

REGION 8
Screening Form for Low-Effect HCP Determination and
NEPA Environmental Action Statement

I. Project Information

- A. **Project name:** Donald Von Raesfeld Power Plant, Pico Power Project, Santa Clara, Santa Clara County, California
- B. **Affected species:** Bay checkerspot butterfly (*Euphydryas editha bayensis*), federally threatened, and four federally endangered plants: Santa Clara Valley dudleya (*Dudleya setchellii*), Metcalf Canyon jewelflower (*Streptanthus albidus* ssp. *albidus*), Coyote ceanothus (*Ceanothus ferrisiae*), and Tiburon paintbrush (*Castilleja affinis* ssp. *neglecta*). No other federally listed species would be affected by the project
- C. **Project size** (in acres): Power Plant Facility: 2.86 acres; Serpentine Habitat Preserve site: 40 acres; and total project acreage: 42.86 acres
- D. **Brief project description, including minimization and mitigation plans:**

Silicon Valley Power (SVP), owned by the City of Santa Clara in Santa Clara County, California, owns and operates the Donald Von Raesfeld (DVR) Power Plant, Pico Power Project. The proposed 2.86-acre project site is located west of the intersection of Lafayette Street and Duane Avenue and immediately north of SVP's Kifer Receiving Station. The project is surrounded by heavy industrial and light industrial land uses. The City of Santa Clara owns the site, which is zoned for public/quasi-public use. No special-status plant or animal species, or sensitive habitats, exist within one mile of the project site.

This electric generation plant is a natural gas-fired, combined-cycle electric generating facility with two General Electric LM-6000PC Sprint combustion turbine generators, a single condensing steam turbine generator, a de-aerating surface condenser, a mechanical draft plume-abated cooling tower, and associated support equipment. The plant is rated at nominal net generating capacity of 122 megawatts, with the ability to peak fire at 147 megawatts. The plant has an emission-reduction system which includes water injection and a selective catalytic reduction unit to control nitrogen oxides, and an oxidation catalyst to control carbon monoxide.

An existing pipeline located within the boundaries of the power plant supplies tertiary-treated recycled waste water from the South Bay Water Recycling Program. A 115-kilovolt on-site switchyard delivers the plant's power directly to the adjacent Kifer and Scott Receiving Stations. Approximately 2.0 miles of 12-inch diameter underground pipeline conveys natural gas to the plant from a Pacific Gas and Electric Company gas distribution Line 32 north of the power plant site and extends south along Lafayette to the gas compressor station located at the corner of Lafayette and Comstock.

No minimization or mitigation is necessary at the power plant site. To mitigate the adverse indirect effects of increased atmospheric nitrogen, SVP has purchased 40 acres of serpentine habitat on Coyote Ridge. SVP has transferred management of the habitat to an appropriate conservation management group (Creekside Center for Earth Observation), will establish a conservation easement, and has already established an endowment for management in perpetuity. SVP also purchased emission reduction credit certificates in the amount of 43.3 tons of Nitrogen Oxides. A qualified biologist has been designated to supervise implementation of all minimization and mitigation measures.

II. Does the HCP fit the low-effect criteria in the HCP Handbook?

A. Are the effects of the HCP minor or negligible on federally listed, proposed, or candidate species and their habitats covered under the HCP prior to implementation of the mitigation plan?

Yes. The project will result in no direct effects and only minor indirect effects to sensitive species.

Increased nitrogen deposition is a contributing factor in non-native grass invasion of the serpentine bunchgrass ecosystem. Although nitrogen deposition from power plant emissions cannot individually be shown to have indirect effects on serpentine endemic species, air dispersion modeling did show some fractional level of nitrogen deposition above background conditions. When combined with traffic estimates from local highway expansions, other power plants in the airshed, and background conditions, emissions from the Project could have a minor cumulative adverse effect on serpentine endemic species.

The percentage of increased ambient atmospheric nitrogen (average 0.038 percent increase), when applied to affected serpentine acreage, has been translated to a loss of approximately 40 acres of serpentine habitat in Santa Clara County (Table 3, HCP). Approximately 20,000 acres of serpentine habitat remains in Santa Clara and southern San Mateo County (73 FR 50406). This loss will affect the Bay checkerspot butterfly and four federally endangered serpentine plants found on Coyote ridge: Santa Clara Valley dudleya (*Dudleya setchellii*), Metcalf Canyon jewelflower (*Streptanthus albidus* ssp. *albidus*), Coyote ceanothus (*Ceanothus ferrisae*), and Tiburon paintbrush (*Castilleja affinis* ssp. *neglecta*).

B. Are the effects of the HCP minor or negligible on other environmental values or resources (e.g., air quality, geology and soils, water quality and quantity, socio-economic, cultural resources, recreation, visual resources, etc.) prior to implementation of the minimization and mitigation measures?

Yes. The effects to air quality and water quality are minor or negligible. Minor effects to air quality are a slight increase in ambient nitrogen (oxides of nitrogen and ammonia

compounds). Additional, this slight increase will be offset by the purchase of emission reduction credit certificates in the amount of 43.3 tons of Nitrogen Oxides.

Yes. The majority of the power plant site is paved. Effects to sensitive serpentine soil on Coyote Ridge will be minor, as the average increase in ambient nitrogen is only 0.038 percent. These effects will be negligible.

Yes. The power plant will have a short-term positive and neutral long-term socio-economic effect on the City of Santa Clara. SVP, owned by the City, operates this power plant instead of purchasing power from the Western Area Power Authority. The site is in an area zoned as public/quasi-public and is not located near a low-income residential area.

There will be no effects to the following environmental values or resources from implementation of the HCP, prior to mitigation: cultural resources, geology, recreation, visual resources, etc. prior to implementation of the mitigation plan.

C. Would the impacts of this HCP, considered together with the impacts of other past, present and reasonably foreseeable similarly situated projects not result, over time, in cumulative effects to environmental values or resources which would be considered significant?

Yes. Although the San Francisco Bay area has experienced rapid population growth for the last 25 years, ambient levels of carbon, nitrogen, and sulfur and ozone, have been decreasing over the last 25 years. Regulatory actions under the federal Clean Air Act, administered by the Bay Area Air Quality Management District, enforces air quality standards and continues the improving trend. The SVP's purchase of air quality credits will contribute to this trend.

III. Do any of the exceptions to categorical exclusions apply to this HCP? (from 516 DM 2.3, Appendix 2)

Would implementation of the HCP:

A. Have significant adverse effects on public health or safety?

No. The proposed project is not expected to adversely public health or safety, including air or water quality for the reasons described above.

B. Have adverse effects on such unique geographic characteristics as historic or cultural resources; park, recreation or refuge lands; wilderness areas; wild or scenic rivers; national natural landmarks; sole or principal drinking water aquifers; prime farmlands; wetlands (EO 11990); floodplains (EO 11988); national monuments; migratory birds, and other ecologically significant or critical areas?

No. No geographic characteristics such as historic or cultural resources, park, recreation or refuge lands, wilderness areas, wild or scenic rivers, wetlands, or ecologically significant or

critical areas, including those listed on the Department's National Register of Natural Landmarks, occur on the project sites.

C. Have highly controversial environmental effects or involve unresolved conflicts concerning alternative uses of available resources [NEPA section 102(2)(E)]?

No. This project has gone through the California Energy Commission's licensing and certification process. No individuals, governments, or other organizations have objected to the construction of this plant.

D. Have highly uncertain and potentially significant environmental effects or involve unique or unknown environmental risks?

No. The proposed construction activities are quite routine with predictable and negligible impacts. Therefore, issuance of the permit will not entail potentially significant environmental effects or involve unique or unknown environmental risks.

E. Establish a precedent for future action or represent a decision in principle about future actions with potentially significant environmental effects?

No. Future actions will be reviewed on their own merits. Implementation of this HCP involves routine activities with predictable and negligible impacts. Similar actions involving small acreage and relatively minor effects to natural and human resources will not result in potentially significant environmental effects. Approving this HCP will not set a precedent for future actions.

F. Have a direct relationship to other actions with individually insignificant but cumulatively significant environmental effects?

No. Air quality in Santa Clara County has improved over the last 25 years. Due to enforcement of the Federal Clean Air Act, this trend is expected to continue.

G. Have adverse effects on properties listed or eligible for listing on the National Register of Historic Places?

No. There are no properties on or near the proposed project sites that are eligible for listing on the National Register of Historic Places.

H. Have significant impacts on species listed, or proposed to be listed, on the List of Endangered or Threatened Species or have significant impacts on designated Critical Habitat for these species?

No. Although implementation of this HCP is likely to have indirect effects on the Bay checkerspot butterfly and four serpentine plants, such take will result in minor or negligible impacts to the species. Some effects to Bay checkerspot critical habitat units on Coyote

Ridge are anticipated; however, these effects are expected to be minor. The reasons for this conclusion are explained in Section II.A above.

I. Violate a Federal law, or a State, local, or tribal law or requirement imposed for the protection of the environment.

No. All other Federal, State, local, and/or tribal laws and requirements will be adhered to.

J. Have a disproportionately high and adverse effect on low income or minority populations (EO 12898).

No. The project will beneficially affect services equally to all socio-economic groups.

K. Limit access to and ceremonial use of Indian sacred sites on Federal lands by Indian religious practitioners or significantly adversely affect the physical integrity of such sacred sites (EO 13007).

No. There are no Indian sacred sites that will be affected by the project or the mitigation site.

L. Contribute to the introduction, continued existence, or spread of noxious weeds or non-native invasive species known to occur in the area or actions that may promote the introduction, growth, or expansion of the range of such species (Federal Noxious Weed Control Act and EO 13112).

No, although biological resources in the serpentine grasslands, located in the hills surrounding the Santa Clara Valley, could potentially be affected by nitrogen deposition resulting from NO_x emissions due to plant operation, and NH₃ emissions resulting from pollution control processes, Silicon Valley Power has purchased a nearby 40-acre conservation site with serpentine soils and occupied by Bay checkerspot butterfly and will place a conservation easement on the site. Additionally, Silicon Valley Power has purchased emission reduction credit certificates in the amount of 43.3 tons of Nitrogen Oxides. These credits will help offset and reduce the effects of nitrogen deposition on serpentine plant species not found on the 40-acre conservation site.

IV. ENVIRONMENTAL ACTION STATEMENT

Within the spirit and intent of the Council on Environmental Quality's regulations for implementing the National Environmental Policy Act and other statutes, orders, and policies that protect fish and wildlife resources, I have established the following administrative record.

Based on the information and analysis above, I determine that the proposed Incidental Take Permit for the DVR Pico Power Plant Low-Effect Habitat Conservation Plan for five federally listed species in Santa Clara County, California qualifies for a categorical exclusion as defined in the U.S.

Fish and Wildlife Service *Habitat Conservation Planning Handbook*. Therefore, the Service's permit action for the DVR Pico Power Plant Low-Effect Habitat Conservation Plan categorically excluded from further NEPA review and documentation, as provided by 40 CFR 1507.3; 43 CFR 46.205; 43 CFR 46.215; 516 DM 3; 516 DM 8.5; and 550 FW 3.3C. A more extensive NEPA process is unwarranted, and no further NEPA documentation will be made.

Other supporting documents:

Silicon Valley Power. 2014. Low-effect habitat conservation Plan for Bay checkerspot butterfly and serpentine endemic plant species in Santa Clara County, California. January 2013.

U.S. Fish and Wildlife Service (Service). 2008. Endangered and threatened wildlife and plants; designation of critical habitat for the Bay Checkerspot Butterfly (*Euphydryas editha bayensis*). Federal Register, 70:50406-50452.

Signature Approval:

Jennifer M. Norris
Field Supervisor
Sacramento Fish and Wildlife Office

Date