

**SCREENING FORM FOR LOW-EFFECT HCP DETERMINATIONS
and Environmental Action Statement**

I. Project Information

- A. Project name:** Low-Effect Habitat Conservation Plan for the Bay Checkerspot Butterfly, Santa Clara Valley Dudleya, and Serpentine Grassland, Santa Clara County, California.
- B. Affected species:** Endangered Santa Clara County Valley dudleya (*Dudleya setchellii*), threatened Bay checkerspot butterfly (*Euphydryas editha bayensis*), and the most beautiful jewelflower (*Streptanthus albidus* ssp. *peramoenus*).
- C. Project size:** 9.69 acres.
- D. Brief project description:** The proposed project is the development of a single-family residence and related facilities on lot 25 in the Calero Lake Estates subdivision; the majority of the subdivision is currently undeveloped. The parcel is 9.69 acres and is located in Santa Clara County, California. The proposed development includes 0.60 acres of hardscape, including driveway, footprint of the new single-family residence, detached garage, underground utilities, a 20-foot wide landscaped area, and animal husbandry activities. The proposed project also includes a 0.80 acre septic leach field and the onsite protection and management of 2.5 acres of serpentine grassland. A management plan for the 2.5 acres will be developed in conjunction with the Service prior to completion of the proposed project. The final management plan will be submitted to the Service for approval. The plan will include a vegetation management strategy utilizing domestic livestock or manual removal (hand removal, mowing, and use of trimmers) of non-native vegetation. If grazing is implemented, the management plan will also include a manure management plan. The management plan will include an adaptive management component to allow for changes in grazing animals, density of grazers, timing of treatments, and changes in mechanical removal of non-native vegetation. Normal animal husbandry activities, including corrals and supplemental feeding and stabling, will be conducted within the designated development area. The project will result in the permanent loss of 0.60 acres of serpentine grassland and protection, enhancement, and management of 2.5 acres.
- E. Minimization and Mitigation Plans:** The Applicant will minimize effects from the proposed project to the Covered Species by implementing the following minimization measures: (1) a qualified biologist (Service-approved) will be on site throughout the construction period when grading and earthwork is in progress; (2) all project-related traffic, parking, and staging will be confined to existing paved roads or the 0.60 acre footprint of the proposed residence; (3) a qualified biologist (Service-approved) will conduct a training session for all persons who will be working on-site prior to the start of the project (training will include a presentation by the biologist on the biology of the

Covered Species, measures required to protect them, relevant federal and state regulations, and the penalties for violating them); (4) prior to initiation of work activities, temporary exclusion fencing will be erected along the boundaries of the 0.60-acre residential development area and 0.80-acre septic leach field area to restrict heavy equipment, vehicles, and construction; (5) prior to initiation of construction activities, all Santa Clara Valley dudleya within the 0.60 acre of permanent impacts will be salvaged and transplanted to the 2.5-acre protected area; (6) ground disturbance will be restricted to the period of July 1 to November 30, unless otherwise authorized by the Service; (7) all food and food-related trash items will be enclosed in sealed trash containers and removed from the site once every three days; and (8) no pets will be allowed in the project site during construction. In addition, the applicant will mitigate for the loss of 0.60 acre of habitat for the Covered Species at a 4.2:1 ratio by permanently protecting, enhancing, and managing 2.5 acres of on-site serpentine grassland.

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. All 0.60 acre of the proposed development area are located within a previously graded portion of the property that has been maintained as bare rocky ground as a result of extensive illegal use by off road vehicles. Some of the 9.69-acre parcel is subject to a high amount of illegal trash dumping. Trash recently dumped on-site or nearby has included a burnt car, old refrigerator, discarded fencing and wiring, discarded paper, sheet metal, and wood debris. Trespassers also frequently remove serpentine rocks from the site. No occurrences of Santa Clara Valley dudleya are located within the 0.60 acre footprint of the proposed single family residence and none are located within the 0.80 acre footprint of the proposed septic leach field. Eleven occurrences of Santa Clara Valley dudleya are located within the 6.8 acre preserve. No small mammal burrows were observed within the 0.60-acre project footprint during a site visit conducted by Service biologists in April 2011, likely due to previous grading and frequent use of the area by off road vehicles. The proposed project is outside the urban growth boundary for the City of San Jose, but is within the City's sphere of influence. The proposed project area is currently zoned as hillside (HS) by Santa Clara County. According to the Santa Clara County Zoning Ordinance (2008), the HS designation is to preserve mountainous areas unplanned or unsuited for urban development primarily in open space and density is restricted to one residence per 10 acres.

Overall habitat quality within the 0.60-acre development footprint is low (due to previous grading, current illegal off road vehicle use, illegal trash dumping, and removal of serpentine rocks). No small mammal burrows were observed by Service biologists during a site visit in April 2011 within the graded area. No wetlands or other aquatic features are present within or immediately adjacent to the 9.69-ac parcel. The project

area is bordered to the west and north by Country View Drive and to the south by County View Lane.

In 1998, H.T. Harvey & Associates conducted surveys and observed two larval Bay checkerspot butterflies in lot 23 and one larvae and one adult in lot 24. At that time, only the dwarf plantain on the north-facing slopes was deemed usable for the BCB (*i.e.*, dense plants). The gaps in dwarf plantain growth on the west, south and level portions of the property were deemed too great for butterfly utilization (H.T. Harvey & Associates, 1998). However, adult BCB use a variety of nectar plants, which occur throughout the project area, therefore the entire site may be utilized by the BCB. In addition, year to year variation in the density and distribution of both the primary and the secondary host plants indicates that a single botanical survey may not adequately reflect the distribution of the larval host plants in another year nor the distribution of the BCB. Further, because the BCB is characterized as having a metapopulation dynamic, its exact distribution varies through time and sites that are occupied one year may not be occupied the following year and vice versa. The proposed project will not directly affect the BCB grassland habitat.

In the same 1998 survey, H.T. Harvey & Associates surveyed all 27 lots within Calero Lake Estates for additional special status species. There were 109 Santa Clara Valley Dudleya (SCD) reported on Lot 25. Approximately 322 individual SCD were observed on Lot 23 (H.T. Harvey & Associates, 1998), while the largest numbers of individual SCD (445) were observed outside of the proposed project area on adjacent Lot 24 (H.T. Harvey & Associates, 1998). Harvey & Associates (1998) also reported 1.31 acres of most beautiful jewelflower present within the nearby Lot 23. A map depicting the location of dudleya, jewelflower, and plantago was provided in the 1998 survey report (H.T. Harvey, 1998). No occurrences of dudleya were located within the 0.60-acre footprint of permanent impacts or the 0.80-acre septic leach field. No dudleya were observed within the 0.60-acre residential footprint during Service's 2011 site visit.

Project-related effects on the Bay checkerspot butterfly, Santa Clara Valley dudleya, and most beautiful jewelflower within the 1.4-acre footprint of the residence and leach field will be permanent in nature, but the effects would be minor due to the small amount of habitat being permanently lost, and the low density of small mammal burrows throughout the site (no burrows were observed during the Service's May 2011 site visit).

Critical habitat totaling 18,293 acres has been designated for the Bay checkerspot butterfly (Service 2008). The proposed project is located within Unit 7 (Santa Teresa Hills Unit), which is comprised of 3,278 acres (Service 2008). The proposed project will result in permanent loss of 1.4 acres or 0.04 percent of Unit 7 or 0.008 percent of all designated critical habitat for the Bay checkerspot butterfly. The fraction of a percent loss is not expected to appreciably diminish the value of the critical habitat for the Bay checkerspot butterfly, or prevent critical habitat from sustaining its role in the conservation and recovery of the species and the protection, management, and

enhancement of the preserve is expected to improve the quality of 2.5 acres of critical habitat or 0.76 percent of Unit 7.

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 mitigation plan?

Yes. Implementation of the proposed project would not create new stationary sources of air emissions, or new land uses that would generate substantial operational emissions. Operational emissions associated with the proposed project are expected to result from vegetation management, maintenance of the residence and related buildings, and increased traffic to and from the residence. Direct, intermittent operational emissions could result from exhaust emissions from mowing, dust from mowing or other vegetation management activities, or emissions associated with maintenance of infrastructure. Indirect operational emissions associated with minor increases in vehicle traffic over current traffic levels. The resulting direct and indirect operational emissions due to increased vehicle traffic and other operations and maintenance activities would be expected to have a negligible effect on ambient air quality.

A site-specific cultural resources review has been conducted for the proposed property, Lot 25. According to information provided by the Northwest Information Center (2007), no recorded Native American or historic period archaeological resources are present in adjacent lots and the likelihood that unrecorded Native American cultural resources or historic period archaeological resources are present is low. Based on our review of the information provided by the Northwest Information Center (2007), the potential for effects of the proposed project on cultural resources is low. Although not anticipated, it is possible that previously unidentified cultural resources may become apparent during construction activities. Should this occur, all construction activity in the area would cease until a cultural resources specialist evaluates the significance of the finding.

The surrounding area is primarily undeveloped grazing land and the proposed residence is located approximately 0.42 miles north of McKean Road, which is designated a scenic road and is located north of Calero Reservoir and south of Santa Teresa County Park. There are approximately eight existing single family residences within a 0.60 mile radius of the proposed project and between the proposed project and McKean Road. The 0.60 mile radius encompasses approximately 722 acres, which is approximately one residence per 90 acres. The construction of the proposed single family residence is not expected to degrade existing visual and aesthetic resources.

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. The proposed project would result in minor permanent effects to Bay checkerspot butterfly, most beautiful jewelflower, and Santa Clara Valley dudleya habitat. Present and future projects adjacent to the project area must include, when appropriate, mitigation measures for these species. Therefore, no additional development will occur without assurances that effects to these listed species are appropriately addressed.

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 project site is small and stormwater pollution prevention and stormwater management plans will be implemented. The site is located within the Shannon Earthquake Fault Zone. According to the California Geological Survey (CAGS 2003a; 2003b) there have been no documented areas of liquefaction in the Santa Teresa Hills Quadrangle. The project site is located within an area with a high probability of earthquake-induced landslide (CAGS 2003a; 2003b); however, according to the Santa Clara County Clearance Record (1977), it does not pose “an unusual risk to low-density development” (Santa Clara County 1977). Emergency secondary access roads were constructed by previous land owners, and emergency access to Calero Lake Estates was provided during initial road construction in the early 1980s, through connection of Country View Drive with a dirt access road in Santa Teresa County Park. The project will, therefore, have no adverse impacts on public health and safety.

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, sole or principal drinking water aquifers, prime farmlands, wetlands, floodplains, or ecologically significant or critical areas, including those listed on the Department's National Register of Natural Landmarks?

No. No geographic characteristics such as refuge lands, wilderness areas, wild or scenic rivers, principal drinking water aquifers, floodplains, wetlands, or ecologically significant areas occur within the project area. According to the California Division of Land and Resource Protection (2004), while the entire project area is designated as grazing, there are no prime farmland, farmland of statewide or local importance, or unique farmland occurring within or adjacent to the action area; therefore, none will be affected.

C. Have highly controversial environmental effects?

No. No substantial disputes exist as to the size, nature, or effect of the proposed project; the project does not have highly controversial effects.

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

No. The proposed project would not involve significant environmental effects or involve unique or unknown environmental risks because the proposed construction activities are generally routine with predictable and negligible impacts. There are no uncertain or potentially significant impacts expected from the proposed project or the proposed HCP.

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

No. The proposed project is within a 270-acre area that was subdivided and designated for rural development in the late 1970s. The Applicant's HCP is proposing minimization and mitigation consistent with the draft Santa Clara Valley Habitat Conservation Plan/Natural Community Conservation Plan (ICFJSA 2008). No significant environmental impacts are anticipated from this project. Therefore, the issuance of this permit would not establish a precedent for future actions.

F. Be directly related to other actions with individually insignificant, but cumulatively significant, environmental effects?

No. Other rural residential development has occurred adjacent to the project site. The proposed project is one of 26 residential lots in this area, but is not directly related to any actions that may occur on the other undeveloped parcels.

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

No. According to information provided by the Northwest Information Center (2007), there are no state or federal historic properties in the vicinity of the proposed project area. The Service is not aware of any property, listed or eligible for listing, on the National Register of Historic Places in the Plan Area and the site does not contain any existing structures.

H. Have adverse effects on listed or proposed species, or have adverse effects on designated Critical Habitat for these species?

No. Although the proposed action may result in the incidental take of Bay checkerspot butterflies, Santa Clara Valley dudleya, and most beautiful jewelflower, any such take would result in minor or negligible effects to the persistence of the species as explained in Section II.A above. This finding will be evaluated in further detail in the Service's intra-service section 7 consultation under the Endangered Species Act. Critical habitat

for the Bay checkerspot butterfly occurs within the project area; however, as described in Section II.A above The fraction of a percent loss is not expected to appreciably diminish the value of the critical habitat and the protection and management of the preserve is expected to improve the quality of critical habitat.

I. Have adverse effects on wetlands, floodplains or be considered a water development project thus requiring compliance with either Executive Order 11988 (Floodplain Management), Executive Order 11990 (Protection of Wetlands), or the Fish and Wildlife Coordination Act?

No. There are no floodplains, wetlands, or other aquatic bodies within the proposed project area. There are no wetlands on federal lands within the proposed project area; therefore, Executive Order 11990 does not apply. The proposed project is not a water development project; therefore the Fish and Wildlife Coordination Act does not apply.

J. Threaten to violate a Federal, State, local or tribal law or requirement imposed for the protection of the environment?

No. Implementation of the HCP would not violate Federal, State, local or tribal law imposed for the protection of the environment.

IV. ENVIRONMENTAL ACTION STATEMENT

Within the spirit and intent of the Council on Environmental Quality's regulations for implementing the National Environmental Policy Act (NEPA), and other statutes, orders, and policies that protect fish and wildlife resources, I have established the following administrative record. Based on the analysis above, this HCP qualifies as a "Low-Effect" HCP, as defined in the U.S. Fish and Wildlife Service Habitat Conservation Planning Handbook (November 1996). The extraordinary circumstances defined in 516 DM 2 Appendix 2 were fully considered, and the proposed action does not fall within any exception to the Categorical Exclusions. This action fits categorical exclusion C(2) of 516 DM 8.5, and can be categorically excluded from NEPA as provided by 40 CFR 1508.4, 516 DM 2, and 516 DM 8. Therefore, a more extensive NEPA process is unwarranted, and no further NEPA documentation will be made.

Other supporting documents:

California Division of Land and Resource Protection. 2004. Santa Clara County Important Farmland Data. Available at:
http://redirect.conservation.ca.gov/DLRP/fmmp/product_page.asp

California Geological Survey. 2003a. Seismic hazard zone report 097: Santa Teresa Hills 7.5 minute Quadrangle, Santa Clara County, California.

California Geological Survey. 2003b. State of California seismic hazard map: Santa Teresa Hills 7.5 minute Quadrangle, Santa Clara County, California.

ICFJSA. 2008. Santa Clara Valley habitat plan: 1st administrative draft. Unpublished report submitted to the Santa Clara County Planning Office. August 1, 2008. 750+ pp.

H.T. Harvey & Associates. 1992. Calero Lake Estates Bay Checkerspot Butterfly Surveys 1992. Unpublished report submitted to Mr. Garrett Rajkovich. December 8, 1992. 26+ pp.

H.T. Harvey & Associates. 1998. Calero Lake Estates 1998 Bay Checkerspot Butterfly and Special Status Plant Surveys. Unpublished report submitted to Mr. Garrett Rajkovich. June 30, 1998. 18+ pp.

Northwest Information Center. November 14, 2007. Records search results for 22611 Country View Lane, San Jose, Santa Clara County, California.

(Service) U.S. Fish and Wildlife Service. 2008. Endangered and threatened wildlife and plants; final determination of critical habitat the bay checkerspot butterfly (*Euphydryas editha bayensis*). **Federal Register** 73: 50405-50452.

Santa Clara County. 2008. Santa Clara County zoning ordinance amendment. Report prepared for Santa Clara County. Revision February 29, 2008. 284 pp.

Signature Approval:

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Date