

# INFORMATION HANDOUT

For Contract No. 06-0P5904

At 06-Tul-190-4.1/4.8

Identified by

Project ID 0612000182

## PERMITS

U.S. Fish and Wildlife Service:-Letter of Concurrence

## MATERIALS INFORMATION

Water Source Information:- City of Porterville



# 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-0107

APR 11 2014

Mr. Javier Almaguer  
Chief, Central Region Biology South Branch  
California Department of Transportation, District 6  
855 M Street Suite 200  
Fresno, California 93721

Subject: Informal Consultation for the Laird's Corner Roundabout Project, Tulare County, California (California Department of Transportation 06-TUL-190-PM 4.0/5.0, EA 06-0P590)

Dear Mr. Almaguer:

This is the U.S. Fish and Wildlife Service's (Service) response to the California Department of Transportation's (Caltrans) request for concurrence on the Laird's Corner Roundabout Project (project) in Tulare County, California.

The Moving Ahead for Progress in the 21st Century Act (MAP-21) was signed into law on July 16, 2012. Caltrans was approved to participate in the MAP-21 Surface Transportation Project Delivery Program through the National Environmental Policy Act (NEPA) assignment Memorandum of Understanding (MOU) between the Federal Highway Administration (FHWA) and Caltrans (effective October 1, 2012), as codified in 23 U.S.C. 327. The MOU allows Caltrans to assume the FHWA's responsibilities under NEPA as well as FHWA's consultation and coordination responsibilities under Federal environmental laws for the majority of transportation projects in California.

Your letter requesting informal consultation, dated December 12, 2013, was received in this office on December 12, 2013. At issue are the effects of this proposed project on the federally-listed as endangered San Joaquin kit fox (*Vulpes macrotis mutica*). Caltrans has determined that the proposed project may affect, but is not likely to adversely affect the San Joaquin kit fox, and therefore requests concurrence from the Service with its determination. This document has been prepared in accordance with section 7(a)(2) of the Endangered Species Act of 1973, as amended (16 U.S.C. § 1531 *et seq.*) (Act).

The findings and recommendations of this letter are based on: (1) Caltrans' December 12, 2013, letter requesting concurrence, and the accompanying December 2013 *Laird's Corner*

*Roundabout Biological Assessment* (BA); (2) email correspondence between the Service and Caltrans; and (3) other information available to the Service.

### **Project Description**

Caltrans proposes to construct a one-lane roundabout at the intersection of State Route (SR) 190 and Bliss Lane (Road 152) between post-miles (PM) 4.0 and 5.0, located east of Tipton in Tulare County. SR 190 is a conventional two-lane highway that originates near Tipton at SR 99 and heads east. The purpose of the project is to improve safety at the SR 190/Bliss Lane intersection in order to reduce the number and severity of traffic collisions.

Design elements of the roundabout include:

- A central island in the intersection
- Outside shoulders in all directions
- A truck apron
- Four splitter islands (to separate traffic lanes) with a pedestrian refuge
- Sidewalks and curb ramps on each corner of the intersection.

Two design options for the configuration of the roundabout have been under consideration. For the purpose of this consultation, Option 1B has been selected:

- Option 1A – the existing SR 190 alignment will be retained, which will require the acquisition of new right-of-way (ROW) from both the north and south sides of SR 190;
- Option 1B – the SR 190 alignment will be moved 100 ft. north of its existing alignment in order to avoid the acquisition of new ROW from the south side of SR 190. The existing SR 190 alignment will become a frontage road.

Caltrans also proposes to improve an approximately 0.5 mile (mi) segment of SR 190 to the east and west of Bliss Lane and an approximately 600 foot (ft.) segment of Bliss Lane to the north and south of SR 190; and to install two stormwater drainage basins on the south side of the roundabout, one on the east side of SR 190 and one on the west side of SR 190. The basins will have slopes of 4:1 or greater, a depth of up to 6 ft., and fencing placed on the east and west frontage roads 200 ft. in front of Bliss Lane.

Equipment parking and maintenance, access, and other project related activities will occur within temporary construction easements located within Caltrans' existing ROW. All construction-related access will be kept within the project limits and to existing roadways and associated paved/graded shoulders. Staging areas for equipment storage, vehicle parking, and other such activities will be pre-approved by the Caltrans project biologist.

Construction is expected to begin in September 2016 and continue over a 12 month period. No night work is anticipated for the project. The project's construction schedule may overlap in part with the proposed SR 190 Rehabilitation Project, EA 06-46150 (Service file number 08ESMF00-2012-F-0669-1). The proposed roundabout and associated improvements are located within the footprint of the SR 190 Rehabilitation Project.

### Proposed Avoidance and Minimization Measures

Caltrans proposes to implement measures to reduce the potential for adverse effects to the San Joaquin kit fox. The Service's most recent guidelines will be followed; currently, this is the January 2011 *U.S. Fish and Wildlife Service Standardized Recommendations for Protection of the Endangered San Joaquin Kit Fox Prior to or During Ground Disturbance* (Recommendations). Caltrans will conduct preconstruction surveys, as described on page two of the Recommendations; set up exclusion zones around any dens that are identified during preconstruction surveys, as described beginning on page three; and implement the construction and on-going operational requirements described beginning on page five. Provision #1 below is a modification to an existing measure in the Recommendations. Provisions #2, #3, and #4 are in addition to the Recommendations:

1. All food-related trash items such as wrappers, cans, bottles, and food scraps will be disposed of in closed containers and removed daily from the entire project site in order to reduce the potential for attracting predator species.
2. Caltrans will include Species Protection Standard Special Provisions for the San Joaquin kit fox and migratory birds when soliciting contractor bid packages.
3. Though night work is not anticipated to take place during the course of the project, in the event that it becomes necessary for safety reasons, Caltrans proposes to have a Service-approved biologist on-site to monitor for the San Joaquin kit fox during these activities.
4. If a dead, injured, or entrapped San Joaquin kit fox is found on-site, the contractor will stop all construction activities within 150 ft. of the animal and immediately notify the Resident Engineer (RE) and Caltrans project biologist. If a potential or known San Joaquin kit fox den is discovered, the contractor also will stop all construction activities within 150 ft. of the den and notify the RE and Caltrans project biologist.

### Action Area

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." The action area is composed of the SR 190/Bliss Lane intersection; the segments of SR 190 and Bliss Lane that will be improved to accommodate the roundabout configuration; and the area within Caltrans' existing and proposed ROW. The action area also includes land that extends approximately 200 ft. from the edge of the ROW which will experience further-reaching effects of construction activities such as noise and visual disturbance.

### **Effects Analysis**

No San Joaquin kit foxes or associated sign (e.g. dens, scat, and tracks) were observed at the project site during the reconnaissance survey conducted by Caltrans on October 28, 2013. Habitat in the action area is composed entirely of ruderal, weedy species and cultivated row crop fields such as cotton and corn. There may be some limited potential for the San Joaquin kit fox to forage in Caltrans' ROW and in the agricultural lands adjacent to the ROW, but there is no

suitable denning habitat for the species within the action area; therefore, it is unlikely that the species actually inhabits the site given its poor condition and the high degree of disturbance. However, it is reasonably likely that the San Joaquin kit fox could move through the action area to reach lands in the vicinity of the project which contain habitat more suitable for their denning and foraging needs. According to the California Department of Fish and Wildlife's Natural Diversity Database (CNDDDB, 2014)<sup>1</sup>, there are no recorded findings of the species located within the action area, though several San Joaquin kit fox records do exist within approximately six miles of the SR 190/Bliss Lane intersection.

### **Determination**

Because the action area is located within the range of the species, and there are recorded observations of the species in the vicinity of the project, it is reasonably likely that the San Joaquin kit fox could be present in the action area. However, given the small-scale scope of work, the low quality habitat, no detections of any potential dens in support of actual habitation, and the conservation measures proposed to minimize and avoid potential effects to the species, Caltrans concludes that the project may affect, but is unlikely to adversely affect the San Joaquin kit fox and requests concurrence with its determination. After reviewing Caltrans' letter and BA, and engaging in further correspondence with Caltrans, the Service concurs that it is reasonably likely that any effects to the San Joaquin kit fox will be insignificant or discountable and that the action is not likely to adversely affect the species.

### **Conclusion**

This concludes the Service's review of the proposed Laird's Corner Roundabout Project and its consideration of the project's effects on the species. No further coordination with the Service under the Act is necessary at this time. Note that take of listed species is not exempted from the prohibitions described under section 9 of the Act. If conditions change so that the project may adversely affect listed species, initiation of formal consultation, as provided in 50 CFR § 402.14, is required.

If you have any questions regarding this letter, please contact Jen Schofield, Fish and Wildlife Biologist, at (916) 414-6600.

Sincerely,



Thomas Leeman  
Chief, San Joaquin Valley Division

cc:

Annee Ferranti, California Department of Fish and Wildlife, Fresno, California

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<sup>1</sup> California Natural Diversity Database. 2014. Natural Heritage Division, California Department of Fish and Wildlife. RareFind 5. Sacramento, California. Accessed February 7, 2014.

**Morales, Fernando S@DOT**

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**From:** Mike Reed <mreed@ci.porterville.ca.us>  
**Sent:** Thursday, June 02, 2016 5:07 PM  
**To:** Morales, Fernando S@DOT  
**Subject:** RE: Water Source Availability for Caltrans Roundabout Project 06-0P590 on State Route 190 near Poplar-Cotton

Hi Fernando,

The city is agreeable to providing construction water for this project.

Michael Reed  
Acting Public Works Director  
City of Porterville

**From:** Morales, Fernando S@DOT [mailto:fernando.morales@dot.ca.gov]  
**Sent:** Thursday, June 2, 2016 3:47 PM  
**To:** Mike Reed <mreed@ci.porterville.ca.us>  
**Subject:** Water Source Availability for Caltrans Roundabout Project 06-0P590 on State Route 190 near Poplar-Cotton

Hi Mike, working on another project for the Roundabout at Road 152 and Route 190 for proposed construction in 2017 .

The estimated water usage on a daily need basis would be approximately 5,000 gallons/day (about 670 ft<sup>3</sup> per day).

The construction phase is approximately 90 working days.

We would like to know if the City of Porterville would have water availability to provide our contractor once the project starts.

I believe the City provided service water to the other roundabout project at Road 284 and Route 190.

Thanks,

Fernando Morales, PE  
*Transportation Engineer*  
*Central Region PJD/Design 1/Branch Z*  
Phone : (559) 243-3576  
Fax : (559) 243-3840

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