

DOCKETED

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*Siting, Transmission
and Environmental
Protection Division*

PROJECT TITLE: San Jose Data Center

Docket: 19-SPPE-04

TECHNICAL AREA(S): Biological Resources

<input checked="" type="checkbox"/> Telephone (5-20-21)	<input checked="" type="checkbox"/> Email (5-24-21)	<input type="checkbox"/> Meeting Location:	
NAME: Carol Watson, Biologist	DATE: 5-20-21 telephonic / 5-24-21 email	TIME: 1:00pm	
WITH: Rachel Tertes, USFWS Biologist attached to Don Edwards NWR			
SUBJECT: Flora and fauna within the vicinity of the San Jose City Data Center			

COMMENTS:

(CEC staff had already provided project description and maps)

In general, species occurrences within the project site and documented occurrences outside the project site were discussed, including plants, wildlife, and broader vegetation (community types), as well as CEC staff’s proposed approach to mitigation for nitrogen oxides emissions from the data center itself.

Species Discussed:

Salt marsh harvest mouse: USFWS staff stated that likelihood of occurrence on the project site would be low, and that CEC staff-proposed measures such as barricade (silt) fencing and monitoring by the designated biologist would be sufficient.

Burrowing owl: USFWS believes that burrowing owl (BUOW) may occur onsite, and further related that there is both a substantial breeding and wintering population of BUOW on the adjacent San Jose-Santa Clara Regional Wastewater Treatment Plant property within approximately 1 mile of the proposed project site. BUOW are also present at the Warm Springs Seasonal Wetland Unit of the Don Edwards San Francisco Bay National Wildlife Refuge, within 5 miles of the proposed project area. CEC staff outlined proposed mitigation, and the fact that it is based off Santa Clara Valley Habitat Conservation Plan mitigation measures, as well as communications with CDFW. USFWS agreed with the approach as outlined.

Bald eagle: USFWS staff stated that there is a bald eagle pair nesting within 2 miles to the east of the proposed project site [location redacted here for safety precautions]. The pair has been known to nest at this location since 2017. Foraging on site would be a rare occurrence, and foraging is not expected in Coyote Creek, given the closed-in nature of the tree canopy and narrow width of the creek. Bald eagle may forage at the settling ponds, approximately 1.5 miles north of the proposed project site.

San Francisco dusky-footed woodrat and ringtail cat: USFWS staff agreed there is some potential to occur on-site, and agreed with CEC staff’s proposed mitigation to add pre-construction surveys and monitoring for the woodrat, as well as an avoidance measure for the ringtail cat.



Congdon's tarplant: USFWS staff agreed that the plant has potential to occur onsite at the small (0.066-acre) wetland and that CEC staff's proposed measure for preconstruction surveys would be appropriate.

California tiger salamander: USFWS stated that there is a population of this species in a vernal pool to the north of the project, surrounded by grasslands (no oak woodlands or oak savannah habitat present). Congdon's tarplant and Contra Costa goldfields are also known from this location. See supplemental material.

Other Issues Discussed:

Nitrogen deposition: CEC staff outlined the way oxides of nitrogen (NOx) deposition is handled in the Santa Clara Valley Habitat Conservation Plan, e.g., non-point sources emissions, such as vehicle trips, have a fee schedule established. Point source emissions, such as those from the proposed project itself, are not covered. CEC staff outlined the approach being proposed, to impose a one-time fee payment to cover the potentially significant indirect effects of NOx deposition on sensitive habitat such as serpentine and critical habitat for the California tiger salamander. This approach is contingent upon determining where USFWS-designated critical habitat overlaps with mapped oak woodlands, and where CEC staff can establish a critical load as evidenced by scientific literature. Critical load is already established for serpentine habitat and oak woodlands in California. USFWS stated that the primary threat to California tiger salamander at the above-referenced location is weed proliferation; CEC to research further if a critical load has been established for grassland habitat.

See attached for the materials received from Rachel Tertes.

	Signed: /s/
	Name: Carol Watson, Planner II (Biologist)



**Warm Springs Seasonal Wetland Unit of the Don Edwards San Francisco Bay
National Wildlife Refuge, prepared by Rachel Tertes, USFWS 5/24/21**

Warm Springs is composed of 719 acres of vernal pool grassland located adjacent to South San Francisco Bay. Vernal pools are precipitation-filled topographic depressions that alternate between periods of inundation in the winter and desiccation in the summer. In California, vernal pools often host a suite of endangered and special status species. California's vernal pool ecosystems have been significantly fragmented and reduced in size by anthropogenic habitat alterations including urbanization, agricultural conversion, unsuitable grazing regimes, and non-native plant invasion. As a result, many of the endemic species that inhabit these vanishing wetlands have experienced population declines. Three such species that reside in Warm Springs' vernal pools are the federally endangered vernal pool tadpole shrimp (*Lepidurus packardii*), Contra Costa goldfield (*Lasthenia conjugens*), and the federally threatened California tiger salamander (*Ambystoma californiense*). Warm Springs supports both nesting and wintering Western burrowing owl (*Athene cunicularia hypugaea*), a state species of special concern. In addition, golden eagle, bald eagle, white-tailed kite, American kestrel, Northern harrier, and peregrine falcons are common non-breeding visitors, as well as breeding red-tailed hawks. Warm Springs contains 250 distinct vernal pools, with a total wetland area of over 145 acres that along with the upland areas provides habitat for these and other species

Additional Rare Plants include:

San Joaquin spearscale (*Extriplex joaquiniana*) CNPS List 1B.2

Congdon's tarplant (*Centromadia parryi* ssp. *congdonii*) CNPS List 1B.2

Alkali milk-vetch (*Astragalus tener* var. *tener*) CNPS List 1B.2

Brittlescale (*Atriplex depressa*) CNPS List 1B.2

Water sack clover (*Trifolium depauperatum* var. *hydrophilum*) CNPS List 1B.2

Prostrate navarettia (*Navarretia prostrata*) CNPS List 1B.1

Hoover's button celery (*Eryngium aristulatum* var. *hooveri*) CNPS List 1B.1

Lesser saltscale (*Atriplex minuscula*) CNPS List 1B.1

Saline clover (*Trifolium depauperatum* var. *truncatum*) CNPS List 1B.2

Additional Rare Invertebrate:

Old man tiger beetle (*Cicindela senilis* ssp. *senilis*). *C. senilis* is graded as a N1/N2 (critically imperiled) in United States in NatureServe Explorer.



Figure 1. Warm Springs Overview Map

