

# **INFORMATION HANDOUT**

**FOR CONTRACT NO.: 04-4C2004**

**At 04-SCL-152-PM R9.9, 21.9**

## **ENVIRONMENTAL STUDY REPORT**

**NATURAL ENVIRONMENT STUDY SANTA CLARA STATE ROUTE 152 AC OVERLAY  
CAPM PROJECT- MARCH 2014**

## **LETTER OF CONCURRENCE**

**LETTER OF CONCURRENCE (LOC) FROM UNITED STATES DEPARTMENT OF THE  
INTERIOR FISH AND WILDLIFE SERVICE DATED MARCH 31, 2014**



## 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:  
08ESMF00-2014-I-3000-1

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

MAR 3 1 2014

Subject: Informal Consultation on the Proposed State Route 152 Capital Preventative Maintenance Pavement Overlay Project, Santa Clara County, California (Caltrans EA 04-4C200)

Dear Ms. Brent:

This letter responds to your December 16, 2013, letter requesting informal consultation and written concurrence for the proposed State Route 152 (SR-152) Capital Preventative Maintenance Pavement Overlay Project located in Santa Clara County, California. The U.S. Fish and Wildlife Service (Service) received your letter on December 17, 2013. The purpose of the proposed action is to preserve and extend the service life of the existing pavement, improve ride quality, and improve highway safety for motorists by installing median and shoulder rumble strips. This consultation concerns the effects of the proposed action on the endangered San Joaquin kit fox (*Vulpes macrotis mutica*), endangered least Bell's vireo (*Vireo bellii pusillus*), threatened California red-legged frog (*Rana aurora draytonii*), and threatened California tiger salamander (*Ambystoma californiense*) Central Valley Distinct Population Segment (Central California tiger salamander), and designated critical habitat for the Central California tiger salamander and California red-legged frog. 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](http://www.dot.ca.gov/ser/downloads/MOUs/nepa_delegation/sec6005mou.pdf)).

The Service attended a site visit with Caltrans on October 11, 2013, to review the project and discuss components of the project that could result in take of listed species or affect 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 the entire 12 mile length of SR-152 from the intersection at SR-101 to the intersection at SR-156 encompassing the project footprint, including all construction access, staging areas, vehicle parking, and construction work zones as specified by Caltrans and submitted to the Service in December 16, 2013, letter requesting informal consultation, project description submitted to the Service by email on November 6, 2013, and associated site visit, email and phone correspondence. The action area totals 47.84 acres and includes 45.15 acres of the existing SR-152 roadway and 2.69 acres of staging area (8 staging areas) characterized by previously disturbed and compacted soils devoid of vegetation. Habitat within the action area comprises paved roadways and shoulders, commercial and residential development, grazed California annual grasslands, mixed oak woodland, California sagebrush, agricultural row crops and pastures. San Felipe Lake is located immediately south of segments 3 and 4, Llagas Creek crosses under SR-152 in Segment 1, and various intermittent drainages flow across and alongside SR-152.

Caltrans proposes to resurface the asphalt concrete (AC) pavement and upgrade an existing curb ramp located at the intersection of Cameron Boulevard and SR-152, at PM 10.8. The AC resurfacing work is divided into five distinct segments including: Segment 1 from post mile (PM) R9.9 to PM 12.6, Segment 2 from PM 13.0 to PM 13.8, Segment 3 from PM 14.64 to PM 16.2, Segment 4 from PM 16.5 to PM 18.5 and Segment 5 from PM 20.3 to PM 21.9. Pavement resurfacing will be accomplished using the cold-planing method, which eliminates the need to install shoulder backing material beyond the edge of pavement. The pavement between the edges of the existing travel way (ETW) would be removed to a depth of 3 inches and replaced with a 3-inch layer of Hot Mix Asphalt (HMA Type A). The pavement removal/cold-planing and placement of HMA TYPE A would be extended across the entire traveled lane, including 1 foot into the existing paved shoulders. A rolled edge line rumble strip would be added measuring 2 feet wide in the median and 1 foot wide in the paved shoulder areas. Between PM 20.3 – 21.15, and PM 21.78 – 21.9, an additional 1.5 feet beyond ETW will be cold-planed and paved to accommodate the replacement of rumble strips within the existing 8 foot paved shoulder in this area. Fog sealant would be applied in the existing paved shoulder area not covered by the paving operations. In addition, one existing curb ramp, located at the southeast corner of Cameron Boulevard within the commercial district of Gilroy, would be upgraded. The left ramp portion would be removed by saw cutting, breaking and hauling away approximately one cubic yard of concrete. Removal is limited to the concrete, which is 4 inches in depth, and no further excavation will be necessary. A new curb and gutter would be constructed in the previously removed portion of the curb ramp. All paving operations would occur on the roadway and all equipment would be restricted to operate within the existing paved surface, except in designated temporary staging/storage areas.

Designated critical habitat for the Central California tiger salamander abuts SR-152 in segments 3, 4 and 5, and designated critical habitat for the California red-legged frog in Segment 5. Proposed activities within these segments will be confined to paved surfaces only and will not adversely affect the primary constituent elements of either critical habitat designated within these areas. Work in all segments will be confined to the road surface with the exception of designated

staging areas, which have been selected to avoid affecting listed species by utilizing areas devoid of vegetation and areas previously designated for staging for other Caltrans projects.

The Service has reviewed the submitted project as described in the December 16, 2013, letter to the Service, project description submitted to the Service by email on November 6, 2013, supporting documentation, and evaluation of project effects, and concurs with the determination that the project as described is not likely to adversely affect the San Joaquin kit fox, least Bell's vireo, California red-legged frog or Central California tiger salamander, or adversely affect designated critical habitat for the Central California tiger salamander or California red-legged frog as the effects will be insignificant and/or discountable. The Service concurs that the proposed action is not likely to adversely affect these listed species or designated critical habitat based on the following: (1) construction activities, including staging, laydown and vehicle parking, will occur within areas that are paved or have compacted soils devoid of vegetation outside any designated environmentally sensitive areas; (2) project has been modified to avoid affecting designated critical habitat or areas of vegetated habitat beyond the existing paved roadway; (3) Caltrans will implement construction and erosion control Best Management Practices; (4) seasonal work windows will restrict work from April 15 to October 15 and in segments 3-5 adjacent to designated critical habitat from June 1 to October 15; (5) no work would occur during rain events, within 24 hours following a rain event or until surface water runoff ceases; (6) preconstruction nesting bird surveys will be conducted for least Bell's vireo and other migratory birds between March 15 and September 15; (7) all staging areas and areas adjacent to critical habitat and hydrologic features will be clearly demarcated with temporary high-visibility and wildlife exclusion fencing; (8) all on-site personnel will attend environmental awareness training prior to beginning project activities; and (9) Service-approved biological monitors will conduct preconstruction and daily clearance surveys for listed species prior to and during all project activities and remain on-site to monitor construction activities throughout the project duration.

This concludes informal consultation on the proposed SR-152 Capital Preventative Maintenance Pavement Overlay Project located in Santa Clara 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/Forest Foothills 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 Game, Napa, California