

**FOR CONTRACT NO.: 04-1G5504**

# **INFORMATION HANDOUT**

## **AGREEMENT**

**UNITED STATES FISH AND WILDLIFE SERVICE  
(Letter of Concurrence dated April 12, 2012)**

**ROUTE: 04-CC-4, 80-R15.4/R16.7, 7.3/7.6**



## 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:  
08ESMF00-2012-I-0116

APR 12 2012

Mr. Jim Richards  
Office of Biological Sciences and Permits  
California Department of Transportation  
P.O. Box 23660  
Oakland, California 94623-0660

Subject: Informal Consultation for the Metal Beam Guard Rail Installation and Pavement Resurfacing Project in Contra Costa County, California

Dear Richards:

This is in response to a letter from the California Department of Transportation (Caltrans), dated February 23, 2012, to notify the U.S. Fish and Wildlife Service (Service) of the proposed Metal Beam Guard Rail Installation and Pavement Resurfacing Project in Contra Costa County, California (EA 04-1G550). This letter was received in our office on February 28, 2012, and requested concurrence with the not likely to adversely affect determination for the threatened California red-legged frog (*Rana draytonii*), threatened Central California tiger salamander (*Ambystoma californiense*), and threatened Alameda whipsnake (*Masticophis lateralis euryxanthus*). This letter is issued under the authority of the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 *et seq.*) (Act). Although, critical habitat has been designated for all three species, none exists within the action area.

The Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users 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](http://www.dot.ca.gov/ser/downloads/MOUs/nepa_delegation/sec6005mou.pdf)).

This proposed action includes installation of metal beam guardrail (MBGR) on California Interstate 80 (I-80) westbound at the Appian Avenue on-ramp at postmile (PM) 7.4 in the City of Richmond, Contra Costa County, and on California State Route 4 (SR-4) from PM 15.5 to PM 16.8, between the Port Chicago Highway on-ramp and Willow Pass Road off-ramp, in the City of Concord, Contra Costa County. A damaged dike on the north side of the I-80 on-ramp will be replaced with a type F or C dike and the on-ramp will be resurfaced with open-graded asphalt concrete (OGAC). At the SR-4 site Caltrans will remove and replace existing AC dikes where the MBGR is being installed. At both locations a 3 foot band of asphalt composite will be placed

underneath the MBGR for vegetation control. The two locations are in heavily urbanized settings with high traffic volumes and the purpose of the proposed MBGR installation is to reduce the severity of run-off-road accidents. The resurfacing will improve pavement conditions and thus reduce the number of wet run-off-road accidents. All surface disturbances will be restricted to within 8 feet from the edge of pavement and work will be completed during the dry season between June 15 and October 15.

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 0.84-acre, encompassing both locations including all ground-disturbing construction activities, pavement resurfacing, drainage inlet replacement and adjusting ramp meters as specified by Caltrans and submitted to the Service in the February 2012, biological assessment.

The Service concurs that the proposed action is not likely to adversely affect the California red-legged frog, Central California tiger salamander, and Alameda whipsnake based on the following: (1) construction activities within or adjacent to identified California red-legged frog and Central California tiger salamander habitat will be restricted to the dry season from June 15 and October 15; (2) the project has been designed to occur predominately within paved roadways and disturbed road shoulders, minimizing disturbance to within 8 feet from the edge of pavement; (3) the potential for harming California red-legged frogs, Central California tiger salamanders, and Alameda whipsnakes would be minimized by conducting preconstruction surveys prior to vegetation clearing or ground disturbing activities, employing Service-approved biological monitors, incorporating environmental awareness training and stop work protocols if listed species are identified within the active construction areas, incorporating environmental sensitive area and wildlife exclusion fencing to prevent workers from entering or disturbing vegetated habitats and minimizes the potential for listed species to enter the work site, and restricting the use of erosion control devices that use plastic or synthetic mono-filament netting to minimize the potential for listed species to become entangled or trapped; and (4) best management practices and storm water pollution prevention plans will be developed and implemented to minimize wind and water-related erosion.

Based on the location, timing and description of the proposed action and implementation of the proposed avoidance and minimization measures, the Service concurs that the proposed action is not likely to adversely affect the California red-legged frog, Central California tiger salamander, and Alameda whipsnake. The Service concurs that the effects of the action are extremely unlikely to occur and therefore qualify as insignificant and discountable.

This concludes informal consultation on the proposed Metal Bam Guard Rail Installation and Pavement Resurfacing Project in Contra Costa County, California. Unless new information reveals effects of the proposed action that may affect listed species or critical habitat in a manner or to an extent not considered; or the proposed action is subsequently modified in a manner that causes an effect to the listed species or critical habitat that was not considered; or new species or critical habitat is designated that may be affected by the proposed action, no further action pursuant to the Act, is necessary. If you have questions concerning this letter in reference to the proposed Metal Beam Guard Rail Installation and Pavement Resurfacing Project, please contact Jerry Roe or Ryan Olah, Coast Bay/Forest Foothills Division Chief, at the letterhead address or at (916) 414-6600.

Mr. James Richards

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Sincerely,

*Eric C. Mord*

*for*

Eric Tattersall

Deputy Assistant Field Supervisor

cc:

Frances Malamud-Roam, California Department of Transportation, Oakland, California

Marcia Grefsrud, California Department of Fish and Game, Yountville, California

Liam Davis, California Department of Fish and Game, Yountville, California