

# **APPENDIX F**

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# **UNITED STATES FISH AND WILDLIFE SERVICE LETTER OF CONCURRENCE**



# 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-0407

October 17, 2012

Randy LaVack  
Senior Environmental Planner (Acting)  
California Department of Transportation  
50 Higuera Street  
San Luis Obispo, California 93401

Subject: Lake Nacimiento Lake Drive Bridge Replacement, Monterey County, California

Dear Mr. LaVack:

We have reviewed your request, dated June 27, 2012, and received by our office on June 28, 2012, for our concurrence that the subject project may affect but is not likely to adversely affect the federally endangered least Bell's vireo (*Vireo bellii pusillus*) and San Joaquin kit fox (*Vulpes macrotis mutica*).

The Monterey County Department of Public Works (County), with funding from the Federal Highway Administration and in cooperation with the California Department of Transportation (Caltrans), is proposing to construct a bridge across San Antonio River adjacent to, and downstream of, the existing bridge. The new two-span bridge would be cast-in-place, post-tensioned, concrete box girder structure supported on a single column pier on two short-seat abutments. The location of the center pier would be outside and north of the low-flow channel of the river, above the ordinary high water mark. Rock slope protection would be placed along 120 feet of the southern bank and 80 feet of the northern bank. After construction of the new bridge, the existing bridge would be removed and the piles removed down to a minimum 3 feet below finished grade.

One record of least Bell's vireo occurs approximately 5 miles from the proposed project site (CNDDDB 2012). Although no records of least Bell's vireo occur on the proposed project site, the riparian corridor contains clusters of willows (*Salix* spp.) that could provide suitable breeding habitat for the species. You are proposing the following measures to avoid adverse effects to least Bell's vireo:

1. Project activities will be timed to avoid the least Bell's vireo breeding season (April 1 to July 31) to the greatest extent practicable.
2. Where vegetation is to be removed, potential nest substrates will be removed during the non-breeding season if feasible.
3. If vegetation must be removed during the least Bell's vireo nesting season, pre-construction surveys for nesting birds will be conducted by a qualified ornithologist to detect any least Bell's vireos using the area and ensure that no nests will be disturbed during project implementation. The surveys will not be conducted more than 7 days prior to initiation of construction activities. If a nesting least Bell's

vireo is detected, Caltrans will be notified and will consult with the U.S. Fish and Wildlife Service (Service) to determine an appropriate avoidance buffer prior to initiating any project activities.

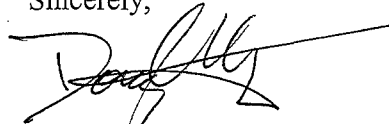
Ten records of San Joaquin kit fox occur within 5 miles of the proposed site (CNDDDB 2012). The upland areas of the proposed project site could provide suitable foraging and denning habitat for San Joaquin kit fox. You are proposing the following measures to avoid adverse effects to San Joaquin kit fox:

1. A qualified biologist will conduct pre-construction surveys no less than 14 days and no more than 30 days prior to the beginning of ground disturbance or construction activities. This survey will identify San Joaquin kit fox habitat features on the project site and evaluate use by San Joaquin kit fox by the proposed activity. The status of all dens will be determined and mapped.
2. All surveys, investigations of potential dens, and monitoring related to the San Joaquin kit fox will be conducted by qualified biologist. If a potential den is found, the qualified biologist shall determine if it is active using track plates and/or visual observation. The County will notify Caltrans of any potential den and Caltrans will notify the Service. Destruction of dens will not occur without prior consultation with and approval from the Service.

We concur with your determination that the proposed action is not likely to adversely affect the least Bell's vireo and San Joaquin kit fox. This concurrence is based on the expected effects of the activities proposed, the distribution of least Bell's vireo and 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.

Because both bald eagles (*Haliaeetus leucocephalus*) and golden eagles (*Aquila chrysaetos*) are known to occur in the area, we recommend that you contact our Office of Migratory Birds [(916) 414-6464] to determine if a permit subject to the Bald and Golden Eagle Protection Act is recommended for the proposed project. If you have any questions, please contact Christopher Diel of my staff at (805) 644-1766, x305.

Sincerely,



Douglass M. Cooper  
Deputy Assistant Field Supervisor

cc: Tom Edell, Caltrans

## 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.