



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION IX
75 Hawthorne Street
San Francisco, CA 94105

August 5, 2010

Ms. Sheila Larsen
Senior Staff Biologist
U.S. Fish and Wildlife Service
2800 Cottage Way, Room W-2605
Sacramento, CA 95825

Subject: Draft Environmental Impact Statement for Authorization for Incidental Take and Implementation of the Stanford University Habitat Conservation Plan, San Mateo and Santa Clara Counties, California (CEQ# 20100121)

Dear Ms. Larsen:

The U.S. Environmental Protection Agency (EPA) has reviewed the Draft Environmental Impact Statement (DEIS) for the Stanford University (Stanford) Habitat Conservation Plan pursuant to the National Environmental Policy Act (NEPA), Council on Environmental Quality (CEQ) regulations (40 CFR Parts 1500-1508), and Section 309 of the Clean Air Act.

The EPA appreciates the efforts of Stanford to develop a Habitat Conservation Plan (HCP) to avoid, minimize, and mitigate take of five species (Covered Species) and their habitats within more than 8,000 acres of San Mateo and Santa Clara Counties, California (Covered Area). We recognize the importance of a coordinated approach to protecting and preserving the Covered Species and their habitats from Stanford activities (Covered Activities) over the 50-year permit term.

Based on our review of the DEIS, we have rated the proposed project and the document LO-1, Lack of Objections – Adequate (see enclosed EPA Rating Definitions). EPA commends the U.S. Fish and Wildlife Service (FWS) and National Marine Fisheries Service (NMFS) on the quality of the environmental impact statement. The DEIS is comprehensive, well organized, and includes excellent tables and maps. We are pleased that the document includes a section on how climate change may affect the proposed action and Covered Species, and that the HCP will be adapted, as needed, to respond to such effects.

We recommend that the Final Environmental Impact Statement (FEIS) provide additional information on the potential interface between the HCP and Section 404 of the Clean Water Act (CWA). The DEIS states that Stanford lands “contain seasonal and perennial wetlands,” but that because the “exact location of future development is still

unknown, Stanford does not know if its future development might result in fill of wetlands or other aquatic resources regulated under the CWA.” The FEIS should describe how jurisdictional wetlands will be identified over the permit term, and how FWS, NMFS, and Stanford will coordinate with the U.S. Army Corps of Engineers to ensure that any development covered by the HCP complies with the permit requirements of Section 404 of the CWA.

We appreciate the opportunity to review this DEIS, and are available to discuss our comments. When the FEIS is released for public review, please send one hard copy and one CD-ROM to the address above (Mail Code: CED-2). If you have any questions, please contact me at 415-972-3521, or contact Jason Gerdes, the lead reviewer for this project. Jason can be reached at 415-947-4221 or gerdes.jason@epa.gov.

Sincerely,

/s/

Kathleen M. Goforth, Manager
Environmental Review Office

Enclosure: Summary of EPA Rating System

cc: John Robles, Fish and Wildlife Biologist, U.S. Fish & Wildlife Service
Gary Stern, Fisheries Biologist, National Marine Fisheries Service