

INFORMATION HANDOUT

**For Contract No. 04-2G5224
At 04-Ala-580 and 680-VAR**

**Identified by
Project ID 0414000065**

AGREEMENTS

United States Fish and Wildlife Service (USFWS) Letter of Concurrence (LOC) File #08ESMF00 2014-I 0370-1



United States Department of the Interior



In Reply Refer to:
08ESMF00-2014-I-
0370-1

FISH AND WILDLIFE SERVICE
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Ms. Melanie Brent, Deputy District Director
Caltrans District 4 Environmental Analysis
California Department of Transportation
P.O. Box 23660
Oakland, California 94623-0660

MAR 12 2015

Subject: Informal Consultation on the Proposed Interstate 580/Interstate 680 Metal Beam Guardrail End Treatment Project, Alameda County, California (Caltrans EA 04-2G522)

Dear Ms. Brent:

This letter responds to your February 20, 2014, letter requesting informal consultation and written concurrence for the proposed Interstate 580/Interstate 680 (I-580/I-680) Metal Beam Guardrail (MBGR) End Treatment Project, Alameda County, California. Your letter was received by the U.S. Fish and Wildlife Service (Service) on March 5, 2014 (Caltrans EA 04-2G522). This consultation concerns the effects of the proposed action on the endangered threatened Alameda whipsnake (*Masticophis lateralis euryxanthus*), threatened California red-legged frog (*Rana draytonii*), threatened California tiger salamander (*Ambystoma californiense*) Central Valley Distinct Population Segment (Central California tiger salamander), endangered California clapper rail (*Rallus longirostris obsoletus*), endangered San Joaquin kit fox (*Vulpes macrotis mutica*), and threatened valley elderberry longhorn beetle (*Desmocerus californicus dimorphus*). 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/MOU's/nepa_delegation/sec6005mou.pdf).

The purpose of the proposed action is to improve vehicle and motorist safety by reducing the potential and severity of run-off-the-road type accidents by upgrading existing nonstandard MBGR end treatments and concrete work to improve structural sufficiency of structures (e.g., bridge rail, concrete barriers, sound walls, retaining walls, or bridge abutments) to which the MBGR is attached. The project comprises 40 locations in Alameda County, including 28 locations on I-580 and 12

locations on I-680. Each upgraded MBGR will range from 39 to 89 feet in length and the vegetation control pavement placed under each MBGR will cover an area ranging from six to 57 square yards. The project will not result in new permanent structures or require additional right-of-way. No excess soil material will be generated and work may require lane closures and night work.

The Service attended a site visit with Caltrans on January 7, 2015, to review the project and discuss components of the project that could result in take of listed species or affect critical habitat. Four locations occur with designated critical habitat for the California red-legged frog, i.e. CCS-2B and ALA-2. None of the four locations contains the Primary Constituent Elements for the California red-legged frog as they occur along the road shoulder, are devoid of vegetation, or contain ruderal vegetation immediately adjacent to the edge of roadway. 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 40 locations totaling 0.24-acre extending; 28 locations along I-580 and 12 locations along I-680. The action area includes all construction access, staging areas, vehicle parking, and construction work zones as specified by Caltrans and submitted to the Service in the February 20, 2014, January 7, 2015, site visit and the letter requesting informal consultation and email correspondence dated December 11, 2014, responding to questions posed by the Service. Habitat within the action area comprises bare ground, ruderal, landscaped lands, disturbed herbaceous vegetation, paved and unimproved shoulders, coast live oak woodland, and annual grassland.

The Service has reviewed the submitted project as described in the February 20, 2014, letter to the Service, January 7, 2015, site visit, supporting documentation submitted to the Service via email correspondence, evaluation of project effects, and concurs with the determination that the project as described is not likely to adversely affect the Alameda whipsnake, California red-legged frog, Central California tiger salamander, California clapper rail, San Joaquin kit fox, and valley elderberry longhorn beetle as the effects will be discountable. The Service concurs with this determination based on the following: (1) construction activities will not require staging and will be limited to a small footprint at each site utilizing existing paved and unpaved non-native vegetated road shoulders less than 89 linear feet; (2) work will be scheduled to occur outside the California clapper rail breeding season; (3) construction activities will take 3-5 days to complete at each location; (4) vegetation clearing will be restricted to the area immediately beneath the existing metal beam guardrails and disturbance to all suitable wetland and upland habitat for the California clapper rail will be avoided; (5) wildlife exclusion fencing will be installed during construction activities at locations 1R, 2R, 2L, 7, 8R, 8L, 19, 21, 87, 27R, 25, 24, 20, 18, 11, 10, 6R, 6L, 5, 3 along I-580 and 139, 140, 141, 147, 148, 149, 150, 151, 15 along I-680; (6) Caltrans will implement construction and erosion control Best Management Practices; (7) an environmental education training program will be conducted for all on-site personnel prior to the start of construction; and (8) Service-approved biological monitors will conduct preconstruction surveys prior to ground disturbing activities and on-site monitoring during construction activities at all project locations.

This concludes informal consultation on the proposed I-580/I-680 Metal Beam Guardrail End Treatment Project, Alameda County, California. Therefore, unless new information reveals effects of the agency action that may affect listed species or critical habitat in a manner or to an extent not considered in this informal consultation; the agency action is subsequently modified in a manner that causes an effect to the listed species or critical habitat not considered in this informal consultation; or a new species is listed or critical habitat designated that may be affected by the action, no further action pursuant to the Act is necessary. If you have questions please contact Jerry Roe, Endangered

Ms. Melanie Brent

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Species Biologist, or Ryan Olah Coast Bay Division Chief, at the letterhead address (916) 414-6600, or via email at Jerry_Roe@fws.gov or Ryan_Olah@fws.gov.

Sincerely,



for Eric Tattersall
Deputy Assistant Field Supervisor

cc:

Melissa Escaron, California Department of Fish and Wildlife, Napa, California