N.M.F.S. Correspondence

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Office of Environmental Planning, North

UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL MARINE FISHERIES SERVICE
Southwest Region
501 West Ocean Boulevard, Suite 4200
Long Beach, California 90802-4213

November 15, 2000

In Response Refer To:
SWR-00-SA-0222:MCV

Mr. Michael G. Richie
California Division Administrator
U.S. Department of Transportation
Federal Highway Administration
980 Ninth Street, Suite 400
Sacramento, California 95814-2724

Dear Mr. Richie:

This is in response to your letter of September 29, 2000, requesting reinitiation and concurrence with the determination that the proposed Benicia-Martinez Bridge construction (HDA-CA, File # 04-CC-680-23.8/25.5, Document # P33554) across the Carquinez Strait, Solano and Contra Costa Counties, is not likely to adversely affect the endangered Sacramento River winter-run chinook salmon (*Oncorhynchus tshawtscha*), threatened Central Valley spring-run chinook salmon (*O. tshawtscha*), threatened Central Valley steelhead (*O. mykiss*), Central California Coast steelhead (*O. mykiss*), or their critical habitats, pursuant to the Endangered Species Act of 1973, as amended (ESA).

In a March 12, 1996 letter, your office requested Section 7 consultation regarding the effects of the proposed construction of a new Benicia-Martinez Bridge, parallel to the existing Benicia-Martinez bridge currently undergoing seismic retrofitting, on the endangered Sacramento River winter-run chinook salmon (*Oncorhynchus tshawytscha*) and its designated critical habitat. In addition to construction of the new bridge, adjacent roadways were proposed to be widened and interchanges modified. In a letter dated May 28, 1996, the National Marine Fisheries Service (NMFS) concluded consultation with the determination that the proposed project was not likely to adversely affect the Sacramento River winter-run chinook salmon, or its critical habitat.

In a letter dated September 29, 2000, your office requested reinitiation of this consultation pursuant to the subsequently listed Central Valley spring-run chinook salmon (*O. tshawytscha*), Central Valley steelhead (*O. mykiss*), Central California Coast steelhead (*O. mykiss*), and their designated critical habitats. In addition, concurrence that two additional activities not considered in our May 28, 1996 consultation; dredging of a 2000-foot wide channel (approximately 50,000 cubic yards of material) between the Maritime Administration Suisun Bay Reserve Fleet and the new bridge, and the installation of large diameter piles and cofferdams, would not adversely affect the Sacramento River winter-run chinook salmon, nor the three species listed subsequent to your 1996 consultation.

The Carquinez Strait is the sole migratory route between San Pablo Bay and the freshwater spawning habitat of the Sacramento River winter-run chinook salmon, Central Valley spring-run chinook salmon, and Central Valley steelhead. In addition, the Carquiniz Bridge is on western periphery of the Central California Coast steelhead Evolutionary Significant Unit (ESU), whose range includes San Pablo Bay and its tributaries. Disturbance or modifications to existing habitat may affect upstream migrating adult salmonids and out-migrating juveniles if conducted during migratory periods. To avoid impacts on listed salmonids, the U.S. Department of Transportation proposes to complete open water dredging between July 1 and October 31. Your letter does not indicate when the proposed coffer dams and piles will be constructed in shallow water (less than three meters deep), however, the NMFS believes that to adequately avoid affecting listed salmonids, construction of coffer dams, as with dredging, must occur between July 1 and October 31.

Based on the avoidance of listed salmonids by the timing of in-water construction, NMFS concurs with your determination that the proposed project, including dredging and placement of coffer dams, is not likely to adversely affect the Sacramento River winter-run chinook salmon, Central Valley spring-run chinook salmon, Central Valley steelhead, Central California Coast steelhead, or their critical habitat. This concurrence is based on the project, as described in your September 29, 2000 letter and the accompanying California Department of Transportation (Caltrans) letter dated June 14, 2000, and a November 6, 2000 telephone conversation between Mr. Chuck Morton of Caltrans and Ms. Martha Volkoff of my staff. Therefore, unless in-water work cannot be accomplished within this window, additional activities not previously considered for the proposed project are added, new information reveals that the proposed action may affect listed species in a manner or to an extent not considered, or a new species or critical habitat is designated that may be affected by the proposed action, no further action pursuant to the ESA is necessary.

We appreciate your continued cooperation in the conservation of listed species and their habitat, and look forward to working with you and your staff in the future. If you have any questions regarding this response, please contact Ms. Martha Volkoff in our Sacramento Area Office, 650 Capitol Mall, Suite 8-300, Sacramento, CA 95814. Ms. Volkoff may be reached by telephone at (916) 930-3600 or by FAX at (916) 930-3629.

Sincerely,

for Rebecca Lent, Ph.D.
Regional Administrator

cc: NMFS-PRD, Long Beach, CA
Mr. Calvin Fong, USACOE, San Francisco Regulatory Branch, 333 Market Street, San Francisco, CA 94105-2197
Mr. Chuck Morton, Caltrans, P.O. Box 23660, Oakland, CA 94623-0660
Ms. Joan Bollman, U.S. Department of Transportation, 980 Ninth Street, Suite 400, Sacramento, CA 95814-2724

U.S. DEPARTMENT OF TRANSPORTATION
FEDERAL HIGHWAY ADMINISTRATION
CALIFORNIA DIVISION
980 Ninth Street, Suite 400
Sacramento, CA 95814-2724

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OCT 4 2000
Office of Environmental Planning, North

September 29, 2000

IN REPLY REFER TO

HDA-CA
File #:04-CC-680-23.8/25.5
Document #: P33554

Rodney R. McInnis, Acting Regional Administrator
National Marine Fisheries Service
501 West Ocean Blvd., Suite 4200
Long Beach, CA 90802-4213

Dear: Mr. McInnis:

SUBJECT: BENICIA-MARTINEZ BR. - CONFERENCE OPINION SACRAMENTO SPLITTAIL

This letter is to reinitiate informal consultation with respect to some work that has been added to the proposed project to construct a new Interstate 680 Benicia-Martinez Bridge across the Carquinez Strait in Solano and Contra Costa Counties. The additional work is described in the third paragraph of this letter. Also, we are reinitiating consultation to address the subsequent listings and designations of critical habitat for Central California Coast steelhead, California Central Valley steelhead, and Central Valley spring-run chinook salmon

In your May 28, 1996, letter, F/SW031:PR, you concurred that the proposed project would have no adverse effect on winter-run chinook salmon or its critical habitat. Your letter also indicated that the mitigation identified in the Biological Assessment to replace delta smelt habitat at a 3:1 ratio would mitigate the loss of potential winter-run chinook salmon rearing habitat. There is no new information to indicate new effects to any listed species or critical habitat.

In order to maintain channel access, dredging a new channel to and from the Maritime Administration Suisun Bay Reserve Fleet upstream of the new bridge location has been added to the project. This work was not previously identified in the Biological Assessment. The open water dredging will occur during between July 1st and October 31st. Additional work not identified in the Biological Assessment includes installation of large diameter piles and cofferdams. Cofferdams will only be installed in waters which are less than 3 meters deep. The enclosed June 14, 2000, letter from Caltrans provides additional information.

We request your concurrence that the open water dredging, installation of large diameter piles and cofferdams are not likely to adversely effect on winter-run chinook salmon or its critical habitat or any other Federal listed species or critical habitat. We also request your concurrence that the

proposed project is not likely to adversely effect Central California Coast steelhead, California Central Valley steelhead, and Central Valley spring-run chinook salmon or their designated critical habitat.

If you have any questions, please contact Joan Bollman at 916-498-5028 or R. C. Slovensky at 916-498-5774.

Sincerely,

/s/ Joan Bollman

For
Michael G. Ritchie
Division Administrator

Enclosure

cc:
James Bybee, NMFS Santa Rosa Field Office w/cpy encl.
Calvin Fong, U.S. Army Corps of Engineers, San Francisco Regulatory Branch, w/cpy encl.
Susan Simpson, Caltrans Dist. 4
Chuck Morton, Caltrans Dist. 4
Gary Winters, Caltrans HQ Acting Chief Env. Prog.

cc: (E-mail)
Glenn Clinton, HA-CA
R.C. Slovensky, HA-CA
Joan Bollman, HA-CA
John Gibson, HA-CA
Mary Ann Rondinella, HB-CA
Stephanie Stoermer, HB-CA
Karen Schmidt, HPR-CA

UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL MARINE FISHERIES SERVICE
Southwest Region
501 West Ocean Boulevard, Suite 4200
Long Beach, California 90802-4213
TEL (310) 980-4000; FAX (310) 980-4018

MAY 28 1996 F/SW031:PR

Mr. Fred J. Hempel
Division Administrator
Federal Highway Administration
Region Nine, California Division
980 Ninth Street, Suite 400
Sacramento, California 95814-2724

Dear Mr. Hempel:

Thank you for requesting consultation pursuant to section 7 of the Endangered Species Act regarding the effects of the proposed construction of a new bridge adjacent to the existing Benicia-Martinez Bridge on the endangered winter-run chinook salmon and its critical habitat. The new bridge, connecting the cities of Benicia (Solano County) and Martinez (Contra Costa County) across the Carquinez Strait, would supplement the existing bridge. My staff has reviewed the Benicia-Martinez Bridge Project Natural Environment Study/Biological Assessment (BA) dated December 1, 1995, which was provided with your consultation request.

The proposed project occurs within the designated critical habitat of the Sacramento River winter-run chinook salmon. Adult winter-run chinook salmon may be present in the project area from mid-November through early May. Juvenile winter-run chinook salmon are known to rear in shallow water areas of the Delta, Suisun Bay, Carquinez Strait, and San Pablo Bay from December through April.

According to information provided directly to my staff by Mr. Chuck Morton of CalTrans, all in-water work will be completed behind cofferdams or caissons. This construction technique will isolate the work site from the estuary and minimize possible impacts to migrating salmon. An estimated 0.2 acres of shallow water aquatic habitat may be lost due to construction of the new bridge. Mitigation set out in the BA to replace this habitat at a 3:1 ratio for the protection of delta smelt habitat will mitigate the loss of this potential winter-run chinook salmon rearing habitat.

Based on the National Marine Fisheries Service's (NMFS) review of the BA and all other available information, I have determined that the proposed project is not likely to adversely affect the winter-run chinook salmon or its critical habitat, and that

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consultation may be concluded. However, if the proposed methods of in-water construction are changed or new information becomes available indicating that the winter-run chinook salmon or its critical habitat may be adversely affected, further consultation with NMFS will be necessary.

If you have questions concerning these comments, please contact Ms. Penny Ruvelas at (707) 575-6062.

Sincerely,

Hilda Diaz-Soltero
Regional Director

UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL MARINE FISHERIES SERVICE
Southwest Region
Habitat Conservation Division
777 Sonoma Avenue, Room 325
Santa Rosa, California 95404-6528

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EXECUTIVE OFFICE

August 23, 1994 F/SWO22:DBM

Mr. Joe Browne
District Director
California Department of Transportation
Box 23660
Oakland, California 94623-0660

Dear Mr. Browne:

Thank you for the opportunity to review and comment on the purpose and need, alternative selection criteria and process, and summary of environmental impacts sections of the Draft Supplemental Environmental Impact Statement/Report (DSEIS/R) being prepared for the construction of a bridge across the Carquinez Strait parallel to the existing Benicia-Martinez Bridge between the cities of Benicia and Martinez. The DSEIS/R is being prepared by the California Department of Transportation in coordination with the Federal Highway Administration (FHWA).

I reviewed the information you provided and concur with the evaluations made. In that the National Marine Fisheries Service (NMFS) is responsible for preserving and enhancing marine, estuarine, and anadromous fishery resources and the habitats which support these resources, I believe that the work proposed would not adversely affect these resources. However, available information indicates that the Federally listed endangered winter-run chinook salmon may seasonally occur in the project area, and the project site is located within the critical habitat of this species as designated by the NMFS (58 FR 33212). Therefore, the FHWA, as the federal sponsor, has an obligation pursuant to section 7 of the Federal Endangered Species Act to assess the potential effects of the proposed project including construction-related impacts on the endangered winter-run chinook salmon. If FHWA determines that winter-run chinook salmon may be affected, consultation with NMFS should be initiated.

Further coordination regarding non-listed aquatic species in the NEPA/Section 404 Integration Process will not be needed unless additional information becomes available that indicates a possible adverse impact. I will advise you accordingly.

If you have questions concerning these comments, please contact Mr. Dante Maragni at: 777 Sonoma Avenue, Room 325, Santa Rosa, California 95404-6528; telephone 707-578-7513.

Sincerely,

James R. Bybee
Environmental Coordinator
Northern Area

cc: FHWA, D. Harris
COE, LTC Walsh
EPA, C. Morris
FWS, J. Medlin
CDFG, J. Turner