




Santa Clara Valley Habitat Plan CLARIFICATION AND INTERPRETATION

Subject	Santa Clara Valley Habitat Plan Study Area Determination
Clarification Number	2014-004
Approved	 Edmund Sullivan
Effective Date	June 24, 2015
Revision Date <i>(If applicable)</i>	

Category

The Habitat Plan study area, expanded study area for burrowing owl conservation, and permit area determination

Topic

Habitat Plan study area, expanded study area for burrowing owl conservation, and permit area boundaries sometimes vary between the Habitat Agency's Geobrowser GIS data and the Habitat Plan text.

Issue/Question/Problem Statement

Which information should be used to determine the appropriate boundaries if the study area, expanded study area for burrowing owl conservation, or permit area boundaries between the Habitat Plan text and the Geobrowser GIS data are not consistent?

Plan Guidance

The Habitat Plan study area, expanded study area for burrowing owl conservation, and permit area are described in Chapter 1 (starting on page 1-7).

“Study Area

The study area lies within Santa Clara County (**Figures 1-1 and 1-2**)¹. Santa Clara County has a land area of 835,449 acres; the study area encompasses 519,506 acres, or approximately 62% of the county. The study area was defined as the area in which all covered activities would occur, impacts would be evaluated, and conservation activities would be implemented. The boundary of the study area was based on political, ecological, and hydrologic factors. The study area includes all of the Llagas/Uvas/Pajaro watersheds within Santa Clara County and all of the Coyote Creek watershed except for the Baylands. A large portion of the Guadalupe watershed is also within the study area. The study area also encompasses small areas outside these watersheds, as described below.

The northern edge of the study area is defined by the boundary of Alameda and Santa Clara Counties, excluding the Milpitas City Limits² and lands to the north owned by the San Francisco Public Utilities Commission (SFPUC). The SFPUC is preparing an HCP for lands in their Alameda watershed that includes approximately 10,000 acres in Santa Clara County.

Lands in Joseph D. Grant County Park and Mount Madonna County Park outside the Coyote Creek and Llagas/Uvas/Pajaro watersheds are included in the study area, marking the eastern and southwestern boundaries of the study area, respectively. This inclusion allows full coverage of activities in these County parks under the Plan.

Tulare Hill, the Santa Teresa Hills, and the Calero Reservoir area, all within the Guadalupe River watershed, are included in the study area to ensure inclusion of serpentine soils and all occupied and potential habitat for Bay checkerspot butterfly, one of the primary covered species for this Plan.

Almaden Quicksilver County Park is in the study area to ensure inclusion of additional serpentine habitat, which supports a disproportionately high number of covered species, particularly covered plants.

Lands along Los Gatos Creek upstream through Vasona County Park owned by SCVWD and the County of Santa Clara Parks and Recreation Department (County Parks) (County of Santa Clara, Parks and Recreation Department 2003) are included in the study area to allow additional coverage of activities by these agencies.

Almost the entire City of San José lies within the study area. The Baylands and Alviso within San José are not within the study area to exclude current and historic tidally influenced areas. This line

¹ As discussed below, California State Parks (State Parks) lands are excluded from the permit area. Because of this exclusion, all of the land cover-related analyses in the Plan are based on the study area less State Parks lands unless otherwise noted. The size of the study area less State Parks lands is 460,205 acres.

² For convenience, all of EdR. Levin County Park is included in the study area, even though a portion of this park is in Milpitas.

was drawn with reference to December 2005 color aerial photographs, historic maps of tidal areas (San Francisco Estuary Institute 2006), and data from the Baylands Ecosystem Goals Project (Goals Project 1999). Within San José, the northern boundary of the study area is the northern edge of the “bufferlands” of the Water Pollution Control Plant facility on Zanker Road.

San José’s Baylands were excluded from the study area to avoid covering species restricted to salt marshes and other saline habitats, which would significantly complicate the Plan. Other substantial planning efforts are underway in the Baylands of Santa Clara County (e.g., South Bay Salt Ponds Restoration Project); this area was excluded to avoid duplicating those efforts. In addition, no impacts are expected to occur to the unique Baylands species from covered activities.

Expanded Study Area for Burrowing Owl Conservation

During Plan development, it became necessary to include conservation actions immediately outside of the study area in order to adequately mitigate and contribute to the recovery of western burrowing owl, one of the covered species. As described in Chapter 5 and in the species account (**Appendix D**), the population of western burrowing owl is declining in the study area. Conservation opportunities in the study area to increase the local population are very limited. After extensive discussions with the Wildlife Agencies and species experts, it became clear that the only way to increase the local population was to provide conservation outside the study area.

To address this need, an *expanded study area for burrowing owl conservation* (expanded study area) was identified in the northern edge of the county in portions of the cities of San José, Santa Clara, Mountain View, Milpitas, and Sunnyvale; in Fremont in Alameda County; and a small portion of San Mateo County (**Figure 1-2**). The expanded study area for burrowing owl conservation that falls outside of the primary Habitat Plan study area is 48,464 acres.

The allowable covered activities in this expanded study area are limited only to conservation actions for western burrowing owl. Coverage for these activities is provided only for this species. Projects and activities of the other jurisdictions, which are not Permittees, are not covered.

Permit Area

The *permit area* is the area in which the Permittees are requesting take authorization from USFWS and CDFG for activities and projects covered by this Plan. The permit area constitutes those lands within the study area and expanded study area for burrowing owl conservation on which covered activities occur (see Chapter 2 for a description of covered activities). The permit area is the same as the study area except that it excludes Henry W. Coe State Park (**Figure 1-2**). This park was excluded from the permit area because activities within this park are not covered by the Habitat Plan and because it represents such a large portion of the study area. The small portion of Pacheco State Park within the study area is also excluded from the permit area. The permit area is 508,669 acres (519,506 acres in the study area + 48,464 in the expanded study area - 58,642 acres

of Henry W. Coe State Park within the study area³ - 659 acres of Pacheco State Park within the study area).

The permit area also includes small, unmapped areas. Land management and monitoring activities may occur outside the mapped study area where a conservation parcel straddles the mapped permit area as long as more than half of each parcel is contained within the permit area. These unmapped areas will not exceed a total of 250 acres⁴."

Determination/Justification

- In all cases (when the study area, expanded study area for burrowing owl conservation, or the permit area boundaries vary between the Habitat Plan text and the Geobrowser GIS data) the Habitat Plan text is to be used as the main guide to determine inclusion in the Habitat Plan.
- The permit area is the guiding factor in determining the limits of Habitat Plan applicability, see below for a summary of geographic areas that are included in, or excluded from, the permit area.
 - 1) All of the City of San José, except for Baylands and Alviso
 - 2) All of the City of Morgan Hill
 - 3) All of the City of Gilroy
 - 4) All of the Llagas/Uvas/Pajaro watersheds within Santa Clara County
 - 5) All of the Coyote Creek watershed (within Santa Clara County)
 - 6) All of Joseph D. Grant County Park and Mount Madonna County Park, including areas outside the Coyote Creek and Llagas/Uvas/Pajaro watersheds, except for the Baylands.
 - 7) Tulare Hill, Santa Teresa Hills, and Calero Reservoir area within the Guadalupe River watershed
 - 8) All of Almaden Quicksilver County Park
 - 9) Lands along Los Gatos Creek upstream through Vasona County Park owned by SCVWD and the County of Santa Clara Parks and Recreation Department

No State Parks lands are included in the permit area.

The *expanded study area for burrowing owls* should be determined by using the following criteria:

- 1) The northern edge of Santa Clara County in portions of the Cities of San José, Santa Clara, Mountain View, Milpitas, and Sunnyvale
- 2) Portions of the City of Fremont in Alameda County

³ The total size of the park is 85,843 acres, of which 27,201 acres occurs outside the study area in Santa Clara and Stanislaus Counties.

⁴ Because of their uncertain location and lack of data, the unmapped areas are not included in the total study area or permit area acreage or any calculations of land cover type.

Study Area Determination

1/30/2015

Clarification Number: 2014-004

3) Small portions of San Mateo County