

INFORMATION HANDOUT

**For Contract No. 05-1G5104
At 05-SLO, Mon-101-64.8/R69.3, R0.0/R2.0**

**Identified by
Project ID 0515000040**

AGREEMENTS

California Department of Fish and Wildlife



United States Department of the Interior



FISH AND WILDLIFE SERVICE
Ventura Fish and Wildlife Office
2493 Portola Road, Suite B
Ventura, California 93003

IN REPLY REFER TO:
08EVEN00-2012-I-0438

November 5, 2012

Morgan Robertson
Associate Environmental Planner - Biologist
California Department of Transportation
50 Higuera Street
San Luis Obispo, California 93401

Subject: Highway 101 Pavement Rehabilitation Project, San Luis Obispo and Monterey Counties, California

Dear Ms. Robertson:

We have reviewed your request, dated July 12, 2012, and received by our office on July 16, 2012, for our concurrence that the subject project may affect but is not likely to adversely affect the federally endangered San Joaquin kit fox (*Vulpes macrotis mutica*). The California Department of Transportation (Caltrans) is proposing to rehabilitate 8 miles of Highway 101 from San Luis Obispo County post mile 63.2 to Monterey County post mile 1.9, California.

The proposed project would consist of hot-mix asphalt overlay through the project limits. All work would occur within the Highway 101 right-of-way with the exception of a small permanent easement on a Union Pacific Railroad right-of-way. The inside shoulders would be widened from the existing 2 feet to 5 feet and the outside shoulders would be widened from the existing 8 feet to 10 feet. The project would also repair and upgrade drainage systems, improve vertical clearance of some structures within project limits, and construct a new 500-foot retaining wall with guardrail at postmile 69.11. The northbound and southbound bridges over San Marcos Creek would be replaced with new bridge structures.

Several records of San Joaquin kit fox occur within 5 miles of the proposed site (CNDDDB 2012). Any previously undisturbed areas of the proposed project site could provide suitable foraging, dispersal, and denning habitat for San Joaquin kit fox. You are proposing the following measures to avoid adverse effects to San Joaquin kit fox:

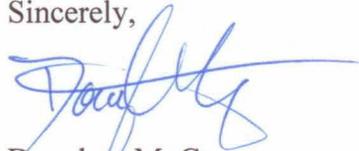
1. Project employees will be directed to exercise caution when commuting within listed species habitats. A 20 mile-per-hour speed limit will be observed in all project areas, except on county roads and State and Federal highways. Cross-country travel by vehicles will be prohibited outside of the project area unless authorized by the U.S. Fish and Wildlife Service (Service). Project employees will be provided with written guidance governing vehicle use, speed limits on unpaved roads, fire prevention, and other hazards.

2. Prior to any ground disturbance, the contractor, all employees of the contractor, subcontractors, and subcontractors' employees will attend an employee education program conducted by a Caltrans or Service approved biologist. The program will consist of a brief presentation by persons knowledgeable in San Joaquin kit fox biology, and legislative protection, and measures to avoid impacts to the species during project implementation.
3. A litter control program will be initiated at each project site. No pets or firearms (except for law enforcement officers and security personnel) will be allowed on-site.
4. Excavations deeper than 2 feet will be covered with plywood or similar material at the end of each work day, or escape ramps put in place to prevent any entrapment. Each excavation will be inspected thoroughly before being filled.
5. All construction pipes, culverts, or similar structures with a diameter of 4 inches or greater stored on the construction site overnight will be thoroughly inspected for San Joaquin kit foxes prior to being buried, capped, or otherwise used or moved. If a San Joaquin kit fox is discovered inside a pipe, the pipe should not be moved until the Service has been consulted. If the San Joaquin kit fox is in direct harm's way, the pipe may be moved to a safe location one time under the direct supervision of a qualified biologist.
6. The resident engineer or their designee will be responsible for implementing these conservation measures and will represent the point of contact for the project.
7. Restoration and vegetation work will use California endemic plant materials from on-site or local sources. Loss of soil from run-off or erosion will be prevented using fiber rolls or similar material and by implementing the best management practices from the Caltrans National Pollutant Discharge Elimination System statewide storm water permit.
8. Prior to any ground disturbance, a preconstruction survey will be conducted for San Joaquin kit fox. The preconstruction survey will be conducted no less than 14 days and no more than 30 days prior to the beginning of ground disturbance or construction activities. The survey will identify any potential kit fox dens. The status of all potential dens will be determined and mapped. Potential dens will be monitored with tracking medium for 3 days to determine the current use. If no kit fox activity is observed during this period then the den will be excavated by hand or carefully with equipment provided by the contractor, under the direction of the biologist to preclude subsequent use. If kit fox activity is observed at a den, Caltrans will contact the Service for further coordination.
9. Written results of the preconstruction survey will be submitted to the Service within 5 days after survey completion and prior to the start of ground disturbance. If a natal or pupping den is discovered within the project area or within 200 feet of the project boundary, the Service will be notified immediately. If the preconstruction survey reveals an active natal den or new information, Caltrans will notify the Service immediately for further consultation.

We concur with your determination that the proposed action is not likely to adversely affect the San Joaquin kit fox. This concurrence is based on the expected effects of the activities proposed, the distribution of San Joaquin kit fox in the project vicinity, and the proposed avoidance measures. Therefore, further consultation, pursuant to section 7 of the Endangered Species Act of 1973, as amended is not necessary. If the proposed action changes in any manner that may affect a listed species, you must contact us immediately to determine whether additional consultation is required.

Due to the status of the San Joaquin kit fox population in the project area, we request that you immediately report any San Joaquin kit fox sightings or evidence of sign to our office. If you have any questions, please contact Christopher Diel of my staff at (805) 644-1766, extension 305.

Sincerely,



Douglass M. Cooper
Deputy Assistant Field Supervisor

LITERATURE CITED

[CNDDDB] California Natural Diversity Data Base. 2012. Rarefind: A database application for the California Department of Fish and Game, Natural Heritage Division, California Natural Diversity Data Base, Sacramento.