

APPENDIX C: AGENCY LETTERS

APPENDIX C: AGENCY LETTERS

| Date | To | From | Subject |
|-------------|---|---|---|
| 2/4/2002 | Mr. Harry Mossman, U.S. Fish and Wildlife Service | Mr. David Dunlap, VTA | Request for Protected Species and Critical Habitat Information for Bay Area Rapid Transit (BART) Extension Project |
| 2/12/2002 | Mr. David Dunlap, VTA | Ms. Jan C. Knight, U.S. Fish and Wildlife Service | Species List for Bay Area Rapid Transit (BART) Extension Project, Santa Clara County, California |
| 2/4/2002 | Mr. Patrick Rutten, National Marine Fisheries Service | Mr. David Dunlap, VTA | Request for Protected Species and Critical Habitat Information for Bay Area Rapid Transit (BART) Extension Project |
| 2/20/2002 | Mr. David Dunlap, VTA | Mr. Patrick Rutten, National Marine Fisheries Service | Response to Request for Protected Species and Critical Habitat Information for Bay Area Rapid Transit (BART) Extension Project |
| 2/4/2002 | Ms. Karen Y. Bates, California Department of Fish and Game | Mr. David Dunlap, VTA | Request for Protected Species and Critical Habitat Information for Bay Area Rapid Transit (BART) Extension Project |
| 2/15/2002 | Mr. David Dunlap, VTA | Ms. Karen Y. Bates, California Department of Fish and Game | Response to Request for Protected Species and Critical Habitat Information for Bay Area Rapid Transit (BART) Extension Project |
| 4/15/2002 | Mr. Dave Johnston, California Department of Fish and Game | Mr. David Dunlap, VTA | Minutes of the March 13, 2002 Meeting and Field Preview for the Bay Area Rapid Transit (BART) Extension Project |
| 4/15/2002 | Mr. Bob Smith, U.S. Army Corps of Engineers | Mr. David Dunlap, VTA | Minutes of the March 27, 2002 Meeting and Field Preview for the Bay Area Rapid Transit (BART) Extension Project; USACE Project No. 266445 |
| 6/9/2003 | Mr. Leslie T. Rogers, Federal Transit Administration | Dr. Knox Mellon, State Historic Preservation Officer | Silicon Valley Rapid Transit Corridor Project, San Jose, Santa Clara County |
| 7/9/2003 | Mr. Leslie T. Rogers, Federal Transit Administration | Dr. Knox Mellon, State Historic Preservation Officer | Silicon Valley Rapid Transit Corridor Project, San Jose, Santa Clara County |

| Date | To | From | Subject |
|-------------|-------------------------------------|---|---|
| 12/14/2003 | Mr. Tom Fitzwater, VTA | Mr. Stephen D. Lodge, City of Santa Clara | BART Extension to Milpitas, San Jose and Santa Clara |
| 12/23/2002 | Mr. Tom Wilson, City of Milpitas | Mr. Michael P. Evanhoe, VTA | Response to City of Milpitas Letter Regarding Issues Related to the BART Extension and City and Developer Projects |
| 1/28/2003 | Mr. Michael P. Evanhoe, VTA | Mr. Tom Wilson, City of Milpitas | BART Right of Way Acquisition Needs: Response to Your Letter of December 23, 2002 |



February 4, 2002

Mr. Harry Mossman
U. S. Fish and Wildlife Service
Sacramento Fish and Wildlife Office
2800 Cottage Way, Rm W-2605
Sacramento, CA 95825-1846

Subject: Request for Protected Species and Critical Habitat Information for the Bay Area Rapid Transit (BART) Extension Project, Proposed by the Santa Clara Valley Transportation Authority (VTA)

Dear Mr. Mossman:

This letter is a request for a list of endangered, threatened, proposed and candidate species, as well as designated critical habitat, afforded protection under the federal Endangered Species Act (ESA) and under the jurisdiction of the U. S. Fish and Wildlife Service (USFWS).

The information will assist the Santa Clara Valley Transportation Authority (VTA) in compliance with the ESA, as it considers the proposed extension of the Bay Area Rapid Transit (BART) system into Santa Clara County, California. Furthermore, it will assist consultants working on behalf of VTA in preparation of the environmental documentation for the proposed project.

The proposed project is an approximately 16.3-mile extension of the BART system from the proposed Warm Springs Station in Fremont, south along the Union Pacific Railroad right-of-way, through downtown San Jose, and north to the existing Caltrain Station in Santa Clara. The following 7.5-minute USGS Topographic Maps encompass the proposed project (and nearby) areas: Calaveras Reservoir; Milpitas; San Jose East; San Jose West; and Cupertino.

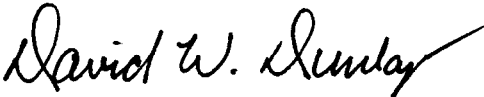
U. S. Fish and Wildlife Service

February 4, 2002

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Thank you in advance for your attention to this matter. I look forward to hearing from you at your earliest convenience. If you have any questions, please don't hesitate to call me at 408.321.5821.

Sincerely,

A handwritten signature in black ink that reads "David W. Dunlap". The signature is written in a cursive style with a long, sweeping underline.

David W. Dunlap
Environmental Planner

DWD:

cc: Ms. Lisa Ives, Project Manager, VTA
Mr. Tom Fitzwater, Environmental Program Manager, VTA
Mr. David J. Mansen, Parsons Transportation Group



United States Department of the Interior

FISH AND WILDLIFE SERVICE

Sacramento Fish and Wildlife Office
2800 Cottage Way, Room W2605
Sacramento, California 95825

IN REPLY REFER TO:

1-1-02-SP-894

February 12, 2002

Mr. David W. Dunlap
Environmental Planner
Santa Clara Valley Transportation Authority
3331 North First Street
San Jose, California 95134-1906


Subject: Species List for Bay Area Rapid Transit (BART) Extension Project, Santa Clara County, California

Dear Mr. Dunlap:

We are sending the enclosed list in response to your February 4, 2002, request for information about endangered and threatened species (Enclosure A). The list covers the following U.S. Geological Survey 7½ minute quad or quads: Calaveras Reservoir, Milpitas, San Jose West, San Jose East and Cupertino Quads.

Please read *Important Information About Your Species List* (enclosed). It explains how we made the list and describes your responsibilities under the Endangered Species Act. Please contact Tracy Davis at (916) 414-6625, if you have any questions about the attached list or your responsibilities under the Endangered Species Act. For the fastest response to species list requests, address them to the attention of Species Lists at this address. You may fax requests to 414-6712 or 414-6713. You may also email them to harry_mossman@fws.gov.

Sincerely,



For

Jan C. Knight
Chief, Endangered Species Division

Enclosures

ENCLOSURE A

Endangered and Threatened Species that May Occur in or be Affected by
PROJECTS IN SANTA CLARA COUNTY

Reference File No. 1-1-02-SP-894

February 12, 2002

Listed Species

Mammals

salt marsh harvest mouse, *Reithrodontomys raviventris* (E)

San Joaquin kit fox, *Vulpes macrotis mutica* (E)

riparian brush rabbit, *Sylvilagus bachmani riparius* (E) *

Birds

California brown pelican, *Pelecanus occidentalis californicus* (E)

California clapper rail, *Rallus longirostris obsoletus* (E)

California least tern, *Sterna antillarum (=albifrons) browni* (E)

Least Bell's vireo, *Vireo bellii pusillus* (E)

marbled murrelet, *Brachyramphus marmoratus* (T)

western snowy plover, *Charadrius alexandrinus nivosus* (T)

bald eagle, *Haliaeetus leucocephalus* (T)

Reptiles

San Francisco garter snake, *Thamnophis sirtalis tetrataenia* (E)

Alameda whipsnake, *Masticophis lateralis euryxanthus* (T)

Critical habitat, Alameda whipsnake, *Masticophis lateralis euryxanthus* (T)

Amphibians

California red-legged frog, *Rana aurora draytonii* (T)

Fish

tidewater goby, *Eucyclogobius newberryi* (E)

winter-run chinook salmon, *Oncorhynchus tshawytscha* (E) NMFS

coho salmon - central CA coast, *Oncorhynchus kisutch* (T) NMFS

Central California Coastal steelhead, *Oncorhynchus mykiss* (T) NMFS

Critical habitat, Central California coastal steelhead, *Oncorhynchus mykiss* (T) NMFS

Critical habitat, South Central California steelhead, *Oncorhynchus mykiss* (T) NMFS

South Central California steelhead, *Oncorhynchus mykiss* (T) NMFS

Central Valley spring-run chinook salmon, *Oncorhynchus tshawytscha* (T) NMFS

Critical Habitat, Central Valley spring-run chinook, *Oncorhynchus tshawytscha* (T) NMFS

Sacramento splittail, *Pogonichthys macrolepidotus* (T)

delta smelt, *Hypomesus transpacificus* (T) *

Invertebrates

vernal pool fairy shrimp, *Branchinecta lynchi* (T)

Critical habitat, bay checkerspot butterfly, *Euphydryas editha bayensis* (T)

bay checkerspot butterfly, *Euphydryas editha bayensis* (T)

Plants

Tiburon paintbrush, *Castilleja affinis ssp. neglecta* (E)

Coyote ceanothus, *Ceanothus ferrisiae* (E)

Santa Clara Valley dudleya, *Dudleya setchellii* (E)

Metcalf Canyon jewelflower, *Streptanthus albidus ssp. albidus* (E)

robust spineflower, *Chorizanthe robusta var. robusta* (E) *

Contra Costa goldfields, *Lasthenia conjugens* (E) *

California sea blite, *Suaeda californica* (E) *

showy Indian clover, *Trifolium amoenum* (E) *

Proposed Species

Birds

mountain plover, *Charadrius montanus* (PT)

Candidate Species

Amphibians

California tiger salamander, *Ambystoma californiense* (C)

Fish

Central Valley fall/late fall-run chinook salmon, *Oncorhynchus tshawytscha* (C) NMFS

Critical habitat, Central Valley fall/late fall-run chinook, *Oncorhynchus tshawytscha* (C) NMFS

Species of Concern

Mammals

- Pacific western big-eared bat, *Corynorhinus (=Plecotus) townsendii townsendii* (SC)
- greater western mastiff-bat, *Eumops perotis californicus* (SC)
- small-footed myotis bat, *Myotis ciliolabrum* (SC)
- long-eared myotis bat, *Myotis evotis* (SC)
- fringed myotis bat, *Myotis thysanodes* (SC)
- long-legged myotis bat, *Myotis volans* (SC)
- Yuma myotis bat, *Myotis yumanensis* (SC)
- San Francisco dusky-footed woodrat, *Neotoma fuscipes annectens* (SC)
- salt marsh vagrant shrew, *Sorex vagrans halicoetes* (SC)

Birds

- little willow flycatcher, *Empidonax traillii brewsteri* (CA)
- black rail, *Laterallus jamaicensis coturniculus* (CA)
- American peregrine falcon, *Falco peregrinus anatum* (D)
- Snowy Egret, *Egretta thula* (MB)
- tricolored blackbird, *Agelaius tricolor* (SC)
- grasshopper sparrow, *Ammodramus savannarum* (SC)
- Bell's sage sparrow, *Amphispiza belli belli* (SC)
- short-eared owl, *Asio flammeus* (SC)
- western burrowing owl, *Athene cunicularia hypugaea* (SC)
- American bittern, *Botaurus lentiginosus* (SC)
- ferruginous hawk, *Buteo regalis* (SC)
- Costa's hummingbird, *Calypte costae* (SC)
- Lawrence's goldfinch, *Carduelis lawrencei* (SC)
- Vaux's swift, *Chaetura vauxi* (SC)
- olive-sided flycatcher, *Contopus cooperi* (SC)
- black swift, *Cypseloides niger* (SC)

hermit warbler, *Dendroica occidentalis* (SC)
white-tailed (=black shouldered) kite, *Elanus leucurus* (SC)
common loon, *Gavia immer* (SC)
saltmarsh common yellowthroat, *Geothlypis trichas sinuosa* (SC)
least bittern, western, *Ixobrychus exilis hesperis* (SC)
loggerhead shrike, *Lanius ludovicianus* (SC)
Lewis' woodpecker, *Melanerpes lewis* (SC)
Alameda (South Bay) song sparrow, *Melospiza melodia pusillula* (SC)
long-billed curlew, *Numenius americanus* (SC)
rufous hummingbird, *Selasphorus rufus* (SC)
Allen's hummingbird, *Selasphorus sasin* (SC)
California thrasher, *Toxostoma redivivum* (SC)

Reptiles

silvery legless lizard, *Anniella pulchra pulchra* (SC)
northwestern pond turtle, *Clemmys marmorata marmorata* (SC)
southwestern pond turtle, *Clemmys marmorata pallida* (SC)
San Joaquin coachwhip (=whipsnake), *Masticophis flagellum ruddocki* (SC)
California horned lizard, *Phrynosoma coronatum frontale* (SC)

Amphibians

foothill yellow-legged frog, *Rana boylei* (SC)
western spadefoot toad, *Spea hammondi* (SC)

Fish

green sturgeon, *Acipenser medirostris* (SC)
longfin smelt, *Spirinchus thaleichthys* (SC)

Invertebrates

Opler's longhorn moth, *Adela oplerella* (SC)
Edgewood blind harvestman, *Calicina minor* (SC)
Ricksecker's water scavenger beetle, *Hydrochara rickseckeri* (SC)
California linderiella fairy shrimp, *Linderiella occidentalis* (SC)

Horn's microblind harvestman, *Microcina homi* (SC)

Jung's microblind harvestman, *Microcina juni* (SC)

unsilvered fritillary butterfly, *Speyeria adiastra adiastra* (SC)

Plants

Sharsmith's onion, *Allium sharsmithae* (SC)

Mt. Hamilton (=Sharsmith's) harebell, *Campanula sharsmithiae* (SC)

Mt. Hamilton thistle, *Cirsium fontinale* var. *campylon* (SC)

South Bay clarkia (=Santa Clara red ribbons), *Clarkia concinna* ssp. *automixa* (SC)

Mt. Hamilton coreopsis, *Coreopsis hamiltonii* (SC)

clustered lady's-slipper, *Cypripedium fasciculatum* (SC)

interior California (Hospital Canyon) larkspur, *Delphinium californicum* ssp. *interius* (SC)

Brandegee's woolly-star (=eriastrum), *Eriastrum brandegeae* (SC)

Ben Lomond buckwheat (=naked buckwheat), *Eriogonum nudum* var. *decurrens* (SC)

San Francisco wallflower, *Erysimum franciscanum* (SC)

talus fritillary, *Fritillaria falcata* (SC)

fragrant fritillary, *Fritillaria liliacea* (SC)

Congdon's tarplant, *Hemizonia parryi* ssp. *congdonii* (SC)

smooth lessingia, *Lessingia micradenia* var. *glabrata* (SC)

large-flowered (=flower) linanthus, *Linanthus grandiflorus* (SC)

Gardner's yampah, *Perideridia gairdneri* ssp. *gairdneri* (SC)

Mt. Diablo phacelia, *Phacelia phacelioides* (SC)

Salinas Valley (=hooked) popcornflower, *Plagiobothrys uncinatus* (SC)

rock sanicle, *Sanicula saxatilis* (SC)

most beautiful (uncommon) jewelflower, *Streptanthus albidus* ssp. *peramoenus* (SC)

Mt. Hamilton jewelflower, *Streptanthus callistus* (SC)

water sack (=saline) clover, *Trifolium depauperatum* var. *hydrophilum* (SC)

Tiburon buckwheat, *Eriogonum caninum* (SLC)

serpentine bedstraw, *Galium andrewsii* ssp. *gatense* (SLC)

Pacific cordgrass (=California cordgrass), *Sparina foliosa* (SLC)
 alkali milk-vetch, *Astragalus tener* var. *tener* (SC) *
 San Joaquin spearscale (=saltbush), *Atriplex joaquiniana* (SC) *
 northcoast (=Point Reyes) bird's-beak, *Cordylanthus maritimus* ssp. *palustris* (SC) *
 delta tule-pea, *Lathyrus jepsonii* var. *jepsonii* (SC) *
 hairless allocarya (=popcornflower), *Plagiobothrys glaber* (SC) **
 caper-fruited tropidocarpum, *Tropidocarpum capparideum* (SC) **
 Hoover's button-celery, *Eryngium aristulatum* var. *hooveri* (SC) *
 curly-leaved (=curlyleaf) monardella, *Monardella undulata* (SC) *
 Greene's popcorn flower, *Plagiobothrys reticulatus* var. *rossianorum* (SC) *
 San Francisco Bay spineflower, *Chorizanthe cuspidata* var. *cuspidata* (SC)

KEY:

| | | |
|-------|--------------------------------------|---|
| (E) | <i>Endangered</i> | Listed (in the Federal Register) as being in danger of extinction. |
| (T) | <i>Threatened</i> | Listed as likely to become endangered within the foreseeable future. |
| (P) | <i>Proposed</i> | Officially proposed (in the Federal Register) for listing as endangered or threatened. |
| (PX) | <i>Proposed Critical Habitat</i> | Proposed as an area essential to the conservation of the species. |
| (C) | <i>Candidate</i> | Candidate to become a <i>proposed</i> species. |
| (SC) | <i>Species of Concern</i> | Other species of concern to the Service. |
| (SLC) | <i>Species of Local Concern</i> | Species of local or regional concern or conservation significance. |
| (D) | <i>Delisted</i> | Delisted. Status to be monitored for 5 years. |
| (CA) | <i>State-Listed</i> | Listed as threatened or endangered by the State of California. |
| NMFS | NMFS species | Under the jurisdiction of the National Marine Fisheries Service. Contact them directly. |
| * | <i>Extirpated</i> | Possibly extirpated from the area. |
| ** | <i>Extinct Critical Habitat</i> | Possibly extinct Area essential to the conservation of a species. |

ENCLOSURE A

Endangered and Threatened Species that May Occur in
or be Affected by Projects in the Selected Quads Listed Below

Reference File No. 1-1-02-SP-894

February 12, 2002

QUAD: 427A CALAVERAS RESERVOIR

Listed Species

Mammals

riparian brush rabbit, *Sylvilagus bachmani riparius* (E) *

San Joaquin kit fox, *Vulpes macrotis mutica* (E)

Birds

bald eagle, *Haliaeetus leucocephalus* (T)

California least tern, *Sterna antillarum (=albifrons) browni* (E)

Reptiles

Alameda whipsnake, *Masticophis lateralis euryxanthus* (T)

Critical habitat, Alameda whipsnake, *Masticophis lateralis euryxanthus* (T)

Amphibians

California red-legged frog, *Rana aurora draytonii* (T)

Fish

delta smelt, *Hypomesus transpacificus* (T)

Central California Coastal steelhead, *Oncorhynchus mykiss* (T) NMFS

Central Valley steelhead, *Oncorhynchus mykiss* (T) NMFS

winter-run chinook salmon, *Oncorhynchus tshawytscha* (E) NMFS

Central Valley spring-run chinook salmon, *Oncorhynchus tshawytscha* (T) NMFS

Critical Habitat, Central Valley spring-run chinook, *Oncorhynchus tshawytscha* (T) NMFS

Sacramento splittail, *Pogonichthys macrolepidotus* (T)

Invertebrates

bay checkerspot butterfly, *Euphydryas editha bayensis* (T)

Candidate Species

Amphibians

California tiger salamander, *Ambystoma californiense* (C)

Fish

Central Valley fall/late fall-run chinook salmon, *Oncorhynchus tshawytscha* (C) NMFS

Critical habitat, Central Valley fall/late fall-run chinook, *Oncorhynchus tshawytscha* (C) NMFS

Species of Concern

Mammals

Pacific western big-eared bat, *Corynorhinus (=Plecotus) townsendii townsendii* (SC)

greater western mastiff-bat, *Eumops perotis californicus* (SC)
 small-footed myotis bat, *Myotis ciliolabrum* (SC)
 long-eared myotis bat, *Myotis evotis* (SC)
 fringed myotis bat, *Myotis thysanodes* (SC)
 long-legged myotis bat, *Myotis volans* (SC)
 Yuma myotis bat, *Myotis yumanensis* (SC)
 San Francisco dusky-footed woodrat, *Neotoma fuscipes annectens* (SC)

Birds

tricolored blackbird, *Agelaius tricolor* (SC)
 grasshopper sparrow, *Ammodramus savannarum* (SC)
 Bell's sage sparrow, *Amphispiza belli belli* (SC)
 short-eared owl, *Asio flammeus* (SC)
 western burrowing owl, *Athene cunicularia hypugaea* (SC)
 ferruginous hawk, *Buteo regalis* (SC)
 Costa's hummingbird, *Calypte costae* (SC)
 Lawrence's goldfinch, *Carduelis lawrencei* (SC)
 Vaux's swift, *Chaetura vauxi* (SC)
 black tern, *Chlidonias niger* (SC)
 black swift, *Cypseloides niger* (SC)
 hermit warbler, *Dendroica occidentalis* (SC)
 white-tailed (=black shouldered) kite, *Elanus leucurus* (SC)
 little willow flycatcher, *Empidonax traillii brewsteri* (CA)
 American peregrine falcon, *Falco peregrinus anatum* (D)
 loggerhead shrike, *Lanius ludovicianus* (SC)
 Lewis' woodpecker, *Melanerpes lewis* (SC)
 long-billed curlew, *Numenius americanus* (SC)
 rufous hummingbird, *Selasphorus rufus* (SC)
 Allen's hummingbird, *Selasphorus sasin* (SC)

Reptiles

silvery legless lizard, *Anniella pulchra pulchra* (SC)
 northwestern pond turtle, *Clemmys marmorata marmorata* (SC)
 southwestern pond turtle, *Clemmys marmorata pallida* (SC)
 San Joaquin coachwhip (=whipsnake), *Masticophis flagellum ruddocki* (SC)
 California horned lizard, *Phrynosoma coronatum frontale* (SC)

Amphibians

foothill yellow-legged frog, *Rana boylei* (SC)
 western spadefoot toad, *Spea hammondi* (SC)

Fish

longfin smelt, *Spirinchus thaleichthys* (SC)

Invertebrates

Opler's longhorn moth, *Adela oplerella* (SC)

Ricksecker's water scavenger beetle, *Hydrochara rickseckeri* (SC)

Plants

South Bay clarkia (=Santa Clara red ribbons), *Clarkia concinna* ssp. *automixa* (SC)

delta tule-pea, *Lathyrus jepsonii* var. *jepsonii* (SC) *

QUAD: 427B MILPITAS

Listed Species

Mammals

salt marsh harvest mouse, *Reithrodontomys raviventris* (E)

riparian brush rabbit, *Sylvilagus bachmani riparius* (E) *

San Joaquin kit fox, *Vulpes macrotis mutica* (E)

Birds

bald eagle, *Haliaeetus leucocephalus* (T)

California clapper rail, *Rallus longirostris obsoletus* (E)

California least tern, *Sterna antillarum* (=albifrons) *browni* (E)

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Alameda whipsnake, *Masticophis lateralis euryxanthus* (T)

Critical habitat, Alameda whipsnake, *Masticophis lateralis euryxanthus* (T)

Amphibians

California red-legged frog, *Rana aurora draytonii* (T)

Fish

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Central California Coastal steelhead, *Oncorhynchus mykiss* (T) NMFS

Central Valley steelhead, *Oncorhynchus mykiss* (T) NMFS

winter-run chinook salmon, *Oncorhynchus tshawytscha* (E) NMFS

Central Valley spring-run chinook salmon, *Oncorhynchus tshawytscha* (T) NMFS

Critical Habitat, Central Valley spring-run chinook, *Oncorhynchus tshawytscha* (T) NMFS

Sacramento splittail, *Pogonichthys macrolepidotus* (T)

Invertebrates

bay checkerspot butterfly, *Euphydryas editha bayensis* (T)

vernal pool tadpole shrimp, *Lepidurus packardii* (E)

Plants

Contra Costa goldfields, *Lasthenia conjugens* (E)

Candidate Species

Amphibians

California tiger salamander, *Ambystoma californiense* (C)

Fish

Central Valley fall/late fall-run chinook salmon, *Oncorhynchus tshawytscha* (C) NMFS

Critical habitat, Central Valley fall/late fall-run chinook, *Oncorhynchus tshawytscha* (C) NMFS

Species of Concern

Mammals

Pacific western big-eared bat, *Corynorhinus (=Plecotus) townsendii townsendii* (SC)

greater western mastiff-bat, *Eumops perotis californicus* (SC)

small-footed myotis bat, *Myotis ciliolabrum* (SC)

long-eared myotis bat, *Myotis evotis* (SC)

fringed myotis bat, *Myotis thysanodes* (SC)

long-legged myotis bat, *Myotis volans* (SC)

Yuma myotis bat, *Myotis yumanensis* (SC)

San Francisco dusky-footed woodrat, *Neotoma fuscipes annectens* (SC)

salt marsh vagrant shrew, *Sorex vagrans halicoetes* (SC)

Birds

tricolored blackbird, *Agelaius tricolor* (SC)

grasshopper sparrow, *Ammodramus savannarum* (SC)

Bell's sage sparrow, *Amphispiza belli belli* (SC)

short-eared owl, *Asio flammeus* (SC)

western burrowing owl, *Athene cunicularia hypugaea* (SC)

ferruginous hawk, *Buteo regalis* (SC)

Costa's hummingbird, *Calypte costae* (SC)

Lawrence's goldfinch, *Carduelis lawrencei* (SC)

Vaux's swift, *Chaetura vauxi* (SC)

black tern, *Chlidonias niger* (SC)

black swift, *Cypseloides niger* (SC)

hermit warbler, *Dendroica occidentalis* (SC)

white-tailed (=black shouldered) kite, *Elanus leucurus* (SC)

little willow flycatcher, *Empidonax traillii brewsteri* (CA)

American peregrine falcon, *Falco peregrinus anatum* (D)

saltmarsh common yellowthroat, *Geothlypis trichas sinuosa* (SC)

loggerhead shrike, *Lanius ludovicianus* (SC)

Lewis' woodpecker, *Melanerpes lewis* (SC)

Alameda (South Bay) song sparrow, *Melospiza melodia pusillula* (SC)
 long-billed curlew, *Numenius americanus* (SC)
 bank swallow, *Riparia riparia* (CA)
 rufous hummingbird, *Selasphorus rufus* (SC)
 Allen's hummingbird, *Selasphorus sasin* (SC)

Reptiles

silvery legless lizard, *Anniella pulchra pulchra* (SC)
 northwestern pond turtle, *Clemmys marmorata marmorata* (SC)
 southwestern pond turtle, *Clemmys marmorata pallida* (SC)
 California horned lizard, *Phrynosoma coronatum frontale* (SC)

Amphibians

foothill yellow-legged frog, *Rana boylei* (SC)
 western spadefoot toad, *Spea hammondi* (SC)

Fish

longfin smelt, *Spirinchus thaleichthys* (SC)

Invertebrates

Opler's longhorn moth, *Adela oplerella* (SC)
 Ricksecker's water scavenger beetle, *Hydrochara rickseckeri* (SC)

Plants

alkali milk-vetch, *Astragalus tener var. tener* (SC)
 San Joaquin spearscale (=saltbush), *Atriplex joaquiniana* (SC)
 salt marsh owl's clover (=johnny-nip), *Castilleja ambigua ssp. ambigua* (SLC)
 northcoast (=Point Reyes) bird's-beak, *Cordylanthus maritimus ssp. palustris* (SC) *
 Hoover's button-celery, *Eryngium aristulatum var. hooveri* (SC)
 Congdon's tarplant, *Hemizonia parryi ssp. congdonii* (SC)

QUAD: 427C SAN JOSE WEST

Listed Species

Birds

bald eagle, *Haliaeetus leucocephalus* (T)
 California clapper rail, *Rallus longirostris obsoletus* (E)
 California least tern, *Sterna antillarum (=albifrons) browni* (E)

Amphibians

California red-legged frog, *Rana aurora draytonii* (T)

Fish

delta smelt, *Hypomesus transpacificus* (T)
 Central California Coastal steelhead, *Oncorhynchus mykiss* (T) NMFS
 Central Valley steelhead, *Oncorhynchus mykiss* (T) NMFS

winter-run chinook salmon, *Oncorhynchus tshawytscha* (E) NMFS
 Central Valley spring-run chinook salmon, *Oncorhynchus tshawytscha* (T) NMFS
 Sacramento splittail, *Pogonichthys macrolepidotus* (T)

Invertebrates

bay checkerspot butterfly, *Euphydryas editha bayensis* (T)

Plants

robust spineflower, *Chorizanthe robusta* var. *robusta* (E) *

Candidate Species

Amphibians

California tiger salamander, *Ambystoma californiense* (C)

Fish

Central Valley fall/late fall-run chinook salmon, *Oncorhynchus tshawytscha* (C) NMFS

Species of Concern

Mammals

Pacific western big-eared bat, *Corynorhinus (=Plecotus) townsendii townsendii* (SC)

greater western mastiff-bat, *Eumops perotis californicus* (SC)

small-footed myotis bat, *Myotis ciliolabrum* (SC)

long-eared myotis bat, *Myotis evotis* (SC)

fringed myotis bat, *Myotis thysanodes* (SC)

long-legged myotis bat, *Myotis volans* (SC)

Yuma myotis bat, *Myotis yumanensis* (SC)

San Francisco dusky-footed woodrat, *Neotoma fuscipes annectens* (SC)

Birds

tricolored blackbird, *Agelaius tricolor* (SC)

grasshopper sparrow, *Ammodramus savannarum* (SC)

Bell's sage sparrow, *Amphispiza belli belli* (SC)

short-eared owl, *Asio flammeus* (SC)

western burrowing owl, *Athene cunicularia hypugaea* (SC)

ferruginous hawk, *Buteo regalis* (SC)

Costa's hummingbird, *Calypte costae* (SC)

Lawrence's goldfinch, *Carduelis lawrencei* (SC)

Vaux's swift, *Chaetura vauxi* (SC)

black tern, *Chlidonias niger* (SC)

black swift, *Cypseloides niger* (SC)

hermit warbler, *Dendroica occidentalis* (SC)

white-tailed (=black shouldered) kite, *Elanus leucurus* (SC)

little willow flycatcher, *Empidonax traillii brewsteri* (CA)
 American peregrine falcon, *Falco peregrinus anatum* (D)
 saltmarsh common yellowthroat, *Geothlypis trichas sinuosa* (SC)
 loggerhead shrike, *Lanius ludovicianus* (SC)
 Lewis' woodpecker, *Melanerpes lewis* (SC)
 long-billed curlew, *Numenius americanus* (SC)
 bank swallow, *Riparia riparia* (CA)
 rufous hummingbird, *Selasphorus rufus* (SC)
 Allen's hummingbird, *Selasphorus sasin* (SC)

Reptiles

silvery legless lizard, *Anniella pulchra pulchra* (SC)
 northwestern pond turtle, *Clemmys marmorata marmorata* (SC)
 southwestern pond turtle, *Clemmys marmorata pallida* (SC)
 California horned lizard, *Phrynosoma coronatum frontale* (SC)

Amphibians

foothill yellow-legged frog, *Rana boylei* (SC)
 western spadefoot toad, *Spea hammondi* (SC)

Fish

longfin smelt, *Spirinchus thaleichthys* (SC)

Invertebrates

Opler's longhorn moth, *Adela oplerella* (SC)
 Ricksecker's water scavenger beetle, *Hydrochara rickseckeri* (SC)
 Hom's microblind harvestman, *Microcina homi* (SC)
 Jung's microblind harvestman, *Microcina juni* (SC)
 unsilvered fritillary butterfly, *Speyeria adiastra adiastra* (SC)

Plants

hairless allocarya (=popcornflower), *Plagiobothrys glaber* (SC) **

QUAD: 427D SAN JOSE EAST

Listed Species

Mammals

riparian brush rabbit, *Sylvilagus bachmani riparius* (E) *
 San Joaquin kit fox, *Vulpes macrotis mutica* (E)

Birds

bald eagle, *Haliaeetus leucocephalus* (T)
 California least tern, *Sterna antillarum (=albifrons) browni* (E)

Amphibians

California red-legged frog, *Rana aurora draytonii* (T)

Fish

- delta smelt, *Hypomesus transpacificus* (T)
- Central California Coastal steelhead, *Oncorhynchus mykiss* (T) NMFS
- Central Valley steelhead, *Oncorhynchus mykiss* (T) NMFS
- winter-run chinook salmon, *Oncorhynchus tshawytscha* (E) NMFS
- Central Valley spring-run chinook salmon, *Oncorhynchus tshawytscha* (T) NMFS
- Sacramento splittail, *Pogonichthys macrolepidotus* (T)

Invertebrates

- Critical habitat, bay checkerspot butterfly, *Euphydryas editha bayensis* (T)
- bay checkerspot butterfly, *Euphydryas editha bayensis* (T)

Plants

- Santa Clara Valley dudleya, *Dudleya setchellii* (E)
- Contra Costa goldfields, *Lasthenia conjugens* (E) *
- Metcalf Canyon jewelflower, *Streptanthus albidus* ssp. *albidus* (E)

Candidate Species

Amphibians

- California tiger salamander, *Ambystoma californiense* (C)

Fish

- Central Valley fall/late fall-run chinook salmon, *Oncorhynchus tshawytscha* (C) NMFS

Species of Concern

Mammals

- Pacific western big-eared bat, *Corynorhinus (=Plecotus) townsendii townsendii* (SC)
- greater western mastiff-bat, *Eumops perotis californicus* (SC)
- small-footed myotis bat, *Myotis ciliolabrum* (SC)
- long-eared myotis bat, *Myotis evotis* (SC)
- fringed myotis bat, *Myotis thysanodes* (SC)
- long-legged myotis bat, *Myotis volans* (SC)
- Yuma myotis bat, *Myotis yumanensis* (SC)
- San Francisco dusky-footed woodrat, *Neotoma fuscipes annectens* (SC)

Birds

- tricolored blackbird, *Agelaius tricolor* (SC)
- grasshopper sparrow, *Ammodramus savannarum* (SC)
- Bell's sage sparrow, *Amphispiza belli belli* (SC)
- short-eared owl, *Asio flammeus* (SC)
- western burrowing owl, *Athene cunicularia hypugaea* (SC)
- ferruginous hawk, *Buteo regalis* (SC)

Costa's hummingbird, *Calypte costae* (SC)
 Lawrence's goldfinch, *Carduelis lawrencei* (SC)
 Vaux's swift, *Chaetura vauxi* (SC)
 black tern, *Chlidonias niger* (SC)
 black swift, *Cypseloides niger* (SC)
 hermit warbler, *Dendroica occidentalis* (SC)
 white-tailed (=black shouldered) kite, *Elanus leucurus* (SC)
 little willow flycatcher, *Empidonax traillii brewsteri* (CA)
 American peregrine falcon, *Falco peregrinus anatum* (D)
 loggerhead shrike, *Lanius ludovicianus* (SC)
 Lewis' woodpecker, *Melanerpes lewis* (SC)
 long-billed curlew, *Numenius americanus* (SC)
 rufous hummingbird, *Selasphorus rufus* (SC)
 Allen's hummingbird, *Selasphorus sasin* (SC)

Reptiles

silvery legless lizard, *Anniella pulchra pulchra* (SC)
 northwestern pond turtle, *Clemmys marmorata marmorata* (SC)
 southwestern pond turtle, *Clemmys marmorata pallida* (SC)
 California horned lizard, *Phrynosoma coronatum frontale* (SC)

Amphibians

foothill yellow-legged frog, *Rana boylei* (SC)
 western spadefoot toad, *Spea hammondi* (SC)

Fish

longfin smelt, *Spirinchus thaleichthys* (SC)

Invertebrates

Opler's longhorn moth, *Adela oplerella* (SC)
 Edgewood blind harvestman, *Calicina minor* (SC)
 Ricksecker's water scavenger beetle, *Hydrochara rickseckeri* (SC)
 Hom's microblind harvestman, *Microcina homi* (SC)
 Jung's microblind harvestman, *Microcina juni* (SC)

Plants

Mt. Hamilton thistle, *Cirsium fontinale var. campylon* (SC)
 South Bay clarkia (=Santa Clara red ribbons), *Clarkia concinna ssp. automixa* (SC)
 fragrant fritillary, *Fritillaria liliacea* (SC)
 Congdon's tarplant, *Hemizonia parryi ssp. congdonii* (SC) **
 hairless allocarya (=popcornflower), *Plagiobothrys glaber* (SC) **

QUAD: 428D CUPERTINO

Listed Species

Birds

- marbled murrelet, *Brachyramphus marmoratus* (T)
- bald eagle, *Haliaeetus leucocephalus* (T)
- California clapper rail, *Rallus longirostris obsoletus* (E)
- California least tern, *Sterna antillarum (=albifrons) browni* (E)

Amphibians

- California red-legged frog, *Rana aurora draytonii* (T)

Fish

- delta smelt, *Hypomesus transpacificus* (T)
- coho salmon - central CA coast, *Oncorhynchus kisutch* (T) NMFS
- Central California Coastal steelhead, *Oncorhynchus mykiss* (T) NMFS
- Central Valley steelhead, *Oncorhynchus mykiss* (T) NMFS
- winter-run chinook salmon, *Oncorhynchus tshawytscha* (E) NMFS
- Central Valley spring-run chinook salmon, *Oncorhynchus tshawytscha* (T) NMFS
- Sacramento splittail, *Pogonichthys macrolepidotus* (T)

Invertebrates

- bay checkerspot butterfly, *Euphydryas editha bayensis* (T)

Candidate Species

Amphibians

- California tiger salamander, *Ambystoma californiense* (C)

Fish

- Central Valley fall/late fall-run chinook salmon, *Oncorhynchus tshawytscha* (C) NMFS

Species of Concern

Mammals

- Pacific western big-eared bat, *Corynorhinus (=Plecotus) townsendii townsendii* (SC)
- greater western mastiff-bat, *Eumops perotis californicus* (SC)
- small-footed myotis bat, *Myotis ciliolabrum* (SC)
- long-eared myotis bat, *Myotis evotis* (SC)
- fringed myotis bat, *Myotis thysanodes* (SC)
- long-legged myotis bat, *Myotis volans* (SC)
- Yuma myotis bat, *Myotis yumanensis* (SC)
- San Francisco dusky-footed woodrat, *Neotoma fuscipes annectens* (SC)

Birds

- tricolored blackbird, *Agelaius tricolor* (SC)

grasshopper sparrow, *Ammodramus savannarum* (SC)
 Bell's sage sparrow, *Amphispiza belli belli* (SC)
 short-eared owl, *Asio flammeus* (SC)
 western burrowing owl, *Athene cunicularia hypugaea* (SC)
 ferruginous hawk, *Buteo regalis* (SC)
 Costa's hummingbird, *Calypte costae* (SC)
 Lawrence's goldfinch, *Carduelis lawrencei* (SC)
 Vaux's swift, *Chaetura vauxi* (SC)
 black tern, *Chlidonias niger* (SC)
 black swift, *Cypseloides niger* (SC)
 hermit warbler, *Dendroica occidentalis* (SC)
 white-tailed (=black shouldered) kite, *Elanus leucurus* (SC)
 little willow flycatcher, *Empidonax traillii brewsteri* (CA)
 American peregrine falcon, *Falco peregrinus anatum* (D)
 saltmarsh common yellowthroat, *Geothlypis trichas sinuosa* (SC)
 loggerhead shrike, *Lanius ludovicianus* (SC)
 Lewis' woodpecker, *Melanerpes lewis* (SC)
 long-billed curlew, *Numenius americanus* (SC)
 bank swallow, *Riparia riparia* (CA)
 rufous hummingbird, *Selasphorus rufus* (SC)
 Allen's hummingbird, *Selasphorus sasin* (SC)

Reptiles

southwestern pond turtle, *Clemmys marmorata pallida* (SC)
 California horned lizard, *Phrynosoma coronatum frontale* (SC)

Amphibians

foothill yellow-legged frog, *Rana boylei* (SC)
 western spadefoot toad, *Spea hammondi* (SC)

Fish

longfin smelt, *Spirinchus thaleichthys* (SC)

Invertebrates

Opler's longhorn moth, *Adela oplerella* (SC)
 Ricksecker's water scavenger beetle, *Hydrochara rickseckeri* (SC)
 unsilvered fritillary butterfly, *Speyeria adiastra adiastra* (SC)

Plants

South Bay clarkia (=Santa Clara red ribbons), *Clarkia concinna ssp. automixa* (SC)
 Ben Lomond buckwheat (=naked buckwheat), *Eriogonum nudum var. decurrens* (SC)
 caper-fruited tropidocarpum, *Tropidocarpum capparideum* (SC) **

KEY:

| | | |
|--------|--------------------------------------|---|
| (E) | <i>Endangered</i> | Listed (in the Federal Register) as being in danger of extinction. |
| (T) | <i>Threatened</i> | Listed as likely to become endangered within the foreseeable future. |
| (P) | <i>Proposed</i> | Officially proposed (in the Federal Register) for listing as endangered or threatened. |
| (PX) | <i>Proposed Critical Habitat</i> | Proposed as an area essential to the conservation of the species. |
| (C) | <i>Candidate</i> | Candidate to become a <i>proposed</i> species. |
| (SC) | <i>Species of Concern</i> | May be endangered or threatened. Not enough biological information has been gathered to support listing at this time. |
| (SLC) | <i>Species of Local Concern</i> | Species of local or regional concern or conservation significance. |
| (MB) | <i>Migratory Bird</i> | Migratory bird |
| NMFS | NMFS species | Under the jurisdiction of the National Marine Fisheries Service. Contact them directly. |
| (D) | <i>Delisted</i> | Delisted. Status to be monitored for 5 years. |
| (CA) | <i>State-Listed</i> | Listed as threatened or endangered by the State of California. |
| (*) | <i>Extirpated</i> | Possibly extirpated from this quad. |
| (**) | <i>Extinct</i> | Possibly extinct. |
| | <i>Critical Habitat</i> | Area essential to the conservation of a species. |

Important Information About Your Species List

How We Make Species Lists

We store information about endangered and threatened species lists by U.S. Geological Survey 7½ minute *quads*. The United States is divided into these quads, which are about the size of San Francisco. If you requested your list by quad name or number, that is what we used. Otherwise, we used the information you sent us to determine which quad or quads to use.

Animals

The animals on your species list are ones that occur within, *or may be affected by projects within*, the quads covered by the list. Fish and other aquatic species appear on your list if they are in the same watershed as your quad or if water use in your quad might affect them. Amphibians will be on the list for a quad or county if pesticides applied in that area may be carried to their habitat by air currents. Birds are shown regardless of whether they are resident or migratory. Relevant birds on the county list should be considered regardless of whether they appear on a quad list.

Plants

Any plants on your list are ones *that have actually been observed* in the quad or quads covered by the list. We have also included either a county species list or a list of species in nearby quads. We recommend that you check your project area for these plants. Plants may exist in an area without ever having been detected there.

Surveying

Some of the species on your list may not be affected by your project. A trained biologist or botanist, familiar with the habitat requirements of the species on your list, should determine whether they or habitats suitable for them may be affected by your project. We recommend that your surveys include any proposed and candidate species on your list. For plant surveys, we recommend using the enclosed *Guidelines for Conducting and Reporting Botanical Inventories for Federally Listed, Proposed and Candidate Species*. The results of your surveys should be published in any environmental documents prepared for your project.

State-Listed Species

If a species has been listed as threatened or endangered by the State of California, but not by us nor by the National Marine Fisheries Service, it will appear on your list as a Species of Concern. *However you should contact the California Department of Fish and Game for official information about these species.* Call (916) 322-2493 or write Marketing Manager, California Department of Fish and Game, Natural Diversity Data Base, 1416 Ninth Street, Sacramento, California 95814.

Your Responsibilities Under the Endangered Species Act

All plants and animals identified as *listed* on Enclosure A are fully protected under the Endangered Species Act of 1973, as amended. Section 9 of the Act and its implementing regulations prohibit the *take* of a federally listed wildlife species. Take is defined by the Act as "to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect" any such animal. Take may include significant habitat modification or degradation where it actually kills or injures wildlife by significantly impairing essential behavioral patterns, including breeding, feeding, or shelter (50 CFR §17.3).

Take incidental to an otherwise lawful activity may be authorized by one of two procedures:

If a Federal agency is involved with the permitting, funding, or carrying out of a project that may result in take, then that agency must engage in a *formal consultation* with the Service. During formal consultation, the Federal agency, the applicant and the Service work together to avoid or minimize the impact on listed species and their habitat. Such consultation would result in a *biological opinion* by the Service addressing the anticipated effect of the project on listed and proposed species. The opinion may authorize a limited level of incidental take.

If no Federal agency is involved with the project, and federally listed species may be taken as part of the project, then you, the applicant, should apply for an *incidental take permit*. The Service may issue such a permit if you submit a satisfactory conservation plan for the species that would be affected by your project. Should your survey determine that federally listed or proposed species occur in the area and are likely to be affected by the project, we recommend that you work with this office and the California Department of Fish and Game to develop a plan that minimizes the project's direct and indirect impacts to listed species and compensates for project-related loss of habitat. You should include the plan in any environmental documents you file.

Critical Habitat

When a species is listed as endangered or threatened, areas of habitat considered essential to its conservation may be designated as *critical habitat*. These areas may require special management considerations or protection. They provide needed space for growth and normal behavior; food, water, air, light, other nutritional or physiological requirements; cover or shelter; and sites for breeding, reproduction, rearing of offspring, germination or seed dispersal.

Although critical habitat may be designated on private or State lands, activities on these lands are not restricted unless there is Federal involvement in the activities or direct harm to listed wildlife.

If any species has proposed or designated critical habitat within a quad, there will be a separate line for this on the species list. Maps and boundary descriptions of the critical habitat may be found in the *Federal Register*. The information is also reprinted in the *Code of Federal Regulations* (50 CFR 17.95).

Candidate Species

We recommend that you address impacts to *candidate* species. We put plants and animals on our candidate list when we have enough scientific information to eventually propose them for listing as threatened or endangered. By considering these species early in your planning process you may be able to avoid the problems that could develop if one of these candidates was listed before the end of your project.

Your list may contain a section called *Species of Concern*. This term includes former *category 2 candidate species* and other plants and animals of concern to the Service and other Federal, State and private conservation agencies and organizations. Some of these species may become candidate species in the future.

Wetlands

If your project will impact wetlands, riparian habitat, or other jurisdictional waters as defined by section 404 of the Clean Water Act and/or section 10 of the Rivers and Harbors Act, you will need to obtain a permit from the U.S. Army Corps of Engineers. Impacts to wetland habitats require site specific mitigation and monitoring. For questions regarding wetlands, please contact Mark Littlefield of this office at (916) 414-6580.

Updates

Our database is constantly updated as species are proposed, listed and delisted. If you address proposed, candidate and special concern species in your planning, this should not be a problem. We also continually strive to make our information as accurate as possible. Sometimes we learn that a particular species has a different range than we thought. This should not be a problem if you consider the species on the county or surrounding-quad lists that we have enclosed. If you have a long-term project or if your project is delayed, please feel free to contact us about getting a current list. You can also find out the current status of a species by going to the Service's Internet page: www.fws.gov

GUIDELINES FOR CONDUCTING AND REPORTING BOTANICAL INVENTORIES
FOR FEDERALLY LISTED, PROPOSED AND CANDIDATE PLANTS
(September 23, 1996)

These guidelines describe protocols for conducting botanical inventories for federally listed, proposed and candidate plants, and describe minimum standards for reporting results. The Service will use, in part, the information outlined below in determining whether the project under consideration may affect any listed, proposed or candidate plants, and in determining the direct, indirect, and cumulative effects.

Field inventories should be conducted in a manner that will locate listed, proposed, or candidate species (target species) that may be present. The entire project area requires a botanical inventory, except developed agricultural lands. The field investigator(s) should:

1. Conduct inventories at the appropriate times of year when target species are present and identifiable. Inventories will include all potential habitats. Multiple site visits during a field season may be necessary to make observations during the appropriate phenological stage of all target species.
2. If available, use a regional or local reference population to obtain a visual image of the target species and associated habitat(s). If access to reference populations is not available, investigators should study specimens from local herbaria.
3. List every species observed and compile a comprehensive list of vascular plants for the entire project site. Vascular plants need to be identified to a taxonomic level which allows rarity to be determined.
4. Report results of botanical field inventories that include:
 - a. a description of the biological setting, including plant community, topography, soils, potential habitat of target species, and an evaluation of environmental conditions, such as timing or quantity of rainfall, which may influence the performance and expression of target species
 - b. a map of project location showing scale, orientation, project boundaries, parcel size, and map quadrangle name
 - c. survey dates and survey methodology(ies)
 - d. if a reference population is available, provide a written narrative describing the target species reference population(s) used, and date(s) when observations were made
 - e. a comprehensive list of all vascular plants occurring on the project site for each habitat type
 - f. current and historic land uses of the habitat(s) and degree of site alteration
 - g. presence of target species off-site on adjacent parcels, if known

- h. an assessment of the biological significance or ecological quality of the project site in a local and regional context
5. If target species is(are) found, report results that additionally include:
 - a. a map showing federally listed, proposed and candidate species distribution as they relate to the proposed project
 - b. if target species is (are) associated with wetlands, a description of the direction and integrity of flow of surface hydrology. If target species is (are) affected by adjacent off-site hydrological influences, describe these factors.
 - c. the target species phenology and microhabitat, an estimate of the number of individuals of each target species per unit area; identify areas of high, medium and low density of target species over the project site, and provide acres of occupied habitat of target species. Investigators could provide color slides, photos or color copies of photos of target species or representative habitats to support information or descriptions contained in reports.
 - d. the degree of impact(s), if any, of the proposed project as it relates to the potential unoccupied habitat of target habitat.
 6. Document findings of target species by completing California Native Species Field Survey Form(s) and submit form(s) to the Natural Diversity Data Base. Documentation of determinations and/or voucher specimens may be useful in cases of taxonomic ambiguities, habitat or range extensions.
 7. Report as an addendum to the original survey, any change in abundance and distribution of target plants in subsequent years. Project sites with inventories older than three years from the current date of project proposal submission will likely need additional survey. Investigators need to assess whether an additional survey(s) is (are) needed.
 8. Adverse conditions may prevent investigator(s) from determining presence or identifying some target species in potential habitat(s) of target species. Disease, drought, predation, or herbivory may preclude the presence or identification of target species in any year. An additional botanical inventory(ies) in a subsequent year(s) may be required if adverse conditions occur in a potential habitat(s). Investigator(s) may need to discuss such conditions.
 9. Guidance from California Department of Fish and Game (CDFG) regarding plant and plant community surveys can be found in Guidelines for Assessing the Effects of Proposed Developments on Rare and Endangered Plants and Plant Communities, 1984. Please contact the CDFG Regional Office for questions regarding the CDFG guidelines and for assistance in determining any applicable State regulatory requirements.



February 4, 2002

Mr. Patrick Rutten
Northern California Supervisor
Protected Resources Division
National Marine Fisheries Service
777 Sonoma Avenue, Room 325
Santa Rosa, CA 95404

Subject: Request for Protected Species and Critical Habitat Information for the Bay Area Rapid Transit (BART) Extension Project, Proposed by the Santa Clara Valley Transportation Authority (VTA)

Dear Mr. Rutten:

This letter is a request for a list of endangered, threatened, proposed and candidate species, as well as designated critical habitat, afforded protection under the federal Endangered Species Act (ESA) and under the jurisdiction of the National Marine Fisheries Service (NMFS).


The information will assist the Santa Clara Valley Transportation Authority (VTA) in compliance with the ESA, as it considers the proposed extension of the Bay Area Rapid Transit (BART) system into Santa Clara County, California. Furthermore, it will assist consultants working on behalf of VTA in preparation of the environmental documentation for the proposed project.

The proposed project is an approximately 16.3-mile extension of the BART system from the proposed Warm Springs Station in Fremont, south along the Union Pacific Railroad right-of-way, through downtown San Jose, and north to the existing Caltrain Station in Santa Clara. The following 7.5-minute USGS Topographic Maps encompass the proposed project (and nearby) areas: Calaveras Reservoir; Milpitas; San Jose East; San Jose West; and Cupertino.

National Marine Fisheries Service
February 4, 2002
Page 2

Thank you in advance for your attention to this matter. I look forward to hearing from you at your earliest convenience. If you have any questions, please don't hesitate to call me at 408.321.5821.

Sincerely,

A handwritten signature in black ink that reads "David W. Dunlap". The signature is written in a cursive style with a long, sweeping flourish at the end.

David W. Dunlap
Environmental Planner

DWD:

cc: Ms. Maura Eagan, NMFS
Ms. Lisa Ives, Project Manager, VTA
Mr. Tom Fitzwater, Environmental Program Manager, VTA
Mr. David J. Mansen, Parsons Transportation Group



UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL MARINE FISHERIES SERVICE
Southwest Region
777 Sonoma Avenue, Room 325
Santa Rosa, California 95404

FEB 20 2002

In reply please refer to:
151422-SWR-01-SR-6198:ME

Mr. David Dunlap
Environmental Planner
Santa Clara Valley Transportation Authority
Planning and Development Division
3331 North First Street
San Jose, California 94607-4014

Dear Mr. Dunlap:

Thank you for your letter dated February 4, 2002, regarding the presence of Federally listed threatened or endangered species or designated critical habitat that may be affected by the Santa Clara Valley Transportation Authority's proposed extension of the Bay Area Rapid Transit system in Santa Clara County, California.

Endangered Species Act

Available information indicates that the following listed species (Evolutionarily Significant Unit) and designated critical habitat may occur in the project areas:

Central California Coast steelhead (*Oncorhynchus mykiss*)
threatened (August 18, 1997, 62 FR 43937)
critical habitat (February 16, 2000, 65 FR 7764)

ok

The U.S. Fish and Wildlife Service (USFWS) may also have listed species or critical habitat under its jurisdiction in the project area. Please contact Mr. Harry Mossman at USFWS, 2800 Cottage Way, W-2605, Sacramento, California 95825, or (916) 414-6600, regarding the presence of listed species or critical habitat under USFWS jurisdiction that might be affected by your project.

Magnuson-Stevens Act - Essential Fish Habitat

The project site is located within an area identified as Essential Fish Habitat (EFH) for various life stages of fish species managed with the following Fishery Management Plans (FMP) under the Magnuson-Stevens Fishery Conservation and Management Act (MSFCMA):

72

Pacific Coast Salmon FMP - (chinook salmon)



Amendments to the MSFCMA in 1996 require Federal agencies to consult with NMFS regarding any action or proposed action that may adversely affect EFH for federally-managed fish species. For more information on EFH, see our website at "<http://swr.nmfs.noaa.gov>". Please send an EFH assessment to NMFS if the Federal action agency determines that the proposed action may adversely affect EFH for any species in the FMPs listed above.

If available, NMFS requests that information in digital format such as maps of the project area, aquatic and terrestrial habitats, wetland classification, and any other relevant data layers be provided with the initiation of the Endangered Species Act consultation and/or EFH Assessment. NMFS would prefer maps in a Geographic Information System (GIS) format compatible with ArcView or Arc Info.

If you have questions concerning these comments, please contact Maura Eagan of my staff at (707) 575-6092.

Sincerely,



Patrick J. Rutten
Northern California Supervisor
Protected Resources Division

cc: J. Lecky, NMFS
Dan Buford, USFWS
Marcia Gresfund, CDFG



February 4, 2002

Ms. Karen Y. Bates
Information Services Technician
California Department of Fish and Game
Information Services
1807 13th Street
Sacramento, CA 95814

Subject: Request for Protected Species and Critical Habitat Information for the Bay Area Rapid Transit (BART) Extension Project, Proposed by the Santa Clara Valley Transportation Authority (VTA)

Dear Ms. Bates:

This letter is a request for a list of endangered, threatened, proposed and candidate species afforded protection under the California Endangered Species Act (ESA) and under the jurisdiction of the California Department of Fish and Game.

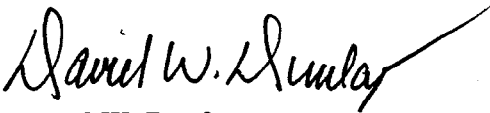
The information will assist the Santa Clara Valley Transportation Authority (VTA) in compliance with the ESA, as it considers the proposed extension of the Bay Area Rapid Transit (BART) system into Santa Clara County, California. Furthermore, it will assist consultants working on behalf of VTA in preparation of the environmental documentation for the proposed project.

The proposed project is an approximately 16.3-mile extension of the BART system from the proposed Warm Springs Station in Fremont, south along the Union Pacific Railroad right-of-way, through downtown San Jose, and north to the existing Caltrain Station in Santa Clara. The following 7.5-minute USGS Topographic Maps encompass the proposed project (and nearby) areas: Calaveras Reservoir; Milpitas; San Jose East; San Jose West; and Cupertino.

California Department of Fish and Game
February 4, 2002
Page 2

Thank you in advance for your attention to this matter. I look forward to hearing from you at your earliest convenience. If you have any questions, please don't hesitate to call me at 408.321.5821.

Sincerely,

A handwritten signature in black ink that reads "David W. Dunlap". The signature is written in a cursive style with a long, sweeping underline that extends to the right.

David W. Dunlap
Environmental Planner

DWD:

cc: Ms. Lisa Ives, Project Manager, VTA
Mr. Tom Fitzwater, Environmental Program Manager, VTA
Mr. David J. Mansen, Parsons Transportation Group



DEPARTMENT OF FISH AND GAME

<http://www.dfg.ca.gov>
1416 Ninth Street
Sacramento, CA 95814



(916) 324-3812

February 15, 2002

Mr. David Dunlap
Santa Clara Valley Transportation Authority
3331 North First Street
San Jose, California 95134-1906

Dear Mr. Dunlap:

In response to your request on February 15, 2002, a search for occurrences of rare, threatened, endangered, and sensitive animals, plants, and natural communities has been completed by the California Natural Diversity Database (CNDDDB) for the following quadrangle(s): **Calaveras Reservoir, Milpitas, San Jose East, San Jose West, Cupertino (text with overlay).**

Please refer to the enclosed documents for an explanation of the terms and information contained in this computerized report. You will be billed shortly for your order. All of our current CNDDDB lists are now available online at <http://www.dfg.ca.gov/whdab>.

NOTICE TO ALL USERS OF NATURAL DIVERSITY DATABASE INFORMATION

This report does not constitute official Department of Fish and Game environmental impact review of a project under the California Environmental Quality Act, National Environmental Policy Act, or other statutory or regulatory authority. Environmental impact review is carried out by other units in the Department. Even if the CNDDDB does not report an occurrence of special animals, plants, or natural communities in your project area, the Department may recommend that you conduct studies to determine or confirm their presence or absence, or to determine the impact of your proposed activity on these and other organisms and their habitats.

Although the CNDDDB inventory does not include other more common animals and plants, such as those that may be important for game, commercial, or aesthetic reasons, such species are of concern, and the law requires that they also be considered in an environmental assessment of any nonexempt project.

The CNDDDB also inventories both terrestrial and aquatic natural communities that are of extremely high quality, very limited distribution or threatened. These natural communities contain a rich heritage of native animals and plants that contribute significantly to the State's natural biotic diversity.

Conserving California's Wildlife Since 1870

Mr. David Dunlap
February 15, 2002
Page Two

The absence of a special animal, plant, or natural community from the report does not necessarily mean that they are absent from the area in question, only that no occurrence data are currently entered in the CNDDDB inventory. The occurrence of special species or natural communities in the vicinity of your project area may be an indication that they would also occur in your project area. It is the responsibility of the lead agency or project sponsor to provide adequate information as to whether a proposed project will affect fish and wildlife (including plants) and their habitats. We strongly recommend that field studies be conducted to complement the report(s).

The CNDDDB is the most complete single source of information on California's sensitive species and natural communities. Data on these and other elements of natural diversity are provided to the data base from a number of sources and entered into the inventory as expeditiously as possible. You can help this process by providing us with whatever new or more accurate data you may obtain from the studies you conduct.

We are pleased to provide you with this excellent source of endangered, threatened, rare and sensitive species information. If you have any questions or need assistance, call our Information Services unit at (916) 324-3812. For your convenience, this number is available 24 hours a day for voice mail messages. Thank you for your support of the CNDDDB.

Sincerely,



Karen Y. Bates, Info., Svcs., Tech.
California Natural Diversity Database
Wildlife Conservation Division
kbates@dfg.ca.gov

:kyb

Enclosures



April 15, 2002

Mr. Dave Johnston
California Department of Fish and Game
P.O. Box 4169
Santa Cruz, CA 95063

Subject: Minutes of the March 13, 2002 Meeting and Field Preview for the Bay Area Rapid Transit (BART) Extension Project

Dear Mr. Johnston:

Attached are the minutes of our meeting and field preview for the proposed extension of the Bay Area Rapid Transit system to Santa Clara County. Please review the notes at your earliest convenience and let me know if you would like to proffer any changes.

Also, as we discussed, I have scheduled rail safety training for you at **8:30 a.m., Thursday, April 25, 2002**. The training is offered at VTA's downtown San Jose light rail service facility located at **95 West Younger Avenue in Building I**. If you are not able to make it for some reason, please call (408) 546-7608 or -7600 to reschedule.

Thanks for working so closely with us. If you have any questions or comments, please don't hesitate to call me at (408) 321-5821.

Sincerely,

A handwritten signature in black ink that reads "David W. Dunlap". The signature is written in a cursive style with a long, sweeping underline.

David W. Dunlap
Environmental Planner

DWD:kh

Attachment

cc: Ms. Lisa Ives, Project Manager, VTA
Mr. Allen Cattell, Parsons Transportation Group
Ms. Pat Gelb, Parsons Transportation Group
Mr. David J. Mansen, Parsons Transportation Group
Mr. Dave Minister, EarthTech

INTEROFFICE CORRESPONDENCE

To: Distribution
From: Allen Cattell
Fax:
Date: March 15, 2002
Phone:
Proj. No: 644495/05000

Subject: VTA BART to Milpitas, San Jose and Santa Clara: VTA-Department of Fish & Game
Coordination March 13, 2002 Meeting

The meeting convened at 11:00 am at the VTA's River Oak campus located at 3331 North First Street, San Jose. The attendees included: Lisa Ives (VTA Project Manager), David Dunlap (VTA Project Biologist), Dave Johnston (DFG Environmental Specialist, Central Coast Region) and Allen Cattell (Parsons).

Lisa Ives presented a summary of the proposed corridor and identified various water bodies crossing this corridor. The four of us then drove to the site for a visual inspection of the following waterways:

- Unnamcd concrete-lined channel at Warren Avenue
- little probable impact from project
- Unnamed concrete-lined channel near Fourier Road
- little probable impact from project
- Scott Creek – concrete-lined channel near Kato Road
- little probable impact from project
- Unnamed concrete-lined channel flowing into Berryessa Creek
- possible impact from the optional Abel Station
- Berryessa Creek (concrete-lined channel) at Abel Street
- little potential impact project
- Wrigley Creek near Calaveras Blvd
- an unlined, highly altered stream that may be encroached upon by optional North Calaveras Station or by optional station south of Calaveras Blvd. This stream continues along the east side of the UPRR ROW for an unknown distance between Calaveras Blvd and Montague Expressway and could be affected by the project.
- Penitencia Creek East Channel (riprap-banks) near Lundy Place
- this channel begins just west of the UPRR ROW and is fed by stormdrains of unknown origin. Little probable impact from the project.
- Upper Penitencia Creek near Berryessa Road.
- this stream supports a federally-listed special-status species (steelhead). Construction of the depressed roadway next to the stream (Berryessa Road) and removal/replacement of the bridge over the creek could impact this stream.
- Lower Silver Creek near Highway 101.
- replacement of the bridge at this crossing has the potential to impact the stream.
- Coyote Creek near Santa Clara Street.
- little potential impact as BART will be subterranean at this site.

{

- Guadalupe River near Santa Clara Street.
 - little potential impact as BART will be subterranean at this site.
- Los Gatos Creek near Autumn Street.
 - little potential impact as BART will be subterranean at this site.

The field survey was concluded at about 2:45 pm. Dave Johnston indicated that his primary concern is that the biological field surveys be planned so as to coincide with the blooming periods of special-status plants. The two special-status plants likely to occur in the project corridor are Congdon's tarplant (blooms in June) and alkali milk-vetch (blooms April through June).

David Dunlap indicated that he wants to conduct similar field trips with representatives from NMFS and FWS.

I received the following documents from David Dunlap:

- Overlays of the CNDDDB special-status species for the project area;
- Special Vascular Plants, Bryophytes, and Lichens List from the CNDDDB; and
- Special-status animal species from the CNDDDB for the project area.

Distribution: Attendees
Dave Mansen, PTG
Pat Gelb, PTG

{



April 15, 2002

Mr. Bob Smith
U.S. Army Corps of Engineers
333 Market Street, 8th Floor
San Francisco, CA 94105-2197

Subject: Minutes of the March 27, 2002 Meeting and Field Preview for the Bay Area Rapid Transit (BART) Extension Project; **USACE Project No. 266445**

Dear Mr. Smith:

Attached are the minutes of our meeting and field preview for the proposed extension of the Bay Area Rapid Transit system to Santa Clara County. Please review the notes at your earliest convenience and let me know if you would like to proffer any changes.

Also, as we discussed, I have scheduled rail safety training for you at **8:30 a.m., Thursday, April 25, 2002**. The training is offered at VTA's downtown San Jose light rail service facility located at **95 West Younger Avenue in Building I**. If you are not able to make it for some reason, please call (408) 546-7608 or -7600 to reschedule.

Thanks for working so closely with us. If you have any questions or comments, please don't hesitate to call me at (408) 321-5821.

Sincerely,

A handwritten signature in black ink that reads "David W. Dunlap". The signature is written in a cursive style with a long, sweeping underline.

David W. Dunlap
Environmental Planner

DWD:kh

Attachment

cc: Ms. Lisa Ives, Project Manager, VTA
Mr. Allen Cattell, Parsons Transportation Group
Ms. Pat Gelb, Parsons Transportation Group
Mr. David J. Mansen, Parsons Transportation Group
Mr. Dave Minister, EarthTech

Parsons Transportation Group inc.
120 Howard Street, Suite 850 • San Francisco, CA 94105 • phone (415) 495-6060 • fax (415) 546-1602

INTEROFFICE CORRESPONDENCE

To: Distribution
From: Jeannette Owen
Fax:
Date: April 10, 2002
Phone:
Proj. No: 644495/05000

Subject: VTA BART to Milpitas, San Jose and Santa Clara: VTA-US Army Corps of Engineers
Coordination March 27, 2002 Meeting

The meeting convened at 9:00 am at the VTA's River Oak campus located at 3331 North First Street, San Jose. Attendees included: Lisa Ives (VTA Project Manager), David Dunlap (VTA Project Biologist), Bob Smith (Army Corps of Engineers, San Francisco District) and Jeannette Owen (Parsons).

Lisa Ives presented an overview of the corridor and identified various water bodies crossing this corridor. Dave, Bob and Jeannette drove to the sites for a visual inspection of the following waterways:

- Unnamed concrete-lined channel at Warren Avenue
 - little probable impact from project
- Unnamed concrete-lined channel near Fourier Road
 - little probable impact from project
- Scott Creek – concrete-lined channel near Kato Road
 - little probable impact from project
- Unnamed concrete-lined channel flowing into Berryessa Creek
 - possible impact from the optional Abel Station
- Berryessa Creek (concrete-lined channel with accumulated sediments) at Abel Street
 - potential impact project
- Wrigley Creek near Calaveras Blvd
 - an unlined, highly altered stream that may be affected by optional North Calaveras Station or by optional station south of Calaveras Blvd. This stream continues along the eastern side of the UPRR ROW for an unknown distance between Calaveras Blvd and Montague Expressway and could be encroached upon by the project.
- Penitencia Creek East Channel (riprap-banks) near Lundy Place
 - this channel begins just west of the UPRR ROW and is fed by storm drains of unknown origin. Little probable impact from the project.
- Upper Penitencia Creek near Berryessa Road.
 - this stream supports a special-status species (steelhead). The construction of the depressed roadway next to the stream (Berryessa Road) and removal/replacement

of the bridge over the creek has potential to affect this stream and riparian community.

- Lower Silver Creek near Highway 101.
 - replacement of the bridge at this crossing could impact the stream and minimal riparian vegetation.
- Coyote Creek near Santa Clara Street.
 - little potential impact as BART will be subterranean at this site.
- Guadalupe River near Santa Clara Street.
 - little potential impact as BART will be subterranean at this site.
- Los Gatos Creek near Autumn Street.
 - little potential impact as BART will be subterranean at this site.

Photos were taken at each feature. Photos are available upon request.

The field survey was concluded as about 2:45 pm. Bob indicated that his primary concern is that the field surveys include the entire project route and not be limited to the prominent water features. He also said that a hyrail tour would be beneficial.

David indicated that he wants to conduct similar field trips with representatives from NMFS and FWS.

Distribution: Attendees
Dave Minister
Dave Mansen
Pat Gelb

**OFFICE OF HISTORIC PRESERVATION
DEPARTMENT OF PARKS AND RECREATION**

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SACRAMENTO, CA 94296-0001
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calshpo@mail2.quiknet.com



June 9, 2003

REPLY TO: FTA030325A

Leslie T. Rogers, Regional Administrator
Federal Transit Administration, Region IX
201 Mission Street, Suite 2210
SAN FRANCISCO CA 94105-1839

Re: Silicon Valley Rapid Transit Corridor Project, San Jose, Santa Clara County.

Dear Mr. Rogers:

Thank you for submitting to our office your March 19, 2003 letter, Historic Resources Evaluation Report (HRER), and Archeological Survey and Sensitivity Report (ASSR) regarding the proposed Silicon Valley Rapid Transit Corridor Project (SVRTC) in the City of San Jose, Santa Clara County. The SVRTC would enhance regional connectivity through expanded, interconnected rapid transit services between Bay Area Rapid Transit (BART) in Fremont and light rail and Caltrain in Silicon Valley. The project would improve public transit services by providing increased transit capacity, more convenient access to services, and the alleviation of severe and ever-increasing traffic congestion on the Interstate 880 (I-880), and I-680 freeways between Alameda and the Silicon Valley.

The SVRTC includes two "build" alternatives that would meet the project purpose and need. The "build" alternatives include:

- The "New Starts" Baseline Alternative, which would build upon existing, planned, and programmed transportation improvements in the corridor with additional express bus service and other associated improvements.
- The BART Extension Alternative, which would extend the BART system approximately 16.3 miles from the planned Warm Springs BART Station in Fremont, south along the Union Pacific Railroad (UPRR) to Santa Clara Street in San Jose, then west in a subway under public and private property through east and downtown San Jose, to terminate at grade near the Santa Clara Caltrain Station. This alternative would include seven stations plus one optional station along the alignment.

The architectural and archeological Areas of Potential Effects (APEs) for these project alternatives extend from Fremont southward through the City of Milpitas to eastern San Jose, where it turns west running through San Jose and then northwest into the City of Santa Clara. The APEs also encompass an area at the north end of the project between I-680 and I-880, as well as a discontinuous area at the I-880/Montague Expressway interchange. The APEs include the Union Pacific Railroad (UPRR) right-of-way from Fremont to San Jose to encompass BART extension alignment tracks. Much of this portion will contain areas to allow for BART operational

stations and substations, parking areas, and turn-around tracks. For the archeological APE, where the alignment is a subway, parcels surrounding facilities that connect from the surface to the 40-50 foot deep tunnel are included; and the bored tunnel is not. For the architectural APE a buffer zone immediately adjacent to surface construction and the legal parcels immediately above the work for tunneled portions of the project are included. The project APEs, with one exception, appear adequate and meet the definitions set forth in 36 CFR 800.16(d). I recommend that the FTA either revise the archeological APE for the BART Extension Alternative to include the bored, 40-50 foot deep tunnel, or make explicit the agency's rationale for excluding the tunnel from that APE.

FTA is seeking my comments on its determination of the eligibility of 250 pre-1962 architectural buildings and structures within the architectural APE for inclusion on the National Register of Historic Places (NRHP) in accordance with 36 CFR 800, regulations implementing Section 106 of the National Historic Preservation Act. A review of the HRER leads me to make the following comments regarding these properties:

- The twenty (20) architectural properties noted in the HRER as listed on the NRHP or previously determined, by consensus, to be eligible for inclusion on the NRHP are still eligible properties under applicable criteria established by 36 CFR 60.4.
- I concur that the following architectural properties are eligible for inclusion on the NRHP under applicable criteria established by 36 CFR 60.4:
 1. Five Wounds Church, 1375 East Santa Clara Street, San Jose, Criteria A and C.
 2. Mayfair Theater, 1191 East Santa Clara Street, San Jose, Criterion C.
 3. Residence at 1169 East Santa Clara Street, San Jose, Criterion C
 4. Fox Building, 40 N. 4th Street, San Jose, Criterion C.
 5. San Jose Building and Loan, 81 West Santa Clara Street, San Jose, Criterion C.
 6. James Clayton Building, 34 West Santa Clara Street, San Jose, Criteria A and C.
 7. Structure at 51 N. San Pedro Street (Spaghetti Factory), San Jose, Criterion A.
 8. Calpak/Del Monte Plant #51, 50 Bush Street, San Jose, Criterion A and C.
 9. 848 The Alameda, San Jose, Criterion C
 10. Residence at 176 North Morrison Avenue, San Jose, Criterion C
 11. Muirson Label and Crate Company building, 421-435 Stockton Avenue, San Jose, Criterion A and C.

The Five Wounds Church building and its attached Rectory have strong associations with the cultural and social history of San Jose's Portuguese community. The church building is probably the only religious structure in the Bay Area that fully exhibits the elements of the Portuguese Baroque Revival architectural style. The remaining structures eligible under Criterion A have strong associations with the development of significant commercial enterprises in the San Jose area that involved food processing, banking, and agriculture-associated manufacturing. These structures eligible under Criterion C appear to have retained sufficient integrity of design, materials, and workmanship to convey both their architectural style and historic period of significance.

A number of other structures were deemed eligible in the HRER under Criterion A. However, I felt the HRER did not provide compelling evidence of any of these structures' associations with significant historical events. The historical themes cited for their significance under Criterion A were not sufficiently developed to justify these properties inclusion on the NRHP. As a result these structures are included with the remaining pre-1962 structures cited in the HRER that are not eligible for inclusion on the NRHP under any of the criteria established by 36 CFR 60.4. The structures have no strong associations with significant historical events or persons and are not examples of outstanding architectural or engineering design or function.

FTA is also seeking my concurrence on the adequacy of the archeological inventory and the ASSR, and is requesting that I endorse the agency's proposed strategy for the further identification and management of archeological properties. The inventory of archeological in the ASSR would be adequate as the first part of a phased process of identification and evaluation under 36 CFR 800.4(b)(2) if FTA were to propose such a process. I would reconsider FTA's strategy for the further identification and management of archeological properties to present potential subsequent phases of that process, and I would want to consult with FTA on those subsequent phases.

Thank you again for seeking my comments on your project. If you have any question, please contact staff historian Clarence Caesar by phone at (916) 653-8902, or by e-mail at ccaes@ohp.parks.ca.gov.

Sincerely,



Dr. Knox Mellon
State Historic Preservation Officer

**OFFICE OF HISTORIC PRESERVATION
DEPARTMENT OF PARKS AND RECREATION**

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calshpo@mail2.quiknet.com



July 9, 2003

REPLY TO: FTA030325A

Leslie T. Rogers, Regional Administrator
Federal Transit Administration, Region IX
201 Mission Street, Suite 2210
SAN FRANCISCO CA 94105-1839

Re: Silicon Valley Rapid Transit Corridor Project, San Jose, Santa Clara County.

Dear Mr. Rogers:

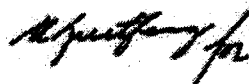
It has been brought to my attention by Meta Bunse of JRP Historical Consulting (JRP) that further clarification is needed regarding my concurrence on the National Register of Historic Places (NRHP) eligibility of seven architectural properties located within the Area of Potential Effects (APE) of the Silicon Valley Rapid Transit Project in the City of San Jose in Santa Clara County. In my letter of June 9, 2003 I provided comments on the NRHP eligibility of architectural properties evaluated in Volumes I and II of the Historic Resources Evaluation Report (HRER) (JRP, January 2003) provided for my review by the Federal Transit Administration (FTA). My letter apparently neglected to include comments on the NRHP eligibility of seven architectural properties noted in the HRER. Due to this oversight, I am providing FTA with the following supplemental comments regarding the aforementioned properties:

- 884 E. Santa Clara Street - This property is not eligible for inclusion on the NRHP under any of the criteria established by 36 CFR 60.4. The structure has no strong associations with significant historical events or persons, and is an interesting, but not outstanding, example of its architectural type (Romanesque/Baroque).
- 17-25 E. Santa Clara Street - This property is not eligible for inclusion on the NRHP under any of the criteria established by 36 CFR 60.4. The structure has undergone numerous changes to its exterior and interior and does not retain sufficient integrity of design, materials, and workmanship to individually qualify for inclusion on the NRHP.
- 127-145 Post Street and 33-45 S. Market Street - These properties are not individually or collectively eligible for inclusion on the NRHP under any of the criteria established by 36 CFR 60.4. These structures have associations with the development of the early commercial development in the downtown San Jose area, but are not distinguished representatives of any particular architectural type. Both structures have also undergone numerous changes to their exteriors and interiors and do not retain sufficient integrity to convey their associations with their historic periods of significance.

- 101 W. Santa Clara Street - This building is eligible for inclusion on the NRHP under Criterion C as defined in 36 CFR 60.4. The building is a good example of the late Art Deco architectural style and has retained its integrity of design, materials, workmanship, feeling and association with its historic period of significance (1942 to 1953).
- 151 W. Santa Clara Street - Given the number of uses this building has served during its existence, it is unclear from the documentation how extensive any alterations to the structure may have been. Until this issue is clarified by additional documentation, I recommend that, for purposes of this project, the structure retain its status of appearing eligible for inclusion on the NRHP.
- 161-167 W. Santa Clara - In our letter of June 4, 1996 (HUD960122C), this property was determined, by consensus, to be ineligible for inclusion on the NRHP. A review of the HRER provides no evidence that compels me to reverse my original consensus finding on this property's NRHP eligibility.
- Santa Clara Tower, Benton Street and Railroad Avenue - As noted in my letter of December 9, 2002 (FTA021021A), I concurred with FTA's determination that this property was eligible for inclusion on the NRHP under Criterion C as defined by 36 CFR 60.4. I stand by my finding of NRHP eligibility for this structure.

Thank you again for providing me the opportunity to clarify my comments on the above properties. If you have any questions, please contact staff historian Clarence Caesar by phone at (916) 653-8902, or by e-mail at ccaes@ohp.parks.ca.gov.

Sincerely,



Dr. Knox Mellon
State Historic Preservation Officer

Cc: Meta Bunse, JRP Historical Consulting



Stephen D. Lodge
Chief of Police

November 14, 2003

Mr. Tom Fitzwater
Environmental Planning Manager
Santa Clara Valley Transportation Authority
3331 North First Street
San Jose, California 95134

Re: BART Extension to Milpitas, San Jose and Santa Clara

Dear Mr. Fitzwater;

On August 12, 2002, representatives from the City of Santa Clara, including the Santa Clara Police Department, met with VTA staff to provide input on the BART Extension. In particular, three pedestrian connection options at the Santa Clara BART Station are being evaluated in the Draft Environmental Impact Study/Environmental Impact Report (EIS/EIR). The Police Department is concerned with one option that would provide an overpass crossing between the Santa Clara BART Station and the area just north of the Historic Train Tower and west of the Caltrain tracks. This option is adjacent to the City's jail facility.

At that meeting, we expressed concern with the elevated pedestrian walkway at this site because the location and elevation of the overpass would provide a direct sightline into the jail facility and would compromise security and safety. Therefore, we do not support this option.

We feel the two other connection options from BART directly to the Caltrain platform area would be preferred due to the aforementioned security and safety concerns. If you wish to discuss this matter further, please do not hesitate to call me.

Sincerely,


Stephen D. Lodge
Chief of Police

Cc: Dave Pitton, City of Santa Clara
Lisa Ives, VTA
Tim Chan, VTA

Police Department
601 El Camino Real
Santa Clara, CA 95050
FAX (408) 248-0276
police@ci.santa-clara.ca.us



December 23, 2002

Mr. Tom Wilson
City Manager
City of Milpitas
455 E. Calaveras Blvd.
Milpitas, CA 95035

Dear Tom:

Thank you for your letter of November 25, 2002 regarding issues related to the BART Extension and City and developer projects. I would like to take this opportunity to respond to your letter and to summarize the issues and action items discussed at a recent meeting on Friday, December 13, 2002 between City of Milpitas and VTA staff.

At this meeting, VTA provided written documentation to support the need for a 20-foot wide strip of property along the westside of the BART corridor and freight track (see attachment). This requirement would result in the relocation of the proposed city well. In a previous conversation, you and I agreed that the City would cover the cost of redesigning the well, estimated at \$112,000, and in return, VTA would contribute the same amount from our highway program to fund landscape improvements at the 237/880 interchange. The details of property acquisition or other related compensation for the well site will be dealt with by the VTA Real Estate Department upon completion of the environmental document for the BART Extension, which is currently targeted for approval in Spring 2004.

This strip of property will also impact a proposed City Park site. As a result, a federal Section 4(f) evaluation must be performed as part of the environmental process. Accordingly, City and VTA staff have identified potential mitigation opportunities that could satisfy Section 4(f) requirements as follows:

- Replace impacted portion of property immediately adjacent to park site
- Expand a nearby park
- Provide additional amenities at the impacted park
- Assist in funding a pedestrian railroad overcrossing that would link to the impacted park, possibly at Curtis Avenue.

Mr. Tom Wilson
December 23, 2002
Page 2

We request that the City provide a letter to VTA indicating which options you would like us to pursue for the Section 4(f) requirements. We would like to receive some input by early January 2003 to meet our timeline for the environmental process.

The 20-foot wide strip would also encroach on the existing Parc Metro private park and the Great Mall landscaping. For your benefit, I have attached the cross section information that was provided to your staff. VTA will arrange meetings with Parc Metro and the Great Mall in early 2003 to discuss potential impacts and mitigations options, with specific details to be determined as part of the environmental process. City staff will be invited to attend these meetings.

VTA will also be addressing federal flood mapping and flood retention design in the environmental document. We will keep your staff informed as this effort progresses.

Finally, it is my understanding that there may be potential residential development or changes to the land use where we are providing railroad access to serve existing businesses around the Waukesha location. Please continue to keep us abreast of any new developments in this regard.

I hope this letter addresses the City's concerns. We will continue to work with the City as the BART Extension project moves forward. If you have any further questions, please feel free to call me at (408) 321-5725.

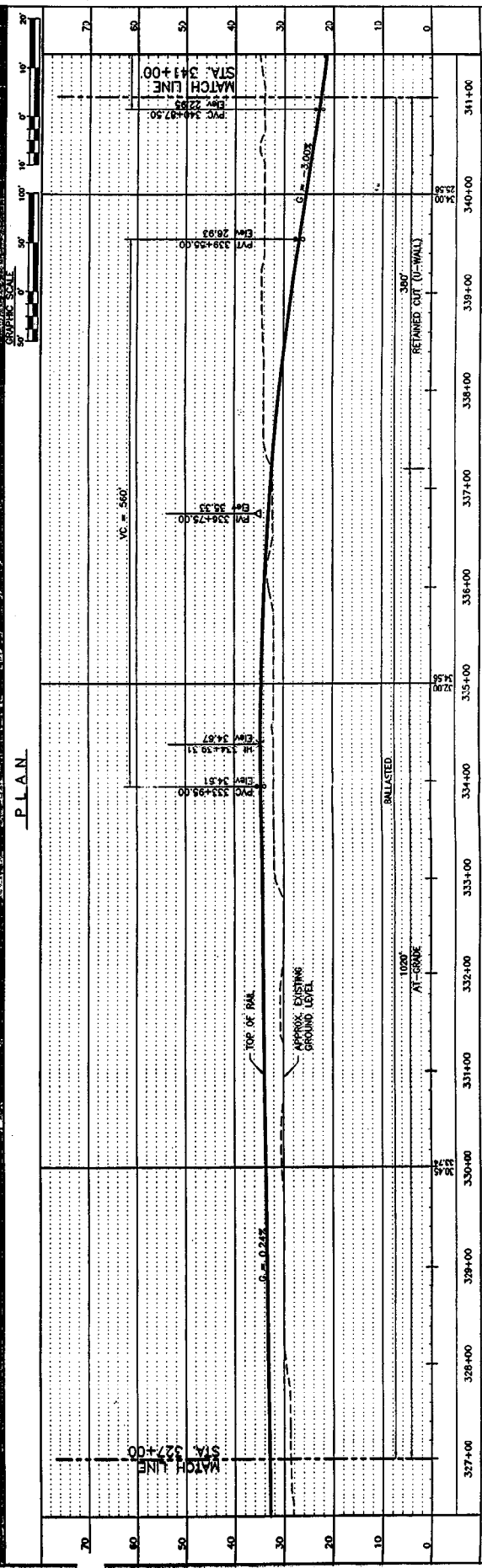
Sincerely,



Michael P. Evanhoe
Director, Development & Congestion Management

Attachments

cc: Cindy Maxwell
Mike McNeely
Joe Oliva
Jim Pierson, VTA
Jim Lightbody, VTA
Lisa Ives, VTA
Tom Fitzwater, VTA
Tim Chan, VTA



| DATE | BY | APP | DESCRIPTION |
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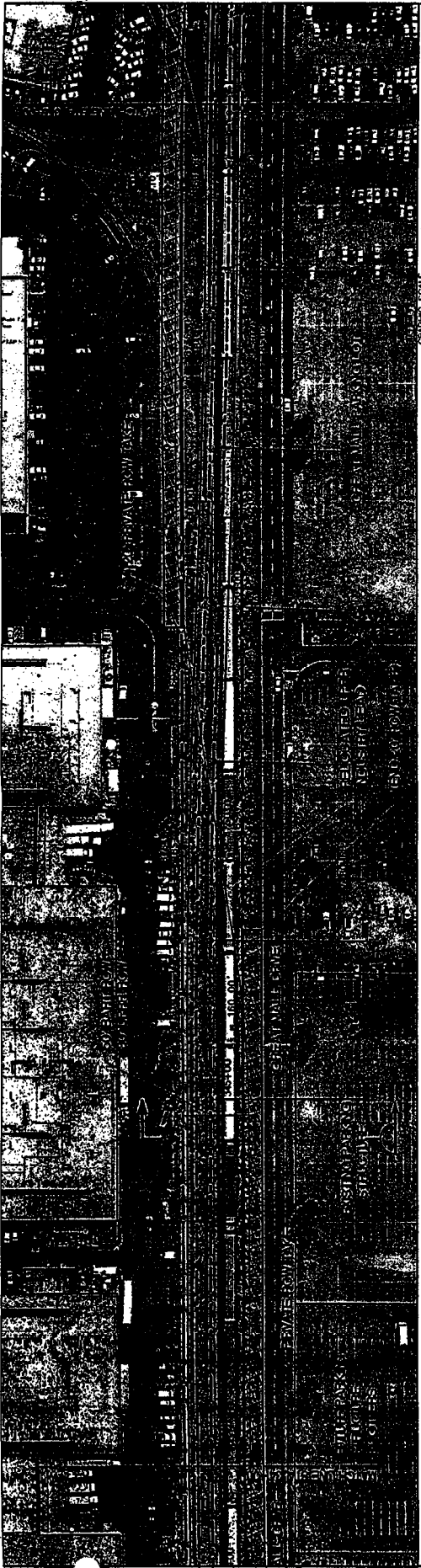
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| DESIGNED BY: | T. LUNA |
| CHECKED BY: | J. BAKER |
| APPROVED BY: | D. HENSTER |
| DATE: | 10/02/02 |

| | |
|-------------------|---------------------------------------|
| PROJECT: | SILICON VALLEY RAPID TRANSIT CORRIDOR |
| ALTERNATIVE: | BART - BUILD ALTERNATIVE |
| PLAN AND PROFILE: | |
| DATE: | 10/02/02 |
| SCALE: | 1" = 50'H; 1" = 10'V |
| PROJECT NO.: | CH076.DWG |
| DATE: | 04/17/02 |

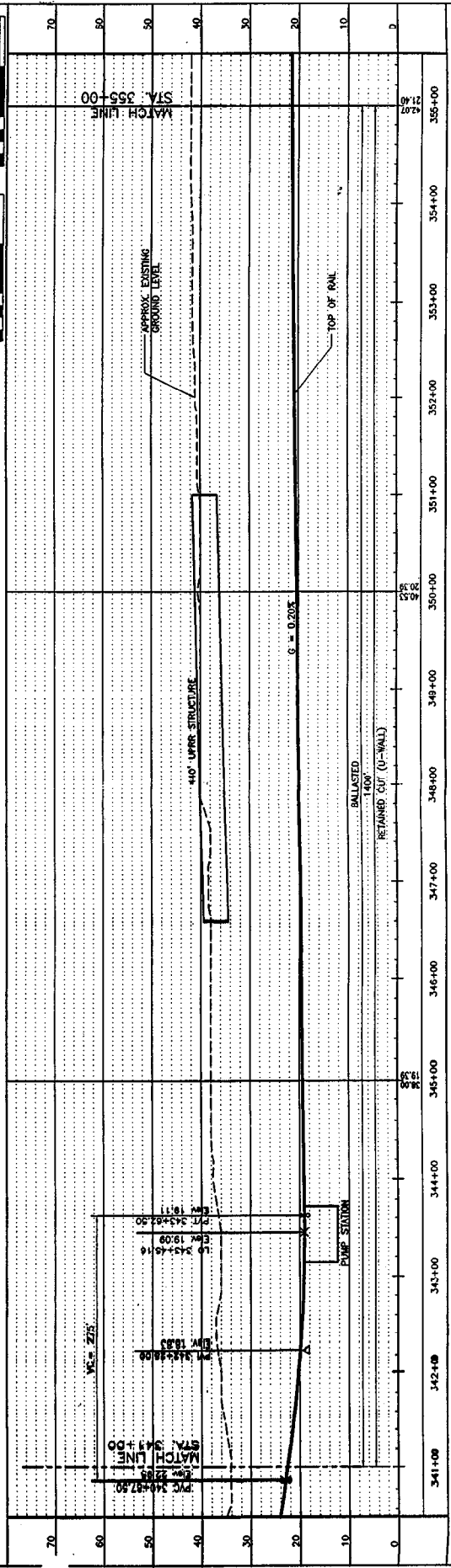
EARTH T E C O

A EXP INTERNATIONAL US COMPANY
 210 Webster St., Suite 1000
 Oakland, CA 94612
 Phone: 510 419-5333
 Fax: 510 419-5333

VTA
 Valley Transportation Authority



PLAN

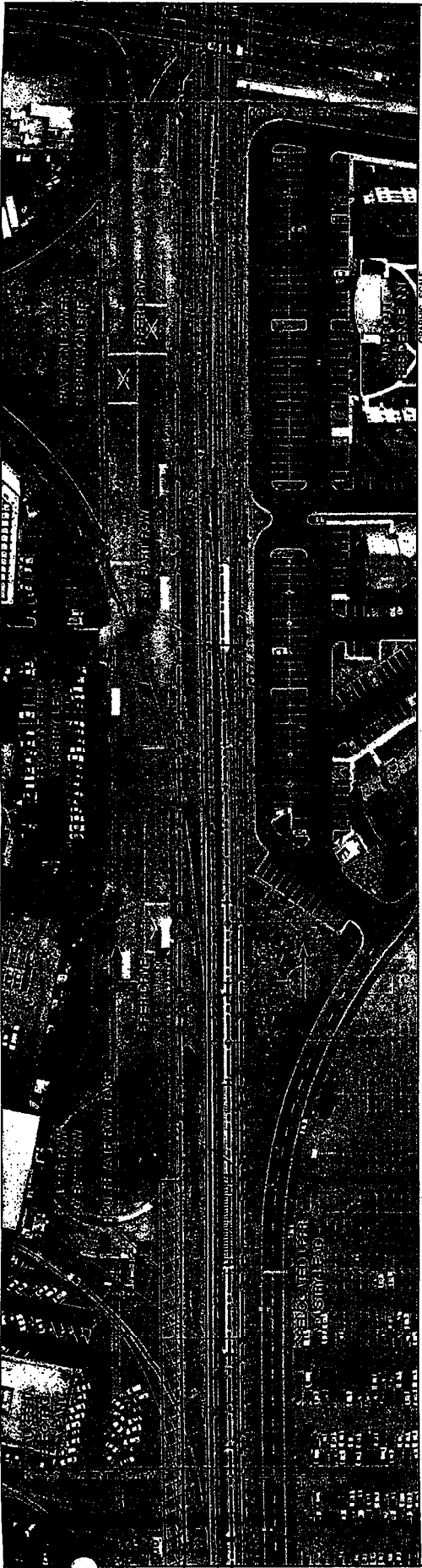


PROFILE

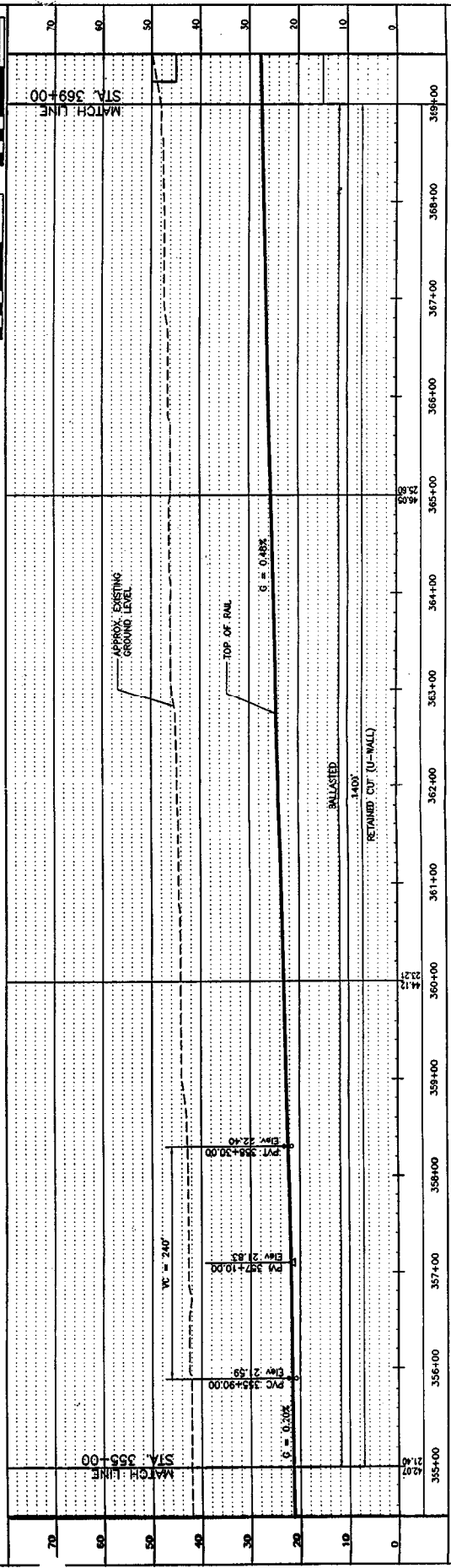
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| APPROVED FOR BY PURPOSE: | DATE | SUBMITTED |
| VIA | DATE | |
| APPROVED BY A. PRITZKER CHECKED BY J. MAHER APPROVED BY D. MINISTER | DATE | 100002 |

| | | | |
|---|--|--|-------------------------|
| EARTH TECH 1425 International Blvd. 2100 International Blvd. Oakland, CA 94612 Phone: (510) 414-6000 Fax: (510) 414-6025 | | SANTA CLARA Valley Transportation Authority | |
| SILICON VALLEY RAPID TRANSIT CORRIDOR BART - BUILD ALTERNATIVE PLAN AND PROFILE | | DATE: 10/002 | SCALE: 1"=50'H, 1"=10'V |
| DRAWN BY: CJK/77.DWG | | DATE: 10/002 | PROJECT: SVR |



PLAN



PROFILE

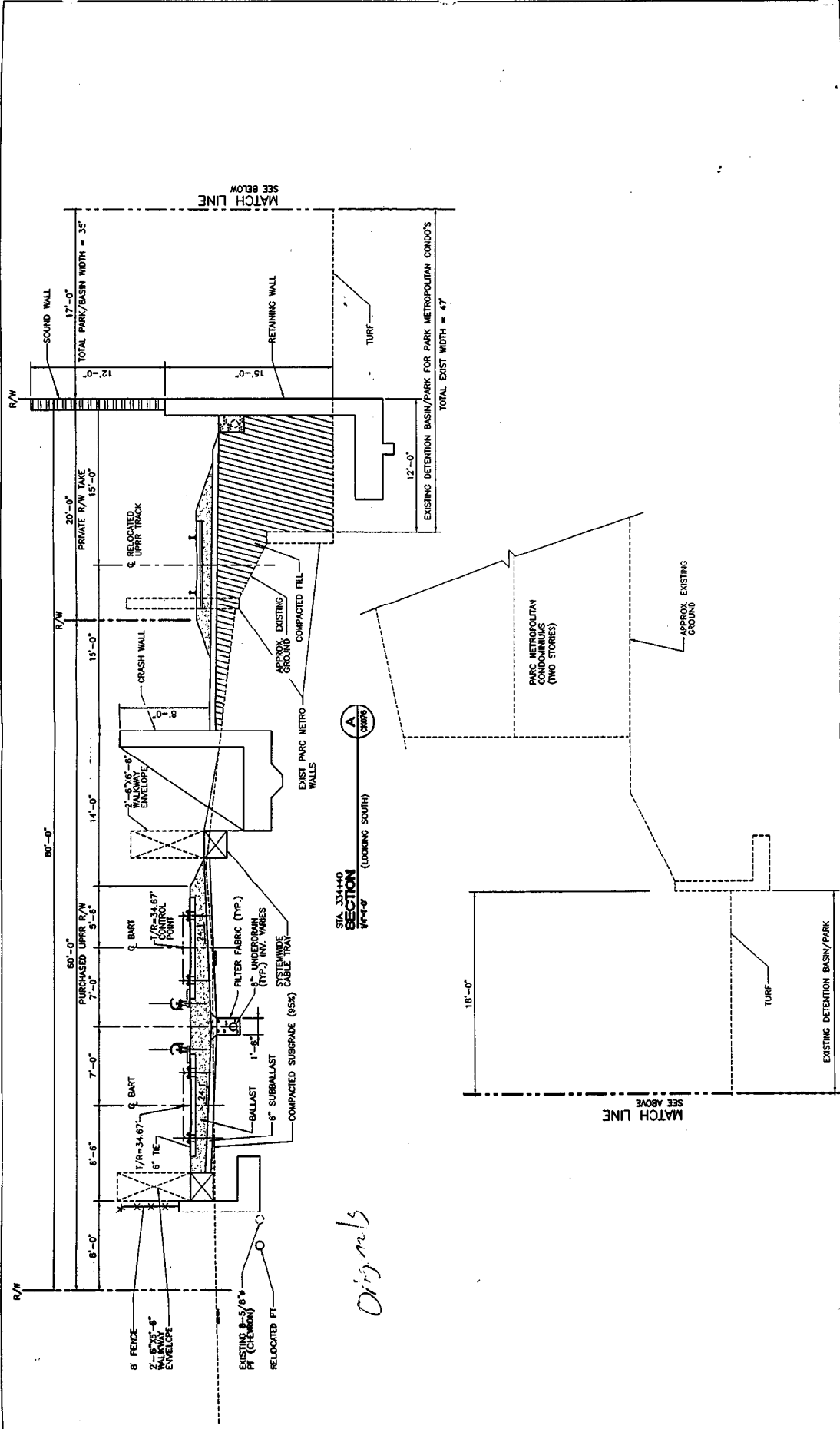
| STA | ELEV | DATE | APPROVED FOR DR PURPOSES | DESIGNED BY | APPROVED BY |
|--------|-------|------|--------------------------|-------------|-------------|
| 354+00 | 21.59 | | | A. PRITZKER | |
| 356+00 | 21.59 | | | C. J. MANER | |
| 357+00 | 21.83 | | | D. WIMSTER | |
| 358+00 | 22.40 | | | | |
| 359+00 | 22.40 | | | | |
| 360+00 | 22.40 | | | | |
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| 368+00 | 22.40 | | | | |
| 369+00 | 22.40 | | | | |

SILICON VALLEY RAPID TRANSIT CORRIDOR
 BART - BUILD ALTERNATIVE
 PLAN AND PROFILE



EARTH TECH
 1800 WASHINGTON BLVD
 3RD FLOOR
 OAKLAND, CA 94612
 PHONE: (510) 484-0000
 FAX: (510) 476-0025

DATE: 1/30/02
 SCALE: 1"=50' H, 1"=10' V
 DRAWN BY: CK/7B/DWG
 CHECKED BY: CK/7B



| | | | | | |
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| NO. | DATE | BY | CHKD | APP'D | DESCRIPTION |
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APPROVED FOR EM PURPOSES: SEE ABOVE

DESIGNED BY: B. LEVERIZA
 CHECKED BY: V. FELIX
 DRAWN BY: J. MAHER
 APPROVED BY: D. JIMINSTER
 DATE: 10/00/02

EXISTING DETENTION BASIN/PARK

SECTION A (LOOKING SOUTH)

18'-0"

EXISTING DETENTION BASIN/PARK FOR PARK METROPOLITAN CONDO'S
 TOTAL EXIST WIDTH = 47'

12'-0"

15'-0"

20'-0"

PRIVATE R/W TAKE 15'-0"

RELOCATED UPRR TRACK

CRASH WALL

APPROX EXISTING GROUND

COMPACTED FILL

APPROX EXISTING GROUND

PARC METROPOLITAN CONDOMINIUMS (TWO STORES)

APPROX EXISTING GROUND

EXISTING DETENTION BASIN/PARK

17'-0"

15'-0"

12'-0"

TURF

RELOCATED FT

EXISTING 5'-0" FT (CHEMCON)

RELOCATED FT

8'-0"

7'-0"

7'-0"

5'-6"

60'-0"

PURCHASED UPRR R/W

8'-0"

2'-6" FENCE

2'-6" X 6'-0" WALKWAY ENVELOPE

1/8" R=34.67"

6" TIE

6" BART

1/8" R=34.67" CONTROL POINT

6" BART

1-6"

BALLAST

6" SUBBALLAST

COMPACTED SUBGRADE (SSA)

SYSTEM-WIDE CABLE TRAY

8" UNDERDRAIN (TYP.) MIN. VARIES

6" FILTER FABRIC (TYP.)

EXISTING DETENTION BASIN/PARK FOR PARK METROPOLITAN CONDO'S

TURF

RETAINING WALL

15'-0"

SOUND WALL

17'-0"

TOTAL PARK/BASIN WIDTH = 35'

MATCH LINE

MATCH LINE SEE BELOW

SLICON VALLEY RAPID TRANSIT CORRIDOR
 BART - BUILD ALTERNATIVE
 LINE, TRACKWORK AND SYSTEMS
 CROSS SECTIONS



EARTH TECH
 A 100% employee-owned company
 2160 Wilshire St., Suite 100
 Oakland, CA 94612
 Phone: (510) 415-2333
 Fax: (510) 415-2335

Case No. 130002
 Scale: 1/4" = 1'-0"
 CADD FILE NO. CK002.DWG
 DATE: 10/00/02

Originals



CITY OF MILPITAS

455 EAST CALAVERAS BOULEVARD, MILPITAS, CALIFORNIA 95035-5479 • www.ci.milpitas.ca.gov

January 28, 2003

Mr. Michael P. Evanhoe
Director, Development & Congestion Management
Santa Clara Valley Transportation Authority
3331 North First Street
San Jose, CA 95134-1906

Subject: BART Right of Way Acquisition Needs: Response to your letter of December 23, 2002.

Dear Mike:

Your letter addressed the need for a 20-foot wide strip of property on the west side of the BART corridor north of Montague Expressway. This acquisition would require redesign of the proposed City emergency well facility and also affect the planned adjacent public park, the Park Metro development's private park, and the Great Mall property to the south.

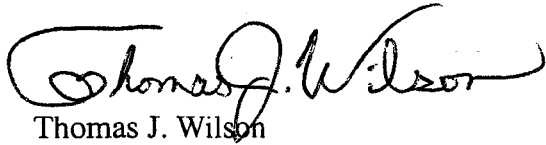
The well needs to be drilled before the park can be developed. Therefore, we need to proceed with this work as soon as possible and City Council approval of a design agreement amendment is tentatively scheduled for February 18, 2003. Attached is a copy of the proposal from our consultant, Carollo Engineers, for the redesign- now estimated at \$136,548.00. Since VTA would be responsible for these costs, it is requested that your staff prepare an agreement to document this responsibility so that it can be approved with the amendment. It is also noted that there may be other costs to the Park Metro developer, which is responsible for the park design and construction. Please contact Mr. Rich Greene at Calprop Corporation (831-461-6070) in this regard.

In regard to the park right of way acquisition, you have suggested the following possible mitigations:

- Replace impacted portion of property immediately adjacent to park site
- Expand a nearby park
- Provide additional amenities at the impacted park
- Assist in funding a pedestrian railroad overcrossing that would link to the impacted park, possibly at Curtis Avenue.

These mitigations appear acceptable. As requested, we will also keep you apprised of development in the area east of the railroad and north of Montague Expressway.

Sincerely,

A handwritten signature in black ink that reads "Thomas J. Wilson". The signature is fluid and cursive, with the first name "Thomas" being the most prominent part.

Thomas J. Wilson
City Manager

Attachments

Cc: City Council; BART Team (Cindy Maxwell, Arlene DeLeon, Mike McNeely, Joe Oliva, Tambri Heyden, Janice-Nadal, Troy Fujimoto), Assistant City Manager, VTA (Lisa Ives; Jim Lightbody, Jim Pierson, Tom Fitzwater, Tim Chan)

Exhibit A-5

**City of Milpitas
Curtis Park Well Pump Station**

Building Location Redesign

**Scope of Services
January 22, 2003**

The City of Milpitas engaged Carollo Engineers in 1997 to prepare construction contract documents for the Curtis Park Well Pump Station. Carollo completed the contract documents for this project in April 2001. Following the completion of the contract documents, Valley Transportation Authority (VTA) approached the City to relocate the Curtis Park Well Pump Station to make way for the BART rail extension. This relocation of the Curtis Park Well Pump Station is approximately 20 feet west and 45 feet south of the originally planned location in the ParcMetro development park.

The City has requested that Carollo revise the contract documents to reflect the new location of the pump station. To accomplish this, we will complete the five tasks detailed below.

Task 1 - Prepare 50% Plans, Specification, and Estimate. We will prepare plans, specifications, and estimate of construction costs to update contract documents to reflect the new building location, including:

- Survey the existing site to verify current elevations and conditions. We have assumed that the City will provide monument locations and elevations used for the ParcMetro improvements as well as data that ties the City's datum.
- Redesign paving and grading to accommodate the change of location,
- Redesign the mechanical and piping to accommodate the change of location,
- Redesign of the electrical plans to accommodate the change in location,
- Updating the administrative and bidding sections of the contract documents to reflect the City's latest 'boilerplate' version.

We will submit two (2) sets of plans specifications and estimate for City review. If deemed necessary by the City, we will meet with City staff following their review of the 50% submittal to receive the City's comments to the 50% submittal.

Task 2 - Prepare 90% Plans, Specifications, and Estimate. Upon receipt of the City's comments to the 50% submittal, Carollo will address those comments. We will return two (2) sets of 90% level plans, specifications, estimate, and responses to City comments to the 50% submittal.

We anticipate that no meeting with the City will be required following our submittal of the 90% documents.

Task 3 - Prepare 100% Plans, Specifications, and Estimate. Upon receipt of the City's comments to the 90% submittal, Carollo will address those comments and return two (2) sets of 100% level plans, specifications, estimate, and responses to City comments to the 90% submittal. With this submittal, we will request authorization from the City to seal and sign the contract documents for the City's use in bidding and construction of the project.

Task 4 - Meetings and Project Management. Under this task, we will control the work of the redesign effort. We will monitor project progress and budget versus expectations. We will prepare monthly reports to accompany invoices. The monthly reports will summarize project percent complete, budget used and budget remaining.

As requested by the City, we will meet with City staff to discuss the project. For the purposes of this scope of work, we anticipate one (1) meeting to be held following city's review of the 50% submittal materials.

Task 5 - Additional Services as Directed. This task is a contingency for a not to exceed amount. This task may be used only upon specific direction from the City for possible Additional Services. We have allotted 120 hours for this

task to provide a means to accommodate a City request for additional work due to any unforeseen design issues not apparent at this time.

Milpitas: Relocate Well Building
1/28/2003

| | | Labor Hours and Direct Costs for Carollo Engineers | | | | | | | | | | TOTALS | | |
|--|--|---|-----------|----------------------|-----------|-------------------|------------------|----------|---------|---------|-------------|--------------------|------------------|------------|
| | | Estimated Labor Hours | | | | | Additional Costs | | | | | | | |
| | | PIC | PM | Discipline Engineers | Engineer | Designer (ET VII) | Word Processing | Printing | Survey | PECE | LABOR HOURS | DIRECT LABOR COSTS | ADDITIONAL COSTS | TOTAL COST |
| Employee Labor Cost | | \$195,000 | \$177,000 | \$177,000 | \$169,000 | \$112,000 | \$73,000 | | | | | | | |
| TASKS: | | | | | | | | | | | | | | |
| | | | | | | | | | | | | | | |
| Task 1 Prepare 50% Submittal | | 24 | 40 | 48 | 36 | 80 | 36 | \$200 | \$3,500 | | 264 | \$37,712 | \$5,297 | \$43,009 |
| Task 2 Prepare 90% Submittal | | 24 | 49 | 48 | 36 | 60 | 36 | \$200 | | | 263 | \$37,065 | \$1,731 | \$38,796 |
| Task 3 Prepare 100% Submittal | | 20 | 49 | 24 | 24 | 20 | 16 | \$200 | | | 153 | \$24,141 | \$1,126 | \$25,267 |
| Task 4 Meetings & Project Management | | 20 | 20 | 8 | 24 | 24 | 8 | \$50 | | | 56 | \$9,440 | \$389 | \$9,829 |
| Task 5 Additional Services as Directed | | 20 | 20 | 24 | 24 | 24 | 8 | \$50 | | | 120 | \$18,872 | \$775 | \$19,648 |
| SUBTOTAL | | 108 | 178 | 152 | 120 | 164 | 104 | \$700 | \$3,500 | \$5,118 | 846 | \$127,230 | \$9,318 | \$136,548 |
| TOTAL HOURS - BASIC SERVICES | | 108 | 178 | 152 | 120 | 184 | 104 | | | | | | | |
| TOTAL COSTS - BASIC SERVICES | | \$21,060 | \$31,506 | \$26,904 | \$19,560 | \$20,608 | \$ 7,592 | | | | | | | |
| PECE Project Equipment & Communication Charge | | | | | | | | | | | | | | |

