to construction/operations.
5. Lake Lagunita is the main breeding site for the CTS; it is also central campus where future development is planned. One of the GUP conditions requires that "prior to issuance of a building permit in occupied CTS habitat", three new breeding ponds be documented.
  6. The CTS Management Agreement, executed June 1, 1998, between the County, Stanford, Dept of Fish and Game and USFWS needs to be taken into account.
  7. Stanford has a longstanding policy and perhaps legal constraint under the Stanford Trust that has not allowed the use of at least non-academic land to be "permanently committed." Our understanding is that the HCP will require mitigation lands to be established in perpetuity. How will Stanford guarantee the continued commitment of land for mitigation purposes both during and after the Permit Term?
  8. When will Stanford make available the location of proposed reserve areas to be established under the HCP?
  9. When will Stanford make available the strategy for mitigation of impacts on San Francisquito Creek?

Given the environmental and political sensitivity of Stanford lands, we urge that Stanford develop a public involvement and outreach plan for review of the Draft HCP and Draft EIS. More opportunities for public review, comment and responses from Stanford should be provided than relying only on legally required public notices and hearings.

Santa Clara County, along with five other local jurisdictions, is preparing an HCP and Natural Community Conservation Plan (NCCP) for about 520,000 acres of south and central County. In undertaking this HCP/NCCP, members of the Board of Supervisors and the Board of the Santa Clara Valley Waster District have stated their desire to eventually have the HCP/NCCP cover all of Santa Clara County. We anticipate that eventual expansion of the HCP/NCCP beyond the current Study Area will be discussed by both Boards in the first quarter of 2007. Thus our interest in the Stanford HCP has a broader perspective than traditional County Planning Office interests. Please add to your information distribution list Kenneth Schreiber, HCP/NCCP Program Manager. Ken's office is in the County Planning area of 70 West Hedding Street. His e-mail is [ken.Schreiber@pln.sccgov.org](mailto:ken.Schreiber@pln.sccgov.org) and phone numbers are 408-299-5789 and 650-269-2341.

We look forward to receiving additional information on the Stanford HCP and participating in the HCP review process.

Sincerely,



Valentin Alexeeff  
Director, Planning and Development

CC: Charles Carter  
Catherine Palter  
Jean McCown  
Gary Rudholm  
Marina Rush  
Ken Schreiber  
Frank Benest  
Steve Emslie  
Pat Showalter  
Jane Decker  
Paul Garcia

*G. Stern* Page 4-66



# CITY OF EAST PALO ALTO

DOC NO. *SWR2006SR04219* OCT 23 2006  
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APPROVAL [ ]  
DESK COPY [ ]

Ruben Abrica  
Mayor

October 19, 2006

A. Peter Evans  
Vice Mayor

Ms. Lori Rinek  
Fish and Wildlife Service (FWS)  
Sacramento Fish and Wildlife Office  
2800 Cottage Way, Room W-2605  
Sacramento, CA 95825

David Woods  
Councilmember

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Councilmember

Mr. Gary Stern  
National Marine Fisheries Service (NMFS)  
Santa Rosa Area Office  
777 Sonoma Avenue, Room 325  
Santa Rosa, A 95404

Alvin D. James  
City Manager

Michael S. Lawson  
City Attorney

RE: Federal Register Notice of Intent (NOI), September 11, 2006 - Stanford University Habitat Conservation Plan (HCP)

Dear Ms. Rinek and Mr. Stern,

The following comments are being submitted as a brief statement from the San Francisquito Creek Joint Powers Authority (Authority) Director as required within the 30 day comment period for scoping on the above referenced HCP Environmental Documentation. I spoke to Mr. Stern, Ms. Shelia Larson (FWS), and received a message from Ms. Rinek, all of whom relayed that the Authority would be allowed to submit further comments after the Board of Directors meets on October 19<sup>th</sup>, 2006. However, there remains some ambiguity as to whether or not the additional comments would become a part of the record of comments for the scoping process. In addition to the above conversations, the Authority, via email and phone, also made a formal request for an extension of the comment period on September 22<sup>nd</sup> to Mr. Stern and Ms. Rinek. This request was denied by the Federal agencies.

As was explained in these communications, the Authority Board of Directors would like the opportunity to discuss and collectively comment on the project scope. However, due to the scheduling, the Authority Board has not been afforded sufficient lead time to do so. The NOI was released on September 11, 2006; the scoping meeting was held on a regularly scheduled Authority Board meeting night of September 21<sup>st</sup>; and the Board does not convene again until October 19<sup>th</sup>. (The official closing date for the scoping comments is October 11, 2006). (Members of the Authority are: the City of Palo Alto, the City of Menlo Park, the City of East Palo Alto, the Santa Clara Valley Water District, and the San Mateo County Flood Control District. Associate non-voting members are Stanford University and the

San Francisquito Watershed Council). *Please clarify whether or not any additional comments submitted by the Authority Board will become part of the comment period record.*

In 2002, the Authority received Congressional Authorization to partner with the Army Corps of Engineers on a watershed wide "Flood Damage Reduction and Ecosystem Restoration" (FDRER) watershed wide project. The current study will investigate multipurpose projects throughout the entire San Francisquito Creek Watershed and tidal areas, focusing on ecosystem restoration and flood damage reduction opportunities.

The FDRER has been the subject of numerous communications over the last four years between the Authority and agencies involved in the HCP project. The Fish and Wildlife Service, National Marine Fisheries, and Stanford have been engaged in the FDRER in various ways. Stanford participates monthly in the Authority's Management Team discussions and project development, and has submitted a letter in response to the Federal Register for the Authority's project in April 2006. Authority staff has held briefing meetings for regulatory agencies in which the National Marine Fisheries Service attended. As recent as July of 2006, a Fish & Wildlife staff from the Sacramento office toured the watershed with Authority and Corps staff to review the FDRER project. All agencies received the Federal NOI/NOP for the FDRER project in April 2006.

*The FDRER project has the potential to be limited by, and potential opportunity to be enhanced by, actions within an HCP for Stanford lands. Unfortunately neither the scoping meeting, nor the Federal Notice for the HCP, has yielded sufficient information to provide meaningful comment on either of these outcomes. The Federal Register is general in describing actions of the plan and permit as containing: "Covered Activities, anticipated impacts to covered species, mitigation measures, designation of preserves and application of credits for land development". These are vague descriptions and based on specific details each could imply very different types of potential impacts to the FDRER project.*

The Feasibility Phase of the FDRER will determine the final project design and will be completed in 5 years time. Meanwhile, the Authority continues to pursue opportunities to develop a project that will provide some immediate flood relief, while advancing the entire project. Of Stanford University's 8,180 acres to be covered by the proposed HCP, roughly 5,000 acres are centrally located within the San Francisquito Creek watershed. *Being limited by actions associated with the HCP, may inhibit potential flood reduction measures and could have a considerable impact on our ability to provide flood damage reduction to the downstream communities of Palo Alto, Menlo Park, East Palo Alto, unincorporated Santa Clara and San Mateo Counties, and Stanford itself. Flood damage reduction should be included as an action item within the scope of the HCP and plans coordinated with the Authority.*

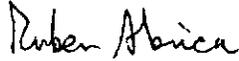
*Conversely, cooperation on development of the HCP and FDRER project offers an exciting opportunity for partnership on ecosystem restoration, species protection, and overall watershed health. Coordination between these two projects would encourage a unique level of collaboration between multiple federal, local and regional agencies. The FDRER project has gained much support at the Congressional and Federal level due to the watershed jurisdictions willingness to collaborate on finding solutions. The Authority would like to continue to foster this method of cooperation and suggest that a meeting between both project teams in the near future be convened.*

Lastly, given the complexity of cultural and environmental issues in the watershed, and to promote best results for both projects, the Authority recommends that *an Environmental Impact Report be completed for the HCP and that Stanford, FWS, and NMFS provide the public with another opportunity to comment on the scope of the environmental document once specific information regarding the actions of the HCP is released for review.* Failure to identify and allow public

review of the scope of proposed actions and the locations of actions within Stanford lands being addressed by the HCP, may be in violation of both NEPA/CEQA guidelines.

We appreciate the opportunity to comment on the Environmental Documentation for the Stanford University Habitat Conservation Plan. *A letter from the Authority Board will follow after the October 19, 2006 meeting.* We look forward to improved communication and coordination on our projects in this area. Please contact me directly for any further information or questions regarding this comment letter.

Sincerely,



Ruben Abrica  
Mayor  
City of East Palo Alto

cc: San Francisquito Creek Authority Board of Directors  
San Francisquito Creek Management Team  
Sarah Gaines, Janice Lera-Chan Corps or Engineers  
Jean McCown, Catherine Palter, Stanford University  
Congresswoman Anna Eshoo