



# 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:  
08EVEN00-2017-F-0404

July 6, 2017

Michaela Koenig, District 5 Biologist  
California Department of Transportation  
50 Higuera Street  
San Luis Obispo, California 93401-5415

**Subject:** Formal Consultation for the Bridge Street Bridge Rehabilitation Project, City of Arroyo Grande, San Luis Obispo County, California, Utilizing the Programmatic Biological Opinion for Projects Funded or Approved Under the Federal Highway Administration's Federal Aid Program (8-8-10-F-58) (08EVEN00-2017-F-0404)

Dear Ms. Koenig:

We are responding to your notification, received in our office on May 10, 2017, regarding the Bridge Street Bridge Rehabilitation Project (Project) in the City of Arroyo Grande (City), San Luis Obispo County, California. Your notification informed us that you had determined the Project 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*). You have also determined that the Project may affect and was likely to adversely affect the threatened California red-legged frog (*Rana draytonii*). Your notification requested initiation of Section 7 consultation on the Project's effects on these species.

## **Least Bell's vireo and southwestern willow flycatcher**

Suitable foraging habitat for both species may be present on and near the Project site. Critical habitat for either species is not present near the Project site. The nearest observation of the least Bell's vireo to the Project site is over 20 miles to the northwest. The nearest observation of the southwestern willow flycatcher to the Project site is over 20 miles to the south. Accordingly, neither species is likely to be present on or near the project site. The City would also implement the efforts contained in section 4.2.4.3 of the Project's biological assessment (Caltrans 2017) to avoid impacts and perform surveys during the nesting season. Therefore, because these species are unlikely to be present on or near the project site and the City would implement efforts to avoid and minimize impacts we concur with your determination that the project may affect, but is not likely to adversely affect the least Bell's vireo and southwestern willow flycatcher.

**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), you are required to notify us of project activities that may adversely affect the federally threatened California red-legged frog. The California Department of Transportation (Caltrans) has assumed the Federal Highway Administration's (FHWA) responsibilities under the Endangered Species Act of 1973, as amended (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. You have determined that the proposed bridge rehabilitation is likely to adversely affect the California red-legged frog and requested that such effects be addressed via the PBO. This project is not located within designated critical habitat for the species.

You are notifying us of your intent to oversee the City's work on the Project. The City has received funding from the FHWA to perform the Project. The Project would rehabilitate the existing Bridge Street Bridge, located over Arroyo Grande Creek, in the City. The City would install drill and cast concrete piles to expand the width of the bridge to address safety and functionality concerns. The Project would involve riparian vegetation removal, cofferdams, and stream diversion and dewatering to provide a work area for the Project. The Project would occur during a single construction season and impacts to aquatic and riparian habitat would occur when stream flows would be at annual lows. The Project would result in the restoration of 1.24 acres of aquatic and riparian habitat for the California red-legged frog on the project site. The City would implement all minimization measures described on pages 7 through 12 of the PBO with the exception of measure 18f.

Measure 18f of the PBO specifies that herbicides will not be applied on or near open water surfaces (no closer than 60 feet from open water). The project area spans a creek and invasive giant reed (*Arundo donax*) stands are present on the project site near open water. Herbicides would not be the primary method of removal, however herbicide use may be necessary to effectively remove invasive species (Caltrans 2017). The maximum acreage of herbicide use within 60 feet of open water is expected to be 0.9 acres (Michaela Robbins, pers. comm. 2017). The project would ultimately enhance 1.24 acres of aquatic and riparian habitat in the project area for the California red-legged frog. Therefore, because the area of herbicide application is small and the project would ultimately benefit the recovery of the species, we believe that the exclusion of measure 18f would not alter the analysis of effects of the PBO. Accordingly, the Project is still eligible for inclusion under the PBO despite the exclusion of measure 18f.

The Project, as described in the Biological Assessment (Caltrans 2017), 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. The effects of projects of this nature have been analyzed in the PBO under the Effects of the Action

section (Pages 29-34). Accordingly, we have determined that the Bridge Street Bridge rehabilitation project is consistent with and appropriate for inclusion under the PBO. Caltrans must implement all avoidance and minimization measures (with the exception of measure 18f), 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 Dou-Shuan Yang, of my staff, at (805) 677-3302 or by electronic mail at [Dou-Shuan\\_Yang@fws.gov](mailto:Dou-Shuan_Yang@fws.gov).

Sincerely,



Collette M. Thogerson, PhD  
Assistant Field Supervisor

## REFERENCES CITED

[Caltrans] California Department of Transportation. 2017. Biological Assessment for the Bridge Street Bridge Rehabilitation Project - City of Arroyo Grande, California. Prepared for Caltrans District 5, San Luis Obispo, California. Prepared by SWCA Environmental Consultants, San Luis Obispo, California.

[Service] U.S. Fish and Wildlife Service. 2011. Programmatic biological opinion for projects funded or approved under the Federal Highway Administration's Federal Aid Program (8-8-10-F-58). Ventura Fish and Wildlife Office, Ventura, California. Dated May 4, 2011.

## IN LITTERIS

Robbins, Michaela. 2017. District 5 Biologist, California Department of Transportation, San Luis Obispo, California. E-mail to Dou-Shuan Yang, U.S. Fish and Wildlife Service, Ventura, California, dated June 2, 2017. Subject: Bridge Street Bridge Rehabilitation Project, City of Arroyo Grande, California. Federal Aid No. BRLO-5199 (027).