

DEPARTMENT OF TRANSPORTATION**DISTRICT 4**

Office of Biological Sciences and Permits

P. O. BOX 23660

OAKLAND, CA 94623-0660

PHONE (510) 286-7185

FAX (510) 286-6374

TTY (800) 735-2929

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April 28, 2014

Dr. Jennifer Norris
Field Supervisor
Sacramento Fish and Wildlife Service Office
2800 Cottage Way, Room W-2605
Sacramento, CA 95825-1846

Dist. 04, ALA 680 (PM 20.2/21.9),
CC 680 (PM 0.0/13.9)
EA: 04-3G910

Attn: Jerry Roe,

Subject: Reply to requested information on Letter of Concurrence application for the Metropolitan Transportation Commission (MTC) Interstate 680 Phase I, Regional Express Lane Network Project (EA 3G910)

Dear Dr. Norris,

The California Department of Transportation (Caltrans) is providing requested clarifications of the Letter of Concurrence application for the MTC Interstate 680 (I-680) Phase I, Regional Express Lane Network Project (Project). Jerry Roe requested the additional information on April 23 via email. Below are the questions Jerry Roe provided and Caltrans' responses:

1. Appendix C lists suitable habitat as present within the action area; however, this species is not included in the analysis provided in the NLAA concurrence request letter. As the project located within the species extant range and suitable habitat has been identified within the action area, please provide an assessment of the project effects on this species and subsequent effects determination.

This was a mistake in Appendix C. Although there is marginal suitable habitat within the Biological Study Area (BSA), California tiger salamander was not considered in the impact analysis. The project **will have no affect** on the federally and State threatened California tiger salamander (CTS) or its habitat for the following reasons:

- Each Project Impact Area (PIA) is located immediately adjacent to I-680, a heavily traveled 6-8 lane freeway. The PIAs may possess some habitat characteristics (annual grassland or ruderal vegetation), but do not possess such habitat characteristics as stock ponds and upland aestivation habitat, which are required by the species. Given the habitat requirement limitations of each PIA, it is highly unlikely that the species would move toward or into a PIA.
- The most recent and only occurrence record for this species within two miles of the BSA was recorded in 1955, and the species is now thought to be extirpated from the region.

- There is no designated critical habitat for CTS within the BSA. The closest designated critical habitat units are 6.5 miles from the proposed project.

Due to the lack of critical habitat within the BSA, the lack of habitat and the highly disturbed nature of habitats within the PIA, the project *will have no affect* on CTS.

2. The seasonal work restrictions state that except for limited vegetation clearing, work will be conducted during the dry season from June 1 to October 15, to the extent practicable. Does Caltrans anticipate that work outside of this work window will be required?

Caltrans anticipates that work will occur outside of the June 1 to October 15 work window. Caltrans plans on following the Caltrans standard work restriction window of April 15 to October 31 for Project Impact Areas R12.6, R12.2, R11.7, R11.2, R10.1, R9.7, R9.3, R5.6 and R20.2, except for non-ground disturbing activities.

3. The November 22, 2013, letter states that a USFWS-approved biologist will be present on site to monitor and conduct listed species clearance surveys during active construction in areas identified as potential habitat for listed species. I want to confirm that areas where monitoring and preconstruction surveys will occur includes: R12.6, R12.2, R11.7, R11.2, R10.1, R9.7, R9.3, R5.6 and R20.2. The Service requests that the qualifications of the biologist(s) shall be presented to the Service for review and written approval at least thirty (30) calendar days prior to ground-breaking at the project site. The Service-approved biologist(s) shall be given the authority to communicate verbally or by telephone, email or hardcopy with Caltrans personnel, construction personnel or any other person(s) at the project site or otherwise associated with the project through the Resident Engineer or their designee. The Service-approved biologist(s) shall, through the Resident Engineer or their designee, have the authority to stop project activities if they determine project activities may result in take of a listed species.

Caltrans confirms that pre-construction surveys and monitoring during ground disturbance activities will occur for the PIAs listed above. Caltrans agrees with all statements above, including presenting USFWS with the qualifications of the biologist(s) at least 30 calendar days prior to ground-breaking at the project site.

4. The last paragraph on page 8 of the November 22, 2013, letter states that if a listed species is observed within the active construction area then all work within 50 feet of the animal shall cease and Caltrans will reinstate formal consultation. The Service requests that if a listed species is observed within the action area, all work within that work segment, e.g. segment R12.6, shall cease immediately and Caltrans shall reinstate consultation. Furthermore, no work shall occur within the subject segment that may result in take of a listed species until formal consultation is complete or Caltrans has otherwise been authorized to continue construction without an incidental take statement by the Service.

Caltrans agrees to the Service requests stated above in #4.

5. Paragraph 3 on page 9 of the November 22, 2013, letter states that environmentally sensitive area fencing will be installed in the areas identified in Table 1. Is this fencing intended to function as species exclusion fencing in addition to keeping construction workers outside of environmentally sensitive areas? If not, is no wildlife exclusion fencing proposed?

No wildlife exclusion fencing is proposed. The environmentally sensitive area fencing will act as a barrier to non-listed wildlife (i.e. deer, raccoon, and skunk). Silt fence will be installed around the PIAs as best management practices and will also act as a general wildlife barrier as described above.

Caltrans respectfully requests to review a draft of the Letter of Concurrence prior to USFWS issuing the final Letter of Concurrence. Please contact Meghan Bishop at 510-286-5637 if you have any questions or require additional information regarding this project.

Sincerely,



Christopher States
Branch Chief
Office of Biological Sciences and Permits

CC: Jerry Roe, USFWS