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## LS Power Grid California Power the South Bay Project - Draft Environmental Impact Report - Valley Water Comments

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From Matthew Sasaki <MSasaki@valleywater.org>

Date Thu 7/24/2025 4:53 PM

To PowerTheSouthBay <PowerTheSouthBay@esassoc.com>

Cc Colleen Haggerty <CHaggerty@valleywater.org>

Hi,

The Santa Clara Valley Water District (Valley Water) has reviewed the Draft Environmental Impact Report (DEIR) for LS Power Grid California's Power the South Bay project, received on June 9, 2025. As identified in the DEIR, Valley Water will be a Responsible Agency under the California Environmental Quality Act for approval of work requiring a Valley Water encroachment permit.

Based on our review, we have the following comments:

### Draft Environmental Impact Report

1. Pages 2-74 to 2-83: Table 2-11 :
  - a. Comments regarding the Applicant-Proposed Measures (APMs) APM Bio-2: Rare Plant Surveys, APM BIO-4: Sensitive Areas Demarcation, APM BIO-5: Vehicle Cleaning Prior to Entering Natural Areas, APM BIO-7 : Salt Marsh Harvest Moust Surveys, APM BIO-7: Worker Environmental Awareness Program (WEAP) Training, and APM BIO-19: Wetland and Aquatic Resources Delineations are detailed in the comments below on Appendix B.
2. Table 2-11 does not include an APM that specifically addresses avoidance of impacts or mitigation of impacts to sensitive natural communities as identified by the California Department of Fish and Wildlife (CDFW). APM BIO-4 states "All sensitive biological areas .. shall be clearly marked prior to construction commencement to restrict construction activities and equipment from entering these areas, except as necessary for construction activities." This APM does not discuss restoration of these areas following construction activities. It also does not discuss the impact to these sensitive areas and sensitive natural communities when these areas cannot be avoided. APM BIO-4 needs to be revised to address this.
3. Page 3.4-2, Vegetation Communities section: The DEIR does not describe field methods or dates that vegetation communities were field-verified. A desk audit process of vegetation mapping is rarely accurate and should always be field-verified. There are also more current and detailed mapping efforts that would provide more accurate mapping data for the Project area (such as the Santa Cruz Mountains Stewardship Network's Countywide Fine Scale Vegetation Map; see <https://www.scmns.net/news/ierlc4q5poow5qwg11u32j58kb1ihe>).
4. Page 3.4-6: Figure 3.4-1D shows Poles NN-5, NN-6, and NN-7 and the associated overhead transmission lines intersecting Valley Water's Salt marsh harvest mouse (SMHM) mitigation site, Lower Coyote Reach 1A. In Figure 3.4-1D, the pond and associated march, which are immediately west of the proposed alignment, are mapped as "Wetland (Potential Wetland/Floodplain)." This wetland community is not described in the DEIR so it is difficult to evaluate if that designation is appropriate. Valley Water recommends these areas be classified as "Wetland (Salt-brackish Tidal Marsh)." The vegetation community within these areas is salt marsh.

5. Page 3.4-11: The discussion on Wetland Communities omits the “Wetland (Potential Wetland/Floodplain)” community, which is mapped and depicted in Figure 3.4-1. Please update the text to include discussion on all communities depicted in Figure 3.4-1.
6. Page 3.4-12: Section 3.4.2.1 only discusses special-status plant species with a moderate potential to occur. Please specify if there are any plants that have a high potential to occur.
7. Page 3.4-18 and Page 3.4-21 and Table 3.4-3: Special Status Fish and Wildlife:
  - a. Western bumble bee: The DEIR concludes this species has a moderate potential to occur. The project area is within this species’ historic range, but as noted in the DEIR, it is outside of this species’ current range. As part of the California Bumble Bee Atlas, extensive survey efforts for bumble bees have been occurring statewide for the past few years and no detections of this species have occurred outside of its current range. This is further evidence that its current range, as shown in the California Department of Fish and Wildlife’s *Survey Considerations for California Endangered Species Act (CESA) Candidate Bumble Bee Species document*, is accurate. Therefore, Valley Water suggests this species’ potential to occur is changed to absent.
  - b. Salt marsh harvest mouse: The DEIR concludes that this species has a moderate potential to occur. To inform our management of our salt marsh harvest mouse mitigation site, Lower Coyote Reach 1A, Valley Water routinely traps and releases this species on our mitigation site. Our trapping results, the most recent of which are from 2020 and 2023, have shown that the highest densities of this species on our mitigation site are in the salt marsh along the pond. This pond is immediately adjacent to the proposed alignment and its work areas. Given this species has been regularly trapped within 75 feet of the project area, and the project area itself provides upland foraging and flood refugia habitat, Valley Water disagrees that their potential to occur is moderate. The species is present, and Valley Water suggests its potential to occur finding be changed to present. Valley Water acknowledges that the DEIR does not utilize “present” as a potential to occur finding but disagrees with that approach. If a species is known to be present, it should not be categorized as having a moderate or high potential for occurrence. At a minimum, Valley Water suggests the potential to occur finding be changed to “high.”
8. Pages 3.4-43 to 3.4-47: Comments regarding the APMs related to biological resources are described in the comments below on Appendix B.
9. Page 3.4-51: The vegetation communities listed in Table 3.4-4 are too vague and non-specific to identify impacts. Please revise the table to be more specific including information on vegetation community type ( i.e. “riparian” and “wetland” are non-specific types and highly simplistic, which does not allow adequate assessment of impacts) and specifically identify which vegetation communities are sensitive natural communities per CDFW.
10. Page 3.4-51: The discussion on Effects on Special-Status Plants mentions that there are 12 plant species with moderate to high potential to occur. However, Table 3.4-2 only lists plant species with a moderate potential to occur. The discrepancy between the table and the text needs to be addressed.
11. Pages 3.4-52 and 3.4-53: Mitigation Measure 3.4-1a: Avoid Impacts to Rare Plants
  - a. Please explain why surveys are proposed to be conducted between April and July; however, protocol-level surveys floristic in nature capture multiple survey periods in a given calendar year and the range is typically February to August.
  - b. This mitigation measure states that the surveys will be conducted in conjunction with the blooming seasons of rare plants with moderate potential to occur. The surveys should also be conducted in conjunction with special-status plants with other potentials to occur. If no protocol-level special status plant surveys have been conducted, then those plant species cannot be ruled out as absent in the project areas.
  - c. CDGW and USFWS do not typically issue Incidental Take Permits (ITP) for plant species. Please revise the text accordingly.
  - d. Item 5 regarding relocation is not an appropriate mitigation measure. Per the California Native Plant Society policy on plant relocation, plant relocation is strongly discouraged due to lack of successes as well as plant pathogen concerns.

12. Pages 3.4-54 and 3.4-55: Mitigation Measure 3.4-1b: Habitat Restoration and Monitoring
  - a. The mitigation measure, as described, seems to only apply to wetland and riparian habitat. It should be renamed to reflect this.
  - b. If mitigation measure 3.4-1b only applies to wetland and riparian vegetation communities, please confirm that no upland vegetation sensitive vegetation communities will be impacted by the proposed project.
13. Page 3.4-68: the **Mitigation** and **Significance after Mitigation** conclusion sections for salt marsh harvest mouse appear to be for nesting birds and bat in error. Valley Water recommends this error be corrected.
14. Throughout the draft EIR, Valley Water's salt marsh harvest mouse mitigation site, Lower Coyote Reach 1A, is not explicitly identified or described. Valley Water suggests this location is identified and described in the Final EIR to recognize the importance and sensitivity of this site.
15. APM BIO-7 states that surveys for and avoidance of salt marsh harvest mouse will occur in all suitable habitats; however, it concludes that this APM would be applied along the transmission line west of the proposed alignment in the vicinity of Coyote Creek Lagoon. This latter statement is vague and open for interpretation. Valley Water requests that in the Final EIR it is explicitly stated that this APM would be applied at Valley Water's salt marsh harvest mouse mitigation site, Lower Coyote Reach 1A
16. During the project's design phase, Valley Water expressed concerns to LS Power about the proposed installation of an overhead transmission line within Valley Water's salt marsh harvest mouse mitigation site, Lower Coyote Reach 1A. The proposed alignment of the overhead line would create raptor perches within 75 feet of the salt marsh along the pond that, per Valley Water's trapping data, has the highest density of salt marsh harvest mice throughout the entire mitigation site. These raptor perches would increase predation pressures on the salt marsh harvest mice onsite in perpetuity. Valley Water considers this potential impact significant, and the DEIR does not evaluate this potential impact on salt marsh harvest mouse. Valley Water reviewed the proposed Applicant Proposed Measures and Mitigation Measures for salt marsh harvest mouse, and none of these measures address this potential impact. Valley Water recommends that this potential in-perpetuity impact is acknowledged and evaluated in the Final EIR. Unless the proposed alignment of the transmission line can be modified in a way to remove the creation of raptor perches immediately adjacent to the known population of salt marsh harvest mice, Valley Water recommends that appropriate mitigation measure(s) are incorporated into the Final EIR. For example, sufficient funding to offset this potential in-perpetuity impact could be contributed to the ongoing predator management activities in the Don Edwards San Francisco Bay National Wildlife Refuge (Refuge), or other appropriate locations. This could be accomplished by developing and implementing an agreement with the U.S. Department of Agriculture Animal and Plant Health Inspection Service, which performs predator management in coordination with the Refuge.
17. Page 3.5-24: There is a disjuncture between the 50-foot stop-work buffer described in Mitigation Measure 3.5-1 and the 100-foot stop-work buffers described in APM-Cul-3 and PG&E BMP CULT-2. Mitigation Measure 3.5-1 should be updated for consistency.
18. Throughout the DEIR, it refers to potentially obtaining take coverage for Western burrowing owl and tricolored blackbird through the Santa Clara Valley Habitat Plan (VHP) if direct impacts to these species could not be avoided. Although these species are covered species under the VHP, the VHP does not provide take coverage for direct impacts to these species unlike other covered species such as California red-legged frog. Furthermore, the VHP prohibits the relocation of owls and the removal of vegetation that has been used for nesting by tricolored blackbirds in the past three years.
19. The DEIR only evaluates special-status species with a moderate or high potential to occur in the project area. However, in the PEA Appendix 5.4-A, additional special-status species with a low potential to occur were included. Although these species were determined to have a low potential to occur, if present, the project could still result in significant impacts to these species; therefore, these species should be evaluated in the Final EIR.
20. Page 3.10-16: The discussion on Valley Water's Water Resources Protection Manual should be updated to read: "The Water Resources Protection Manual was adopted by Valley Water in 2006.

This manual provides a framework for evaluating permit applications and setting permit conditions under the Water Resources Protection Ordinance. Additionally, the manual contains requirements, recommendations, and design standards related to the protection of riparian vegetation, stream bank protection, erosion control, levee and pipeline protection, utility crossings under creeks, among other topics.”

21. Page 3.10-17: There is a typo in the acronym for the Santa Clara Valley Urban Runoff Pollution Prevention Program.

## **Appendix B – Proponent’s Environmental Assessment Appendix 5.4-A Biological Resources Technical Report**

22. Page 28 : It should be noted that the Santa Clara Valley Habitat Conservation Plan (HCP) is also a Natural Community Conservation Plan and not just a Habitat Conservation Plan.
23. Page 30 : Coverage of the subject project under the Santa Clara Valley HCP needs to be determined as it will affect impact analysis and mitigation measures proposed in the DEIR.
24. Figure 7, Page 5 of 11: The proposed Staging Area 4 and Area 5 are located very close to Valley Water’s Coyote 1A SMHM preserve and these areas serve as upland foraging habitat as well as high-tide refugia habitat. Staging areas should be relocated or downsized to prevent impacts to the SMHM.
25. Section 4.3 – Vegetation Communities and Land Cover Types:
- a. Page 33: The Vegetation Community categories listed in Table 1 are broad and overly generic and should be broken down to more specific vegetation communities.
  - b. Pages 33-36: Sensitive natural communities should be clearly separated out for discussion and impact evaluation.
  - c. Page 33: More detailed vegetation mapping sources are available such as the Santa Cruz Mountains Stewardship Network’s County-wide fine scale vegetation mapping.
  - d. Page 34: The discussion on the Wetland habitat notes that the “wetland habitat type contains some areas that could include salt marsh habitats, but these areas could not be surveyed in detail to confirm this.” This is an insufficient level of detail to conduct an impact analysis. The SMHM is documented to occur within the survey area. A survey of the areas needs to be conducted to survey salt marsh areas.
26. Section 4.4 – Special-Status Plants
- a. Table 2: Table 2 is titled “CNPS Plant Species” but also includes a listing for the Northern coastal salt marsh as a sensitive vegetative community. The Table should be re-named or a separate table showing sensitive natural communities for the project site should be created. Due to the size of the project, it is likely that there is more than just one sensitive natural community. If a separate table for sensitive natural communities is created, it should include the global and state ranking for sensitive natural communities.
  - b. Page 42: It is noted that special-status plant species have the potential to occur in the Survey Area. If these special-status plant species have the potential to occur, protocol-level presence/absence surveys should have been conducted. Without these surveys, rigorous impact analysis of potential impacts, avoidance measures, or appropriate mitigation measures cannot be prepared. These surveys need to be conducted and an impact analysis based on those surveys need to be prepared.
  - c. Figure 11a shows overlaps of CNDDDB species and planned project features and/or impact areas. However, there is no analysis of potential impacts and avoidance or mitigation.
27. Section 5.3 – Recommended Applicant-Proposed Measures
- a. Page 114-122: The applicant-proposed measures seem to combine best management practices (BMPs) and mitigation measures. BMPs and mitigation measures should be described separately.
  - b. Page 115, APM BIO-2:
    - i. references “standard guidelines” for protocol surveys but does not identify the source of the standard guidelines. Information on the “standard guidelines” being referenced needs to be provided.

- ii. states that if a rare plant is discovered, areas shall be marked as a sensitive area and shall be avoided to the extent practicable. The measure needs to include an appropriate buffer around the plant or population.
    - iii. states that if avoidance is not possible, LS Power will consult with USFWS for individual take permits. USFWS typically does not issue take permits for listed plant species.
    - iv. Plant species with a California Rare Plant Rank (RPR) or list status are required to be evaluated under CEQA. APM BIO-2 and the DEIR do not address this. It only states that CNPS species would require surveys and potential mitigation if they cannot be avoided. The lack of data provided in this measure and the DEIR is a deferral of mitigation. Please address this.
  - c. Page 116: APM BIO-5 should include adequate decontamination measures to prevent introduction and spread of plant pathogens such as *Phytophthora* into sensitive habitats
  - d. Page 117: APM BIO-7
    - i. APM BIO-7 references “standard guidelines” for protocol surveys and suitable buffers but does not identify the source of the standard guidelines. Information on the “standard guidelines” being referenced needs to be provided.
    - ii. Coyote Creek Lagoon is not shown on any maps included in the DEIR. SMHM habitats also include Valley Water’s Low Coyote Creek Reach 1A SMHM mitigation site, Waterbird Pond, and additional SMHM habitat adjacent to Coyote Creek in Milpitas, CA.
    - iii. SMHM is a fully-protected species and no take is allowed. The language in in APM BIO-7 “If avoidance is not possible” needs to be revised as avoidance is required.
  - e. Page 117: APM BIO-9
    - i. APM BIO-9 should include worker environmental awareness training of all sensitive resources, including but not limited to, wildlife, plants, sensitive habitats, etc. and not just wildlife. Please revise this language
  - f. Page 121-122: APM BIO-19 only calls for wetland and aquatic resources delineation within the Caltrans right-of-way. Other federal and state waters delineation areas need to be included or details on why they are excluded need to be included.
27. Section 5.4.1.1 – Special-Status Plant Species and Sensitive Vegetation Communities
- a. Table 6 lacks appropriate level of detail on the vegetation community types. The included community types are non-specific and do not allow adequate assessment of impacts. Please revise the table with more detailed vegetation community types and identify which vegetation communities are sensitive natural communities per the California Department of Fish and Wildlife.
  - b. Page 127: The discussion on restoration of disturbed areas states “Work areas would be recompacted, and salvaged topsoil materials would be respread...” This sentence should read, “Work areas would be decompacted...” not recompacted.
  - c. Page 127: The discussion on special-status plant species states “... San Joaquin spearscale, Contra Costa goldfields, and saline clover can occur in grassland habitats, which are not considered sensitive.” however, the San Joaquin spearscale and saline clover occur in alkaline grassland habitats which are considered sensitive. Please revise this.
  - d. Page 128: The discussion on focused surveys for rare plants lists a time window of February 1 through June 15. Protocol-level surveys typically cover at least three rounds of surveys from early spring through late summer. An end date of June 15 would not cover late-blooming species. This time window needs to be revised. Survey dates should be adjusted to capture phenology of all potentially-occurring species in a given year and reference sites should be visited in order to schedule appropriate timing of surveys to ensure adequate detection.
  - e. Annual grassland is not described or mapped in sufficient detail to determine vegetation community type and thus cannot be verified that this area is comprised of non-sensitive

vegetation communities and that the impact is less than significant. Additional detail on this vegetation community type as well as other vegetation community types listed in the Biological Resources Technical Report need to be provided.

- f. The lack of presence/absence survey data on special-status plant species within and adjacent to the proposed project areas and lack of a detailed mitigation measure(s) outlining how impacts would be reduced to a less than significant level do not allow for a rigorous impact analysis. Additional survey data and mitigation measure(s) are needed.

28. Figure 15, Page 5 of 11: The SMHM habitat area is underrepresented in the figure. The areas immediately to the west and south of the habitat area depicted also serve as SMHM habitat and this species has been previously trapped in these areas. Furthermore, all habitats immediately surrounding these areas provide upland foraging and flood refugia habitat for this species. Valley Water recommends this be corrected.

Thank you for the opportunity to review and provide comments on this DEIR. This project has been assigned to Valley Water File 34728. Please reference this number on future correspondence regarding this project. We look forward to reviewing the FEIR and response to comments when they are available.

Thank you,

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Pronouns: he/him

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Santa Clara Valley Water District is now known as:



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