



UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL MARINE FISHERIES SERVICE

Southwest Region
501 West Ocean Boulevard, Suite 4200
Long Beach, California 90802- 4213



March 4, 2008

In response refer to:
2008/00908:JMM

James B. Richards
Deputy Director Environmental Planning and Engineering
Office of Natural Sciences and Permits
California Department of Transportation
111 Grand Avenue
Oakland, California 94623-0660

Dear Mr. Richards:

This letter is in regard to the California Department of Transportation's (Caltrans) request for an amendment to NOAA's National Marine Fisheries Service (NMFS) July 21, 2006 Biological Opinion (BO) issued for the Uvas Creek Scour Mitigation Project. Caltrans requested an amendment to the agreement due to changes in project engineering and timing of construction. The project is located at the Uvas Creek Bridge on State Route 152 in Santa Clara County, California.

Caltrans has determined that in order to complete construction of the bridge, and all in-stream activities within the limits of June 15 through October 15, it will be necessary for ground preparation for the placement of new abutments to occur outside of the work window during Caltrans' initial construction period. Ground preparation work includes excavating the upper stream bank, creating concrete forms, and pouring concrete within a limited work area 30 feet from the existing bridge abutments and at a minimum distance of 15 feet from the ordinary high water mark. None of the preparation work will occur within Uvas Creek. In order to complete this work, Caltrans is requesting an extension of one month beyond the October 15 end date to November 15 during their first construction season only, in order to complete the preparation work. During this time, work will be limited to the period of October 15 to November 15, provided there is less than a twenty percent chance of rain.

NMFS has analyzed the impacts of the actions requested by Caltrans and conclude there will be no additional adverse effects to the distinct population segment of South-Central California Coast steelhead (*Oncorhynchus mykiss*), or adverse modifications to their designated critical habitat. Therefore, we are amending the BO to include the additional activities, and are extending the work window from October 15 to November 15 for the first year's work season dependent upon precipitation. All remaining work seasons will retain the June 15 through October 15 timeframe, unless additional extensions are requested and approved by NMFS in writing.



You may refer any questions concerning this letter to Jacqueline Meyer of my Santa Rosa office staff by telephone at (707) 575-6057, or by e-mail at Jacqueline.Pearson-Meyer@noaa.gov.

Sincerely,

A handwritten signature in black ink, appearing to read "Rodney R. McInnis", with a long horizontal flourish extending to the right.

 Rodney R. McInnis
Regional Administrator

cc: Russ Strach, NMFS, Sacramento
Margarit Gabil, Caltrans, Oakland
Dave Johnson, CDFG, Bay Delta
Copy to file: 151422SWR2003SR9014/SR8305