

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

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**APPENDIX D  
STANFORD'S JANUARY 4, 2011 LETTER TO THE  
SERVICES REVISING THE HCP AND APPLICATION**



STANFORD UNIVERSITY  
LAND USE AND ENVIRONMENTAL PLANNING

January 4, 2011

Mr. Gary Stern  
NOAA Fisheries  
777 Sonoma Avenue, Room 325  
Santa Rosa, CA 95404

Ms. Sheila Larsen  
U.S. Fish and Wildlife Service  
2800 Cottage Way, Room W-2605  
Sacramento, CA 95825

Dear Mr. Stern and Ms. Larsen:

Thank you for your continued efforts to process Stanford University's incidental take permit application and Habitat Conservation Plan (HCP). The HCP, which was included with Stanford's April 2008 permit applications to the National Oceanic and Atmospheric Administration, National Marine Fisheries Service (NOAA Fisheries) and U.S. Fish and Wildlife Service (USFWS), included certain Searsville Dam and Reservoir (collectively, "Searsville") related operational and maintenance activities, and requested incidental take authorization for those activities. After carefully reviewing these activities further, and in light of Stanford's recent expansion and acceleration of a comprehensive interdisciplinary study of Searsville which Stanford anticipates will likely conclude with a proposed project that includes changes to the operational and maintenance activities described in the HCP, Stanford has decided to remove these activities from the HCP, and is no longer seeking incidental take authorization for these activities.

In 2008, when the permit application was filed with NOAA Fisheries and USFWS, Stanford did not have any plans to undertake any major modifications at Searsville, and had not yet identified a process for addressing the future of Searsville. Stanford therefore made its best effort to cover its current Searsville operations and maintenance, because those operations and maintenance were unlikely to change. Stanford's biologists, based on the best available scientific information (which we have provided to you), have concluded that these activities have a negligible effect on steelhead. Nevertheless, in an effort to be as inclusive as possible, Stanford included Searsville-related maintenance and operational activities in the HCP.

As you know from our ongoing discussions, there are no precise data regarding the flows just below Searsville Dam, making it difficult to accurately quantify the effects, if any, that the Searsville diversion has on flows just below Searsville Dam. What the data do show is that creek flows below Searsville Dam fluctuate widely, and these fluctuations may be attributed to several, sometimes interrelated, natural and manmade factors. Stanford appreciates NOAA Fisheries' desire to quantitatively assess the effects of these covered activities on steelhead. However, based on our discussions with NOAA Fisheries about the information needed to conduct this

effort, it appears that the data and scientific information may well not exist to fully address specific questions raised during the comment period.

Stanford is committed, through an independent Searsville specific process, to continue studying the effects of Searsville on steelhead. Through this process, Stanford also will thoroughly evaluate the effect of various modifications (including alternative diversion/storage configurations) at Searsville on steelhead, and other sensitive environmental resources. Stanford believes that removing these activities from the HCP, and addressing them through an independent Searsville-focused process, will provide NOAA Fisheries with the additional time and data that it needs to assess the potential take of steelhead from Searsville-related activities, and it will facilitate the current Section 10 permit process for the remaining covered activities. Stanford is eager to conclude this Section 10 permit process and begin implementing the HCP's conservation program, which will protect and enhance habitat at Stanford, and provide valuable monitoring data.

The Searsville facilities have been part of the watershed since 1892, and are part of the environmental baseline in NOAA Fisheries' Biological Opinion for the Steelhead Habitat Enhancement Project (SHEP). Since NOAA Fisheries issued the SHEP Biological Opinion in 2008, Stanford has improved fish passage by implementing the SHEP. However, little else has changed in the watershed since then. NOAA Fisheries therefore already has substantial data to complete the environmental baseline and evaluate the remaining covered activities. In addition, Stanford has provided you with supplemental data regarding the environmental baseline, including water quality data, flow data from local stream gages, and a historical background of the land uses that affected steelhead habitat in the San Francisquito Creek watershed prior to the construction of Searsville Dam. We believe this is sufficient data to assess the effects of the remaining covered activities and complete the Environmental Impact Statement.

Stanford has been working with NOAA Fisheries and USFWS for more than a decade, and we are pleased that we are now so close to the completion of the current Section 10 permitting process. We will therefore provide you with Stanford's final HCP showing the removal of the Searsville-related covered activities (e.g., operation and maintenance of the Searsville diversion and reservoir, which includes reservoir dredging, pipe flushing, physically cleaning the dam face, etc.), and related conservation actions that are no longer relevant to any of the covered activities very shortly. In the meantime, if you have any questions, please do not hesitate to contact me.

Sincerely,



Catherine Palter  
Associate Director, Land Use and Environmental Planning

cc: Charles Carter, Stanford University  
Alan Launer, Stanford University  
Shelby Mendez, NOAA Fisheries  
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