



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:
08EVEN00-2018-F-0490

May 22, 2018

Randy La Vack, Senior Environmental Planner
California Department of Transportation, District 5
50 Higuera Street
San Luis Obispo, California 93401

Subject: Biological Opinion on the El Camino Real at Santa Margarita Creek Bridge Replacement Project, County of San Luis Obispo, Federal Aid No. BRLS-5949 (131)

Dear Mr. La Vack:

This document transmits the U.S. Fish and Wildlife Service's (Service) biological opinion based on our review of the proposed project and its effects on the federally threatened California red-legged frog (*Rana draytonii*) in accordance with section 7 of the Endangered Species Act (Act) of 1973, as amended (16 U.S.C. 1531 et seq.). We received your April 25, 2018, request for formal consultation on April 26, 2018.

We have based this biological opinion (BO) on information that accompanied Caltrans' request for consultation including your biological assessment (BA; California Department of Transportation [Caltrans] 2018) and information in our files. We can make a record of this consultation available at the Ventura Fish and Wildlife Office.

Least Bell's Vireo and Southwestern Willow Flycatcher

Included in the April 25, 2018, request was Caltrans' determinations that the proposed action may affect but was not likely to adversely affect the endangered least Bell's vireo (*Vireo bellii pusillus*) and southwestern willow flycatcher (*Empidonax traillii extimus*) and your request for our concurrence with these determinations. Less than 0.10 of an acre of habitat considered to be of marginal suitability for both species is present on the proposed project site and neither species has been documented on or near the project area nor is there critical habitat for either species. Multiple general biological and special-status species surveys were conducted between spring 2011 and spring 2017; neither bird species were detected (Caltrans 2018). A habitat assessment for least Bell's vireo was prepared in 2014 (SWCA 2014) and we concurred with its conclusion that the species was not likely to use habitat within the project area (Service files 2014). Avoidance and minimization measures to address both species are included in the project description. In consideration of this information, the Service concurs that that project implementation is not likely to adversely affect either least Bell's vireo or southwestern willow flycatcher. As such, these species will not be discussed further in this BO. It is our understanding that you will be consulting separately with the National Marine Fisheries Service regarding adverse effects to the federally threatened South-Central California Coast steelhead (*Onchyrhincus mykiss irideus*) DPS and its critical habitat.

California Red-legged Frog

Under the administration of the Programmatic Biological Opinion for Projects Funded or Approved under the Federal Highway Administration's Federal Aid Program (8-8-10-F-58) (PBO) (Service 2011), Caltrans is required to notify us of project activities that may adversely affect the California red-legged frog. Caltrans has assumed the Federal Highway Administration's (FHWA) responsibilities under the Act for this action in accordance with Section 1313, Surface Transportation Project Delivery Program, of the Moving Ahead for Progress in the 21st Century Act (MAP-21) of 2012, as described in the National Environmental Policy Act assignment Memorandum of Understanding between FHWA and Caltrans (effective October 1, 2012) and codified in 23 U.S.C. 327. No designated critical habitat for California red-legged frog is present on or near the project area. Caltrans has determined that the proposed bridge replacement project may affect, and is likely to adversely affect, this amphibian species and requests these effects be addressed using the PBO. Caltrans commits to the implementation of all minimization measures described on pages 7 through 12 of the PBO.

The County of San Luis Obispo (County), with funding from the Federal Highway Administration and oversight from Caltrans, proposes to replace the existing El Camino Real Bridge (Bridge Number 49C0310) and its approaches. The existing bridge spans Santa Margarita Creek along El Camino Real between the intersections of Santa Margarita and Asunción Roads. It is located approximately 2.6 miles north of the town of Santa Margarita and just south of the City of Atascadero in the northern portion of the County. Bridge construction will involve two phases, so the existing bridge can serve to maintain traffic flows with at least one lane available. During new bridge construction, there will be placement of temporary false work in the Santa Margarita Creek stream channel. There will also be a temporary diversion of Santa Margarita Creek. Riparian vegetation removal, use of cofferdams, and stream diversion and dewatering of any existing pool will be necessary to establish the work area and are the actions that could result in adverse effects to California red-legged frog. Project implementation will result in 0.6 acre of temporary impacts and 0.145 acre of permanent impacts to Federal and State jurisdictional areas.

The proposed project, as described in the BA (Caltrans 2018), satisfies the four criteria outlined in the PBO for projects that are likely to result in adverse effects to the California red-legged frog but would not affect the long-term viability of the population in the action area. Project effects of this nature were analyzed in the PBO under the Effects of the Action section (pages 29-34). Accordingly, we determine that the El Camino Real Bridge Replacement Project is consistent with and appropriate for inclusion under the PBO. This requires that Caltrans implement all avoidance and minimization measures, reasonable and prudent measures, and terms and conditions of the PBO. With this approval, the project may proceed without further consultation.

If you have any questions, please contact Julie M. Vanderwier of my staff at (805) 677-3400 or by electronic mail at julie_vanderwier@fws.gov.

Sincerely,



Leilani Takano
Assistant Field Supervisor

