



United States Department of the Interior

FISH AND WILDLIFE SERVICE

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In Reply Refer To:
AFWO-11B0038-08I0014

MAR 29 2017

Steve Croteau
Senior Environmental Planner
California Department of Transportation, District 1
P.O. Box 3700
Eureka, California 95502

Subject: Informal Consultation for the Richardson Grove Operational Improvement Project, U.S. Route 101, Humboldt County, California

Dear Mr. Croteau:

We have reviewed your request, dated March 20, 2017, and received March 21, 2017, for informal consultation with the U.S. Fish and Wildlife Service (Service) for the Richardson Grove Operational Improvement Project, U.S. Route 101, Humboldt County, California. This response is prepared in accordance with the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 *et seq.*) (Act), and its implementing regulations (50 CFR § 402). As the lead Federal action agency for the project, the California Department of Transportation (Caltrans) is seeking concurrence that the proposed project “may affect, but is not likely to adversely affect,” the federally threatened marbled murrelet (*Brachyramphus marmoratus*; murrelet) and northern spotted owl (*Strix occidentalis caurina*; spotted owl). Caltrans is also seeking concurrence that the proposed action will have “no adverse effect” on designated marbled murrelet critical habitat.

This letter transmits the Service’s concurrence with Caltrans’ “may affect, but not likely to adversely affect” determination for the spotted owl and murrelet, and “no adverse effect” determination for designated murrelet critical habitat.

Consultation History

On September 12, 2008, Caltrans requested formal consultation with the Service for this project and submitted a biological assessment for potential impacts to the murrelet, spotted owl, and designated murrelet critical habitat. At that time Caltrans presumed that the action area was occupied by both species. On January 15, 2009, the Service issued a biological opinion (File No. 81331-2008-F-0014; 8-14-2007-3281) that concluded the proposed action could result in take of murrelets and spotted owls through harassment by road realignment and vegetation removal activities. However, the Service concluded that the level of take would not result in jeopardy to either species or destruction or adverse modification of designated murrelet critical habitat.

Avoidance and Minimization Measures

Based on the probable absence of murrelets and spotted owls in the action area, the Service does not anticipate adverse effects to either species, and thus, a limited operating period for either species is unnecessary. However, because there is a chance that either species may have been undetected during surveys, and thus may be nesting within the action area, Caltrans should minimize exposure of suitable nesting habitat to above-ambient sound generation to the greatest extent practicable during the nesting season for both species (i.e., between 1 Feb and 31 July for spotted owl, and between 24 March and 6 August for the murrelet) to avoid potential auditory harassment to either species.

Additional surveys for murrelets and spotted owls will commence in 2017 and will be repeated on a timetable in accordance with the Service-recommended survey protocols until the project is constructed.

Concurrence

The Service concurs with Caltrans' determination that the proposed construction activities, "may affect, but are not likely to adversely affect," the federally threatened marbled murrelet and northern spotted owl and designated marbled murrelet critical habitat. The Service concurs with these determinations based on: (1) the probable absence of both species based on Service-approved surveys conducted by Caltrans, (2) information provided in a biological assessment and a letter with enclosures from Caltrans requesting informal consultation, and (3) email and telephone correspondence with Caltrans environmental staff.

Conclusion

This concludes informal consultation on the Richardson Grove Operational Improvement Project, U.S. Route 101, Humboldt County, California. However, obligations under section 7 of the Act, as amended, should be reconsidered if: (1) new information reveals effects of the agency action that may affect listed species or critical habitat in a manner or to an extent not previously considered; (2) this action is subsequently modified in a manner that was not considered; (3) a new species is listed or critical habitat designated that may be affected by the action; (4) you are unable to implement all of the measures described above; or (5) Caltrans detects either species within the action area during future surveys.

Thank you for your coordination on this project. Please contact fish and wildlife biologist Gregory Schmidt at (707) 825-5103 should you have further questions regarding this consultation.

Sincerely,

A handwritten signature in blue ink, appearing to read "Bruce Bingham".

Bruce Bingham
Field Supervisor