



United States Department of the Interior

FISH AND WILDLIFE SERVICE
San Francisco Bay National Wildlife Refuge Complex
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Judith Ikle, CPUC
c/o Aspen Environmental Group
235 Montgomery Street, Suite 800
San Francisco, CA 94104

Dear Ms. Ikle:

This letter is written in response to the Draft Environmental Impact Report (DEIR) for the proposed Northeast San Jose Transmission Reinforcement Project. The Proposed Project and all its northern alternatives impact the Don Edwards San Francisco Bay National Wildlife Refuge (Refuge) and/or lands on which the Refuge will soon have a conservation easement. Our comments are intended to address issues directly affecting the Refuge. Additional comments addressing issues under the Fish and Wildlife Coordination Act, Clean Water Act, or Endangered Species Act may be sent under separate cover by the U.S. Fish and Wildlife Service's Sacramento Field Office.

In order for the Refuge to issue or approve a Right-of-Way over the Refuge and the Pacific Commons Preserve for which the Refuge will have a conservation easement, the proposed transmission line would need to be compatible with the conservation mission of the National Wildlife Refuge System and the purposes of the Refuge pursuant to the National Wildlife Refuge System Improvement Act of 1997.

Though the U.S. Fish and Wildlife Service's (Service) compatibility determination policy has not been finalized, it is clear from the draft policy that actions such as Right-of-Ways will only be issued for projects that are compatible with both the Refuge System mission and the purpose of the Refuge. The National Wildlife Refuge System Mission is "to administer a national network of lands and waters for the conservation, management, and where appropriate, restoration of the fish, wildlife, and plant resources and their habitats within the United States for the benefit of present and future generations of Americans." (111 Stat 1252, dated Oct. 9, 1997) The stated purposes for which the Don Edwards San Francisco Bay National Wildlife Refuge was established are: "...for the preservation and enhancement of highly significant habitat...for the protection of migratory waterfowl and other wildlife, including species known to be threatened with extinction, and to provide opportunity for wildlife oriented recreation and nature study..." (86 Stat 399, dated June 30, 1972). Though some alternatives might be determined to be compatible, mitigation measures would need to be developed between Pacific Gas & Electric

Company and the Refuge to minimize and/or offset unavoidable impacts that would result from implementation of these alternatives.

The DEIR is well written and clearly presents the potential impacts of each alternative and possible actions that could be taken to mitigate these impacts. Service draft policy states that "rights-of-way permits will only be considered when the applicant makes a clear and convincing case to the Service that no other reasonable or practical alternative is available other than crossing refuge lands or waters. Cost or convenience are not justification for allowing a right-of-way." Based on the information in the DEIR, it appears that the alternative that the Refuge could issue a Right-of-Way for would be a combination of I-880-A and I-880-B. If I-880-A or I-880-B are subsequently deemed to be not reasonable or practical alternatives, the Refuge would consider issuing a right-of-way for Westerly Route Upgrade Alternative. The Westerly Route Upgrade Alternative would have less long-term impacts to the Refuge than other alternatives except the I-880-A and I-880-B Alternative. It would have a significantly greater short-term impact during the construction phase and long-term impact due to bird strikes in a heavy bird use area (Pacific Commons Preserve would have two 230 kV lines and one existing 115 kV line resulting in multiple lines at different heights and spans) than the I-880-A and I-880-B Alternatives and therefore would not be permitted by the Refuge unless the I-880-A and I-880-B are found not to be reasonable or practical.

The DEIR does an excellent job of detailing the possible impacts of the various alternatives to the high diversity of wildlife found in the project area. This detailed information demonstrates why Alternatives I-880-A & B are environmentally superior to the proposed route as well as the even more destructive Western Route Alternative and somewhat less damaging Upgrade Alternative.

We suggest one improvement to the portion of the document that described resources on the Refuge and the Pacific Commons Preserve. The document describes the habitat in this area, where the transmission line is proposed to be constructed, as "Non-Native Annual Grassland" (Figure C.3-1). In reality, this area is the last remaining vernal pools complex in South San Francisco Bay. Though the complex contains non-native grasses, this grassland is essential to the continued health of the vernal pools and the sensitive species they contain. For example, the California tiger salamander uses the pools for breeding but needs the surrounding grasslands for its aestivation. Avoiding impacts just to the vernal pools would not protect this species. The grasslands also contain the habitat for insects which are the only pollinators for the endangered vernal pool plants. The grasslands also serve as the watershed for the vernal pools. We suggest that the EIR's figures and supporting narrative be changed to clearly state the importance of this rich vernal pool/grassland complex and not just focus on the non-native grasses and suggest just avoiding the vernal pools. Please note that the Pacific Commons Preserve is being developed as a mitigation parcel by developing a similar vernal pool/grassland complex. The construction of the transmission line needs to avoid the entire vernal pool/grassland complex that exists on the Refuge and is being developed on the Pacific Commons Preserve. Though we disagree with the EIR's description of the habitat type in this area, we strongly support the EIR's conclusion that the best alternative to avoid impacts to this unique habitat area is Alternative I-880-A.

In summary, the I-880-A Alternative reduces the potential for bird collision because it follows the Pacific Common wildlife preserve's boundary and is further from high bird use areas. It also is further removed from impacting sensitive species and their vernal pool/grassland habitat because it is along the edge of I-880. The Proposed Alternative would have greater potential for bird collision because it is closer to a high bird use area and would have the transmission wires and poles would be at a different height than the existing lines. It would cause greater disturbance to and destruction of sensitive species vernal pool/grassland habitat because it crosses the wildlife preserve. It would also degrade the recreational experience along 1.7 miles more of trails than the I-880-A Alternative.

The I-880-B Alternative reduces the potential for bird collision because it is significantly further from high bird use areas than the Proposed Alternative. The Underground Alternative, though superior than the Proposed Alternative, would still cross high bird use areas and therefore, have greater potential for bird collision than the I-880-B Alternative. The visual impact to recreational users would be reduced under the I-880-B Alternative because it is adjacent to I-880 rather than along the Bay margin and existing recreational trails. The impact of the new transmission line serving as a perch for avian predators such as Raptors and Ravens would be reduced if it was built along I-880 (I-880-B Alternative) rather than next to the high bird use area along the Proposed Alternative. The Westerly Route Alternative would be much worse than either the Proposed Alternative or the I-880-A & B Alternatives. The westerly routes would cross many more miles of high bird use areas and sensitive species habitat. These routes would also add visual degradation of the Refuge for recreational users. The Westerly Upgrade Alternative would be somewhat less damaging than the Westerly Route Alternative because it would replace two of the existing 115 kV lines with two new 230 kV lines. Therefore, the danger of additional bird strikes would be less along much of the route (except crossing the Pacific Commons Preserve) because it would not add another set transmission lines that would be at a different height than the existing 115 kV lines.

Based on the above listed concerns, the Refuge recommends that the Public Utilities Commission approve Pacific Gas and Electric's use of the I-880 A and I-880-B Alternative. Thank you for the opportunity to comment on this document. If you have any questions regarding these issues, please contact me at (510) 792-0222.

Sincerely,



Clyde Morris
Refuge Manager
Don Edwards San Francisco Bay NWR

cc: Ken Sanchez, FWS-ES, Sacramento