

INFORMATION HANDOUT

For Contract No. 04-2G4524

At 04-CC-680-22.2/23.95

Identified by

Project ID 0414000248

PERMITS

U.S. Fish and Wildlife Service, Letter of Concurrence (08ESMF00-2014-I-0341-1)



United States Department of the Interior



In Reply Refer to:
08ESMF00-2014-I-
0341-1

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

DEC 22 2014

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

Subject: Informal Consultation on the Proposed Interstate 680 Metal Beam Guardrail
Transition Railing Project, Contra Costa County, California (Caltrans EA 04-2G452)

Dear Ms. Brent:

This letter responds to a letter from the California Department of Transportation (Caltrans) dated March 3, 2014, which requested informal consultation and written concurrence for the proposed Interstate 680 (I-680) Metal Beam Guardrail Transition Railing Project, Contra Costa County, California. The U.S. Fish and Wildlife Service (Service) received your letter on March 5, 2014. This consultation concerns the effects of the proposed action on the endangered California clapper rail (*Rallus longirostris obsoletus*) and endangered salt marsh harvest mouse (*Reithrodontomys raviventris*). No designated or proposed critical habitat is present within the action area. 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 project reviewed by the Service was specified by Caltrans and submitted to the Service on March 3, 2014, and revised by Caltrans on October 17, 2014. A site visit was conducted on October 13, 2014. The Service requested modifications to the proposed conservation measures on October 1, 2014, and via email were adopted by Caltrans following the October 13, 2014, site visit. 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 the seven metal beam guardrail transitions sites located along I-680 between post mile (PM) 22.20 and PM 23.85, extending 1.65 miles. Each work site will extend between 54 and 64 feet and will occur along the edge of the

existing paved roadway. No staging will be required given the narrow road shoulder and nature of work which will require lane closures, night work to avoid traffic delays during commute hours, and take 3-5 days to complete each site. Existing metal beam guardrail transitions will be upgraded with Midwest Guardrail System type WB-31 to meet current Caltrans standards and to improve the safety of the motorists by reducing the potential and severity of run-off-road type accidents. Vegetation control will also occur at all locations under the MBGR being removed and replaced. Vegetation control will comprise paving the area under the MBGR to reduce the need for ongoing maintenance vegetation control, and will require the disturbance and removal of the top 2 inches of soil to prepare the site for paving as per Caltrans revised Standard Plan A77N5. Habitat within the project footprint consists of paved roadway, bare ground, and ruderal roadside verges dominated by non-native herbaceous vegetation.

Two of the seven locations will occur immediately adjacent to pickleweed and saltgrass dominated habitat. At these locations, Caltrans will install wildlife exclusion fencing between the project work boundary and wetland habitat. The action area includes suitable habitat for the California clapper rail and salt marsh harvest mouse. Wetland habitats within the action area include both freshwater emergent wetlands and estuarine/marine wetlands. Recent surveys have reported California clapper rails within the action area and as close as 115 feet from the project footprint at location 28. Caltrans proposes to minimize affecting California clapper rails by scheduling construction activities between September 1 and February 15 to avoid disturbing California clapper rails during their breeding season. Given the nature of the work, which will occur along I-680, the localized footprint required at each site, and avoidance of suitable California clapper rail habitat, disturbance to California clapper rails is minimal and will not exceed the nominal recorded noise levels of 94.9 dBA L_{max} associated with heavy semi-truck traffic on I-680. Salt marsh harvest mouse habitat occurs immediately adjacent to the project footprint at locations 29 and 30 and within 50 feet of locations 27, 28, and 31. Salt marsh harvest mice have been recorded within 25 feet of location 28 and within 100 feet of locations 27 and 29 (CNDDDB Occurrence #138). Additional records have been reported throughout McNabney Marsh and the Waterbird Regional Preserve.

The Service has reviewed the submitted project as described in the March 3, 2014, letter to the Service, revised project description submitted to the Service on October 17, 2014, the October 13, 2014, site visit, and evaluation of project effects, and concurs with the determination that the project as described is not likely to adversely affect the California clapper rail and salt marsh harvest mouse 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 100 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 and salt marsh harvest mouse will be avoided; (5) wildlife exclusion fencing will be installed during construction activities at locations 29 and 30 that are immediately adjacent to wetland habitat; (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 remain on-site to monitor construction activities at all seven project locations.

This concludes informal consultation on the proposed I-680 Metal Beam Guardrail Transition Railing Project, Contra Costa County, California. Therefore, unless new information reveals effects of the proposed action that may affect listed species 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 Division Chief, at the letterhead address (916) 414-6600, or via email at Jerry_Roe@fws.gov or Ryan_Olah@fws.gov.

Sincerely,



Eric Tattersall
Deputy Assistant Field Supervisor

cc:

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

