

California Native Plant Society

6/27/07

Darryl Boyd
Department of Planning, Building and Code Enforcement
City of San Jose
200 E. Santa Clara St.
San Jose CA 95113

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DEVELOPMENT

Dear Mr. Boyd,

I am writing to express concerns that the California Native Plant Society has regarding the DEIR for the Coyote Valley Specific Plan. We have reservations regarding the accuracy of surveys conducted for special status plant species, the expected impacts to these species and sensitive biological communities, and the proposed mitigations for impacts to the special status species and sensitive biological communities. Additionally, we would like to express our desire for a closer integration between CVSP and the pending Santa Clara Valley HCP/NCCP.

Special Status Plant Species in Plan Area

The CVSP DEIR Biological Resources Technical Report, Appendix G, Sec. 3.2, describes special status species field investigations, and notes that rare plant surveys were conducted in June 2003, and March, April, and June of 2004. Surveys done at these times would easily miss at least two special status plants: smooth lessingia (*Lessingia micradenia* var. *glabra*), a very slender annual species that is difficult to see until it blooms in late summer; and fragrant fritillary (*Fritillaria liliacea*), an herbaceous perennial that may have bloomed and completely disappeared by the survey time in March 2004. We would expect additional surveys to occur at appropriate times for these species, and would focus on the western edge of the Plan Area, especially where serpentine soils exist in or are adjacent to the Plan Area.

Appendix G, Sec. 4.3.1 states that several known serpentine indicator species are "unlikely to occur in the Plan Area". Species such as most-beautiful jewelflower (*Streptanthus albidus* ssp. *peramoenus*), Loma Prieta hoita (*Hoita strobilina*), and Santa Clara Valley dudleya (*Dudleya setchellii*) are likely to occur in the Plan Area, as the area contains some serpentine bedrock, serpentine grassland, and serpentine alluvium. These plants are reported to occur immediately adjacent to the Plan Area (see Figure Bio-3), and while suitable habitat in the Plan Area may not currently be occupied by mature and reproducing plants, it is quite likely that a seed bank exists, or that these areas would be colonized by serpentine plants if non-native vegetation were removed. These three species should be included with big-scale balsamroot (*Balsamorhiza macrolepis*) and bent-flowered fiddleneck (*Amsinckia lunaris*) as species with a moderate potential for occurrence in the Plan Area. The western hillside areas of the Plan Area also support suitable habitat for Hall's bush-mallow (*Malacothamnus hallii*), which occurs very close to the Plan Area, and we feel this species, known to have a long-lived seed bank that



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requires fire or mechanical scarification to germinate, should be considered as having a moderate potential for occurrence in the Plan Area.

The plant list provided in Appendix C-1 of the Biological Resources Technical Report contains some possible errors and/or omissions that could lead to severe impacts on listed species. There is a listing labeled *Trifolium sp.*, meaning that this specimen of clover was not able to be keyed to species. There are two *Trifolium* species listed in Appendix A of the BRTR that are special status (*Trifolium amoenum* and *Trifolium buckwestiorum*), and a third extremely rare federally endangered species known to occur near the area, *Trifolium depauperatum var. hydrophilum*. The same situation is true of the listing for *Potamogeton sp.*; a rare pondweed occurs in areas adjacent to the Plan Area, *Potamogeton filiformis*. We feel very strongly that all taxonomic uncertainties should be clarified before this plan moves forward.

There are also some plants that are identified in Appendix C that are CNPS List 4, or are unknown in our area and would represent a significant range extension for the species. *Calandrinia breweri* is an uncommon fire and disturbance follower, and is CNPS List 4 (plants of limited distribution, a watch list for those that may become rare). *Camissonia campestris* is a fairly widespread plant in southern California, but it has no occurrence records in Santa Clara County, and if the identification is correct, finding it in the Plan Area would qualify as a significant local occurrence. If these species do occur in the Plan Area, impacts on their continued existence need to be considered.

Finally, one species listed stands out as an indicator of vernal pools, and this extremely sensitive biological community has not been adequately addressed in the BRTR. This species, flat-faced downingia (*Downingia pulchella*), was thought to be extirpated from Santa Clara County. Vernal pools are extremely rare in Santa Clara County, as they historically occurred in habitats that are long lost in the heavily developed portions of the Santa Clara Valley. If vernal pools do occur in the Plan Area, it is imperative that they be protected and enhanced, as this is the rarest plant community in Santa Clara County, and becoming very rare throughout the State of California.

Impacts to Special Status Plants and Sensitive Plant Communities

The BRTR lists seven impacts that will affect the flora of the region surrounding Coyote Valley. We feel that the impacts that are listed are underestimated, and there are several impacts that were not considered, or if considered, were ignored.

In Sec. 5.2.2, Impact 2 addresses the potential introduction of non-native invasive species to avoided wetlands, streams, or ponds within and adjacent to the Plan Area. We certainly agree that this will be a significant impact, and feel strongly that significant impact of this type will occur throughout the entire Plan Area, and areas adjacent to the Plan Area, and won't be restricted to wetlands. We know invasive plants are currently in the Plan Area, and expect they



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will remain and expand their destruction of our native ecosystems on the heels of the disturbance that construction and human activity cause.

This leads to a direct impact that is not addressed at all in the context of special status plants and sensitive plant communities, and that impact is the pressure of human population. The notion of 60,000 to 80,000 humans living adjacent to sensitive habitats without significant impacts on special status species (and some outstanding native plant habitat, as exists near Bailey Over-The-Hill alignment) is naïve at best. It has happened historically, and there is nothing in this plan to prevent a re-occurrence in the area surrounding Coyote Valley: humans bring exotic plants, some of which will escape into the wild, displace native plants, and decrease species diversity; humans bring disturbance (during construction, and then by driving off-highway vehicles and bicycles, and by creating hiking trails, etc.), which allows existing invasive plants to occupy new habitats and further degrade ecosystems; and people do remove plants from the ground to display in their homes, and this can be quite alarming for charismatic little plants like Santa Clara Valley dudleya or most-beautiful jewelflower. The impact of the close proximity of such a dense human population is itself a significant impact that must be addressed by this EIR.

Another impact brought by the build-out population of CVSP, that of nitrogen deposition, is at least addressed in the DEIR, though CNPS believes the calculated impact of 149 acres is wholly inadequate. There are approximately 7,000 acres of serpentine on Coyote Ridge, with less than 1,500 acres preserved. The entire ridge is very likely to be subject to increased nitrogen deposition as a result of the build-out population of CVSP, and areas in close proximity of this diffuse source will receive a constant bathing in nitrogenous emissions for the foreseeable future, and will increase the likelihood of extirpations (or extinctions in the case of the BCB). If the City of San Jose intends to develop Coyote Valley in this manner, they must in good conscience re-examine the degree of impact on the amazingly diverse and unique area to the east, Coyote Ridge, and on the foothills west of the Plan Area in the Santa Cruz Mountains.

Proposed Mitigations for Impacts to Special Status Plants

Many of the proposed mitigations in the DEIR are standard fare, and will result in more of what we've seen happen in the remainder of the valley, i.e. extirpation of species, conversion of habitat, etc. We are disappointed to see the word "transplant" used at all, in light of previous failures we have experienced with the City of San Jose, as on Communications Hill with *Dudleya setchellii*. We do not support the transplantation or movement of plant populations, as the record for their lack of success is clear, and especially so for serpentine plants. Obviously, we would like to see realistic mitigations proposed for the population pressures as discussed above, including a more thorough examination of the long-term effects of nitrogen deposition. The City of San Jose should contribute a major proportion of the resources required to preserve and manage Coyote Ridge and the foothills of the Santa Cruz Mountains if they wish to create urbanization in this region.

CVSP and the Santa Clara Valley Habitat Conservation Plan/Natural Communities Conservation Plan



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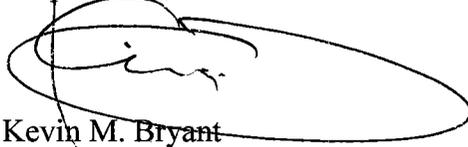
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As a member organization on the stakeholder group for the Santa Clara Valley HCP/NCCP, we have attempted to track the status of CVSP in relation to the HCP, and the status still seems a bit unclear. The development of Coyote Valley should fit seamlessly into the HCP/NCCP, and at this point, we feel that is not the case. The development is located right in the middle of the HCP study area, and if this keystone area does not contribute to the HCP/NCCP and play by its rules, the HCP/NCCP has little chance of meaningful success. Connectivity of habitats is vital for plant species as well as animal, for all the same reasons, even if the mode of transportation may be different. The region-wide HCP/NCCP does seem to be the best vehicle for addressing these issues, and the many complexities of interactions that Coyote Valley will have with the surrounding areas. We encourage the City of San Jose to bring CVSP into the HCP/NCCP as a covered activity.

Comments in Closing

The City of San Jose wishes to bring 60,000 plus humans and their equipment into an area surrounded on three sides by sensitive plant communities (Santa Cruz Mountains foothills, Tulare Hill/Coyote Creek, and Coyote Ridge). This DEIR follows the same formula that has facilitated habitat destruction and type conversion in the past. Extraordinary measures to preserve the rare plants and plant communities of the area are not taken. It is possible that the citizens of San Jose do not care about this type of environmental damage, but it seems contrary to the City's green and clean reputation. We at the California Native Plant Society would like to see the City of San Jose continue to encourage in-fill, and to drastically reduce the scale of development within what is the City's biologically-defined greenbelt, Coyote Valley and its surroundings. Several of the natural resources very near the Plan Area are unique to our region, and occur nowhere else in the world. Without adequate (and in fact legally required) protections, these resources are at risk of becoming yet more threads of the biotic web lost to sprawl and inadequate development planning, leaving us all poorer for the destruction of the beauty, diversity, and natural heritage handed down by past generations into our care and keeping. We feel it is not just San Jose's duty but also in it's interests, and in the desires of it's citizens, to do more and better to protect these resources.

Respectfully,



Kevin M. Bryant
President, California Native Plant Society
Santa Clara Valley Chapter



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