

FOR CONTRACT NO.: 03-2A9204

INFORMATION HANDOUT

LETTER OF CONCURRENCE

U.S. FISH AND WILDLIFE SERVICE

USFWS#1-1-05-1-1956

ROUTE: 03-ED/PLA-89-27.2/27.4, 0.0/T8.5

ADDED PER ADDENDUM No. 2 DATED FEBRUARY 2, 2012



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:
1-1-05-I-1956

NOV 9 2005

Ms. Jody Brown
Chief
California Department of Transportation, District 3
Post Office Box 911
Marysville, California 95901

Subject: Informal Consultation on Highway 89 Water Quality Improvement and Roadway Rehabilitation Project, 03-PLA-89-EA: 2A9200/ 2A9210 PM0.00-13.70, Placer County, California

Dear Ms. Brown:

This is in response to your letter dated August 30, 2005, requesting the U.S. Fish and Wildlife Service's (Service) concurrence with the determination that the proposed action, Highway 89 Water Quality Improvement and Roadway Rehabilitation Project, is not likely to adversely affect the threatened bald eagle (*Haliaeetus leucoccephalus*) and Lahontan cutthroat trout (*Onychorhynchus clarki henshawi*), or any other listed threatened or endangered species, pursuant to the Endangered Species Act of 1973, as amended (Act). The Service has also evaluated the effects of the proposed project on Tahoe yellow cress (*Rorippa subumbellata*), a Service candidate species, and an endangered species pursuant to the California Endangered Species Act. The California Department of Transportation (Caltrans) and Federal Highway Administration is proposing to rehabilitate the existing roadway and drainage system, to collect and treat the roadway storm-water runoff, and to widen the shoulders from the Placer/El Dorado County line to the intersection of State Route 89 (SR-89) and Squaw Valley Road.

Based on the Service's review of the August 2005, *Biological Assessment/Biological Evaluation Roadway Rehabilitation and Water Quality Improvement Project State Route 89 in Placer County, California*, subsequent phone conversations and correspondence, and information provided at the October 25, 2005 site visit attended by Amy Fesnock and Steve Caicco of the Service, Jason Meigs of Caltrans, Eric Gillies of the State Lands Commission, and Beth Brenneman of the Forest Service, we concur with your determination. There are no known nests within 6 miles of the project area; the closest eagle nests are in the vicinity of Emerald Bay and Marlette Lake. The Lake Tahoe Basin is known as a significant wintering area for bald eagle, estimated at four to ten birds. However, the closest recorded wintering bald eagle perching site along the shore of Lake Tahoe is near Sugar Pine Point, approximately 1 mile south of the project area and near Homewood, approximately 0.25 miles south east of Madden Creek and SR-89.

TAKE PRIDE
IN AMERICA 

To ensure the project is not likely to adversely affect the bald eagle, Caltrans proposes to implement the following measures.

1. Woody vegetation removal required for the project will be completed between August 16 and February 28. Vegetation removal outside this time period may not proceed until a survey by a qualified biologist determines no nests are present or in use.
2. If a qualified biologist determines that no nests are present or in use within the proposed project, vegetation removal activities may occur between March 1 and August 15. If an active nest is found, Caltrans shall consult with the Service regarding appropriate actions prior to any vegetation removal activities.
3. Vegetation removal shall be limited to the absolute minimum required for construction.

Lahontan cutthroat trout are routinely stocked in the Truckee River. The portion of the project from Squaw Valley to the Tahoe City Area is adjacent to the Truckee River. The proposed project does not enter the Truckee River, but does include working on minor drainages that empty into the Truckee River.

To ensure the project is not likely to adversely affect the LCT, Caltrans proposes to implement the following measures.

1. No work will be performed within the project drainages until flows are at their seasonal low or have ceased and the stream bed is dry.
2. Construction activities on the "riverside" of the project will occur outside the LCT spawning period (April 1 through May 31) each year.
3. All equipment staging, maintenance and refueling will not occur within 100 yards of the river.
4. No equipment shall enter the river and all equipment shall be kept free of leaks.
5. Disruption of the drainages and associated vegetation will be minimized. All stream and riparian habitat areas outside the construction limits will be designated as Environmentally Sensitive Areas (ESA). Within construction limits, disturbed areas will be graded to minimize surface erosion and siltation into streambeds. Any access routes will be removed after each construction season and the streambed and bank recontoured back to the general angle of repose that existed pre-construction and will be stabilized. Bare areas will be covered with mulch and re-vegetated to pre-project conditions. Construction site Best Management Practices (BMP) will be utilized to prevent contamination of streambank and water course from construction material and debris.
6. BMP's for erosion control will be implemented and in place prior to, during, and after construction in order to ensure that no silt or sediment enters surface waters. A Water

Pollution Control Plan will be created and implemented to meet the standards and objectives to minimize water pollution impacts.

7. All de-watering activities will observe the above three measures. Any intakes that may be required for water pumps shall be screened. If de-watering of the site is deemed necessary, a temporary sediment-settling basin will be constructed downstream of the activity. All discharge waters associated with the de-watering activities will be pumped into the constructed basin before being allowed to re-enter the project area drainages.
8. Prior to vegetation removal adjacent to road drainages and basins, the area will be surveyed by a qualified biologist for a complete accounting of plant species and their quantities present within the construction limits. Upon completion of the construction project, drainages will be re-graded to pre-construction conditions and soil will be permanently stabilized and the area will be re-planted with appropriate native species.
9. Work will be conducted in such a manner as to allow free passage of all age classes of salmonids within project drainages at all times. If culverts create a condition that obstructs fish passage (e.g. plugged by sediment or debris), corrective action shall be taken immediately. All water pumps used for wetting, irrigation or de-watering of sites shall be screened to Regional Water Quality Control Board specifications to eliminate fish kills.
10. All aspects of the project will be monitored for a period of three years after completion of the project. Reports of monitoring activities will be submitted to the Service annually.

There are several populations of Tahoe yellow cress (TYC) along the lake shore adjacent to the project area. Seven populations were identified in the BA/BE at the following locations: Tahoma, McKinney Creek, Tahoe Pines (Cherry Street), Blackwood Creek, Ward Creek, Sunnyside, and Tahoe Tavern. Some minor construction activities are proposed to take place within the lakeshore zone, but TYC is not expected to be affected. Most disturbances will be limited to soil stabilization and erosion control treatments at existing near-shore culvert fallouts. Local hydrology patterns, the dominate feature determining presence/absence of this species, are not likely to be altered by the drainage improvement activities.

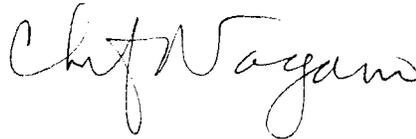
To avoid effects to the TYC, Caltrans proposes to implement the following measures.

1. ESA's outside the construction zone will be identified. These areas will be delineated with temporary orange fencing and encroachment into these areas will be restricted. Fencing will be implemented prior to other construction activities and will remain in place until all construction activities are complete.
2. Specific ESA's to be delineated for TYC are:
 - a. STA 28+40 to 36+40 (McKinney Drive to just past Meadow Road), fencing placed at edge of Right of Way on east side of highway.

- b. STA 54+80 to 55+80 (Oak Street), fencing shall restrict contractor's access to the lakeshore and shall not be placed below the Official high Water Mark of the lake.
 - c. STA 59+80 to 65+00 (Near Cherry Street to Near Vanessa Way), fencing placed at edge of Right of Way on east side of highway.
 - d. STA 79+50 to 92+50 (St. Michael's Court to south of Sugar Pine Road), fencing at edge of Right of Way on east side of highway. This fencing would restrict contractor's access to the beach. It may be one long contiguous piece or may be in sections to allow public access to the beach as required.
3. Prior to construction, the Nevada Natural Heritage Program and the Service's Reno Office will be contacted for up-to-date information regarding known occurrence of TYC. Surveys for this species will be conducted prior to final design of project and initiation of construction. The Nevada Natural Heritage Program and the Service's Reno Office will be consulted after surveys are complete to insure that potential effects are avoided or minimized.
4. No work will be performed in the project's drainages until flows are at the seasonal low or have ceased, generally July 15 through October 15.
5. Disruption of the streambed and adjacent riparian corridor will be minimized. All stream and riparian habitat areas outside of the construction limits will be designated as ESA's.
6. Measures will be employed to prevent any construction material or debris from entering surface waters or their channels. BMP's for erosion control will be implemented and in place prior to, during, and after construction.
7. Weeds and potential for weed contamination will be minimized by implementing the following. All construction equipment will have mud and vegetation removed before entering the project area and after entering a potentially infested area before moving on to another area. The staging of all equipment will be done only in weed free areas. Only locally approved plant species appropriate for the project area will be used in any erosion control or revegetation seed mix or stock. No dry-farmed straw will be used, only certified weed free straw shall be required where erosion control straw is to be used.

Unless new information reveals effects of the proposed action that 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 Act, is necessary. Please address any questions or concerns regarding this response to Amy Fesnock or Roberta Gerson, Branch Chief, at (916) 414-6600.

Sincerely,

A handwritten signature in cursive script that reads "Chris Nagano".

Chris Nagano
Deputy Assistant Field Supervisor

cc:

Jason Meigs, Caltrans, District 3, Sacramento, California
Forest Supervisor, U.S. Forest Service, Lake Tahoe Basin Management Unit
District Ranger, U.S. Forest Service, Tahoe National Forest, Truckee Ranger District
Steve Caicco, U.S. Fish and Wildlife Service, Reno, Nevada
Chad Mellison, U.S. Fish and Wildlife Service, Reno, Nevada
Susan Levitsky, California Department of Fish and Game, Sacramento, California
Eric Gillies, State Lands Commission, Sacramento, California



File Code: 1010

Date: December 20, 2005

Ms. Brenda Powell-Jones
Associate Environmental Planner
Cal Trans District 3, Office of Environmental
Management
2389 Gateway Oaks Drive (MS-15)
Sacramento, CA 98533

Subject: Highway 89 Water Quality Improvement and Roadway Rehabilitation Project
(03-PLA-89-EA: 2A9200/2A9210 PM0.00-13.70), Placer County, California

Dear Ms. Powell-Jones:

This letter is to inform you of procedures set forth in the Forest Service Manual 2672.42 stating that a biological evaluation (BE) be prepared to determine if a project may affect any Forest Service sensitive species or any species listed as threatened, endangered, or proposed for listing under the Endangered Species Act of 1973, as amended. To properly prepare the BE for the above mentioned project, surveys for all threatened, endangered, and sensitive (TES) plant and fungi species that may occur in the project area must be performed. The BE should document occurrences of any TES species located within the project area and demonstrate the following: 1) The project does not contribute to the loss of viability of any native or desired non-native plant or animal species; 2) the project does not hasten the federal listing of any species; and 3) to provide a process and standard through which TES species receive full consideration throughout the planning process, thereby reducing negative impacts to species and enhancing opportunities for mitigation.

We understand that surveys for vascular plants within the Highway 89 project area have been completed; however, nonvascular plants and fungi on the Region 5 Forest Service sensitive plant list should be treated similarly. Therefore, surveys should be conducted and potential effects to the following species and their habitats should be appropriately analyzed in the environmental documentation:

Meesia triquetra
Meesia uliginosa
Helodium blandowii
Peltigera hydrothyria
Dendrocollybia racemosa

Special interest species are species that have been reviewed for sensitive status and did not meet all the criteria, but are of sufficient concern to be considered in the planning process. These include species that are locally rare (as opposed to declining throughout their range), are of public concern, occur as disjunct populations, are newly described taxa or lacking information on population size, threats, trend, or distribution.



Current Forest Service guidance states that watch list species (special interest species) should be considered during project planning and documentation should be retained in the project file. These species make an important contribution to forest biodiversity and should be maintained under the provisions of National Forest Management Act and addressed as appropriate under the National Environmental Policy Act. These species are not incorporated into the BE, which is reserved for sensitive species, but are included as an appendix in order to analyze potential impacts to the species.

Special Interest Species on the Lake Tahoe Basin Management Unit:

Species	Reason for being on special interest list	Habitat
<i>Arabis rectissima</i> var. <i>simulans</i>	Additional information on distribution, population size, and threats needed.	This species occurs in mid to late seral Jeffrey pine/white fir forests on gentle slopes.
<i>Meesia longiseta</i>	No known occurrences on FS land to date	This species occurs primarily in fen habitats, but has been found along streams.
<i>Myurella julacea</i>	Rare, but currently no known threats	This species occurs in alpine boulder and rock fields, subalpine coniferous forest/damp rock and soil.
<i>Orthotrichum praemorsum</i>	Might be under sampled, currently no known threats	This species occurs on rock outcrops, especially on east facing slopes.
<i>Orthotrichum shevockii</i>	Rare, but currently no known threats	This species typically occurs where rock outcrops are present.
<i>Orthotrichum spjutii</i>	Need more information on distribution	This species typically occurs where rock outcrops are present.
<i>Pohlia tundrae</i>	Rare, but currently no known threats	This species occupies gravelly damp soils in alpine rock and boulder fields.
<i>Sphagnum</i> spp.	Direction to include as group to get better understanding species distribution, habitat rare	Species occur along streams, in wet meadows, and fens.

If you have any questions regarding this letter, please contact Beth Brenneman at (530) 543-2767 or bbrenneman@fs.fed.us.

Sincerely,



TERRI MARCERON
 Forest Supervisor
 Lake Tahoe Basin Management Unit - USFS

cc: Amy Fesnock, Fish and Wildlife Biologist - Sacramento US Fish and Wildlife Service,
 Beth S Brenneman, Ecologist - Lake Tahoe Basin Management Unit (USFS)