

Ann Crisp - Re: Oakley - Follow-up questions

From: Krystal Hinojosa <Krystal.Hinojosa@dcd.cccounty.us>
To: ACrisp@energy.state.ca.us
Date: 12/1/2010 4:08 PM
Subject: Re: Oakley - Follow-up questions
CC: PMartine@energy.state.ca.us

Hello Ann,

Please see my responses to your questions below in Red. Hope it helps. I think you may still have some trouble with the SLL language. If that is the case you can send it over to me and I can help you to draft it.

Best,

Krystal Hinojosa
 East Contra Costa County Habitat Conservancy
 Contra Costa County, Department of Conservation and Development
 651 Pine Street, North Wing, 4th Floor
 Martinez, CA 94553
 Phone: 925-335-1271 Fax: 925-335-1299
 Email: krystal.hinojosa@dcd.cccounty.us

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Ann Crisp <ACrisp@energy.state.ca.us>

11/15/2010 02:16 PM

To Krystal Hinojosa <Krystal.Hinojosa@dcd.cccounty.us>

CC Pierre Martinez <PMartine@energy.state.ca.us>

Subject Oakley - Follow-up questions

Hi Krystal,

Thanks again for talking with me last week. I was wondering if you had any feedback on the silvery legless lizard and any habitat in the transmission line route or near the soil stockpiles and how to address it in the PSA in relation the incidental take permit issued by the Conservancy?

I ran a GIS query for HCP/NCCP modeled habitat for SLL. There is modeled habitat for SLL within the project area, soil stockpile and laydown areas. In terms of mitigation for the species, the HCP/NCCP does not have any species level measures for SLL, which means that although there may be habitat or presence take is permitted through the permit they will receive. The basis for this decision is provided in Chapter 5 on page 5-110 in the last paragraph. I would insert that last paragraph into the PSA. Another resource would be in the executive summary for SLL.

For SLL and WPT, species that do not have species level measures, participation in the program and fees paid are the mitigation because the fees will go toward purchasing land/habitat for these species, it is built into the core conservation strategy of the plan.

[I still have yet to find out what happens if there is actually presence of SLL, I am going to bring this up in our next Wildlife Agency Meeting and let you know. I know the answer is take is allowed, but I am not sure if there are additional steps needed to be taken because that is not spelled out in the HCP/NCCP]

I also wanted to clarify that participation in the ECCC HCP/NCCP will not provide the applicant take authorization for all 28 species covered by the HCP/NCCP but only those listed in the PSR: giant garter snake, California red-legged frog, SJ kit fox, western burrowing owl, Swainson's hawk and golden eagle?

This is a really good question. Participation in the HCP/NCCP will provide coverage for all 28 covered species (except for no take rare plants). I think that the way the PSR is set up it appears that there are only certain species being covered and that is not true. The PSR's structure is meant to have an inductive effect, in other words certain landcover types trigger presence of certain species whether or not they are actually present (covered species are assumed to occupy suitable habitat) and requires pre-cons and AMM's. However the PSR does not include the species for which there are no species level measures, such as SLL and WPT, but they are covered through mitigation fees and the conservation strategy.

In regards to western pond turtle - East Antioch Creek in the vicinity of the transmission line route appears to be movement habitat - I think the ESA fencing for GGS and CRLF would also protect the WPT along East Antioch Creek? I was wondering why take coverage was not applied for this species since it looks like Wetland E is considered "core habitat"? Since they are not working within the Wetland E area I am only requiring ESA fencing to protect any WPT potentially occurring at Wetland E during construction in the project site.

I ran the GIS for this species as well and there is core habitat at Wetland E and movement habitat along the creek. I believe that the ESA fencing will provide protection for this species. The new maps with the BMP's are really extensive, they have done a good job at showing us how the fencing will be used across the site. For WPT, there are no species level measures so there are no additional requirements.

I checked with the PM and we are internally estimating publication of the FSA in the February/March 2011 time frame, but this could change as we reach each milestone (i.e. PSA publication, comments on PDOC, publication for FDOC, etc.)

I am wrapping up my PSA early this week so may have a couple more questions, thanks for all your help.

Thanks!

Ann