

INFORMATION HANDOUT

For Contract No. 04-1G8504

At 04-SM,Sol-92/780-varies

Identified by

Project ID 0400020617

PERMITS

U.S. Fish and Wildlife Service, Letter Dated December 10, 2013



United States Department of the Interior

FISH AND WILDLIFE SERVICE
Sacramento Fish and Wildlife Office
2800 Cottage Way, Room W-2605
Sacramento, California 95825-1846



In Reply Refer To:
08ESMF00-2013-I-0622-1

DEC 10 2013

Ms. Melanie Brent, Office Chief
Caltrans District 4 Environmental Analysis
California Department of Transportation
P.O. Box 23660
Oakland, California 94623-0660

Subject: Informal Consultation on the Proposed Interstate 780/State Route 92 Metal Beam Guard Rail Installation and Improvement Project, Solano and San Mateo Counties, California (Caltrans EA 04-1G850)

Dear Ms. Brent:

This letter responds to your letter dated June 18, 2013, requesting informal consultation and written concurrence for the proposed Interstate 780 (I-780)/State Route 92 (SR-92) Metal Beam Guard Rail Installation and Improvement Project in Solano and San Mateo counties, California. The U.S. Fish and Wildlife Service (Service) received your letter on June 20, 2013. The proposed action involves the installation and improvement of existing metal beam guard rails (MBGR), reconstruction of an existing asphalt concrete (AC) dike and the relocation of two Metropolitan Transportation Commission (MTC) emergency call boxes on I-780 in Solano County between post mile (PM) 1.45 and PM 2.34. The SR-92 site will involve the installation of a new MBGR mounted into cast-in-drilled-hole (CIDH) piles, reconstruction of existing AC dike and rerouting of an existing Caltrans electrical conduit between PM 5.4 and PM 6.27. This consultation concerns the effects of the proposed action on the endangered San Francisco garter snake (*Thamnophis sirtalis tetrataenia*), threatened California red-legged frog (*Rana draytonii*), and endangered white-rayed pentachaeta (*Pentachaeta bellidiflora*). This letter is issued under the authority of the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 et seq.) (Act).

The Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU) legislation (23 U.S.C. 327) allows the Secretary of the U.S. Department of Transportation acting through the Federal Highway Administration (FHWA) to establish a Surface Transportation Project Delivery Pilot Program, whereby a State may assume the FHWA responsibilities under the National Environmental Policy Act (NEPA) for environmental review, agency consultation and other action pertaining to the review or approval of a specific project. Caltrans assumed these responsibilities for the FHWA on July 1, 2007 through a Memorandum of Understanding (MOU) within the State of California (http://www.dot.ca.gov/ser/downloads/MOUs/nepa_delegation/sec6005mou.pdf).

The Service attended a site visit with Caltrans on July 30, 2013, to review components of the project that could result in take of listed species or adversely affect designated critical habitat. The action area is defined in 50 CFR §402.02, as "all areas to be affected directly or indirectly by the Federal action and not merely the immediate area involved in the action." For the purposes

of the proposed action the Service considers the action area to comprise all areas encompassing the project footprint, including all access, staging areas, vehicle parking, and construction work zones as specified by Caltrans and submitted to the Service in the June 20, 2013, informal consultation request letter, the July 30, 2013, site visit, and associated supporting documentation, email and phone correspondence. The action area comprises paved, gravel, ruderal roadside vegetation and highway verge landscaped vegetation communities.

The proposed action area along SR-92 will occur adjacent to California red-legged frog and San Francisco garter snake habitat within the western reach of Adobe Gulch, a perennial stream that drains into sloughs adjacent to the Upper Crystal Springs Reservoir. No suitable habitat is present within the action area for the white-rayed pentachaeta, which requires serpentine soils not present within the action area. Construction activities will be confined to paved roadways and gravel shoulders and will avoid vegetated areas. The I-780 location is set within an urban landscape with landscaped vegetated shoulders. Seasonal work windows, from April 15 to October 15, have been incorporated into the project design to limit work within the rainy season for the SR-92 action area adjacent to California red-legged frog habitat. Caltrans has designed project elements within sensitive habitat areas to avoid take of listed species including the avoidance of vegetation removal. Caltrans will implement conservation measures as an additional precaution to avoid take of listed species.

The Service has reviewed the project as described in the June 18, 2013, letter to the Service, supporting documentation, Caltrans' evaluation of project effects, and concurs with the determination that the project as described is not likely to adversely affect the California red-legged frog, San Francisco garter snake or white-rayed pentachaeta as the effects will be discountable. The Service concurs that the proposed action is not likely to adversely affect these species based on the following: (1) no work will occur within designated critical habitat, or suitable breeding, non-breeding aquatic, upland or dispersal habitat for the California red-legged frog or San Francisco garter snake; (2) seasonal work windows will restrict work to the dry season from April 15 through October 15; (3) nighttime work will be minimized to the extent practicable, or if night work occurs, lights will be directed away from adjacent vegetated upland habitat; (4) work activities will occur within paved roadways and gravel/dirt shoulders; (5) preconstruction and daily work surveys will be conducted to ensure no listed species are present within the work areas; (6) environmentally sensitive area fencing will be installed in areas adjacent to California red-legged frog or San Francisco garter snake habitat to prevent workers from causing harm to these species; (7) construction activities, including staging, laydown and vehicle parking will be limited to paved roadways and unvegetated areas; (8) Caltrans will implement construction and erosion control Best Management Practices and avoid using erosion control materials that use plastic or synthetic mono-filament netting; (9) all on-site personnel will attend environmental awareness training prior to beginning project activities; and (10) Service-approved biological monitors will be onsite to ensure all proposed conservation measures are fully implemented and take of listed species is avoided.

This concludes informal consultation on the proposed I-780/State Route 92 (SR-92) Metal Beam Guard Rail Installation and Improvement Project, Solano and San Mateo counties, California. Therefore, unless new information reveals effects of the proposed action that may affect listed species or designated critical habitat in a manner or to an extent not considered, or a new species is listed, no further action pursuant to the Act is necessary. If you have questions please contact Jerry Roe, Endangered Species Biologist or Ryan Olah Coast Bay/Forest Foothills

Ms. Melanie Brent

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Division Chief, at the letterhead address (916) 414-6600, or via email at Jerry_Roe@fws.gov or Ryan_Olah@fws.gov.

Sincerely,



Eric Eric Tattersall
Deputy Assistant Field Supervisor

cc:
Melissa Escaron, California Department of Fish and Wildlife, Yountville, California

