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:
1-1-04-I-2662

MAR 1 0 2005

Mr. Jeffrey G. Jensen
District Office Chief
Office of Biological Sciences and Permits
California Department of Transportation
111 Grand Avenue
P.O. Box 23660
Oakland, California 94623

Dear Mr. Jensen:

Subject: San Francisco-Oakland Bay Bridge East Span Seismic Safety Project-Stormwater Treatment Project, Alameda County, California

This letter is in response to your August 26, 2004, request for consultation with the U.S. Fish and Wildlife Service (Service) on the effects of the San Francisco-Oakland Bay Bridge (SFOBB) East Span seismic safety project stormwater treatment project in Alameda County, California, on federally listed species. This aspect of the SFOBB east span project was not covered in the previous biological opinion that the Service completed on October 31, 2001 (Service file no. 1-1-02-F-0002). This response covers the effects of the federally endangered California brown pelican (*Pelicanus occidentalis californicu*) (brown pelican), California clapper rail (*Sterna antillarum browni*) (clapper rail), and salt marsh harvest mouse (*Reithrodontomys raviventris*) (harvest mouse). No other federally listed species will be affected by the proposed project. This response is in accordance with section 7 of the Endangered Species Act of 1973, as amended (16 U.S. C. 1531 *et seq.*) (Act). Your letter was received in our office on August 30, 2004.

The California Department of Transportation (Caltrans) is replacing the east span of the SFOBB as part of a seismic safety project. As a part of this project, the Regional Water Quality Control Board is requiring stormwater treatment. The stormwater treatment project will entail drainage system improvements to treat stormwater discharges from Caltrans' right-of-way. This right-of-way is about 149 acres and extends from the Bay Bridge Oakland Approach to Powell Street in Emeryville. The area includes the metering lights and the toll plaza as well as the freeway approaches to the toll plaza. The improvements as part of this project are expected to provide treatment for at least 85% of the average annual runoff water at the Emeryville Crescent within central San Francisco Bay.

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The proposed project involves constructing catchment basins to collect roadway runoff. Six catchment basins will treat water from six catchment groups. A water treatment measure or best management practice (BMP) has been proposed in each catchment group, and will involve improvements to existing basins and construction of new basins. Treatment measures will include constructing bioretention systems, re-grading the existing retention basins, and installing gross solids removal devices. Additionally, the stormwater project will involve modifications to existing drainage systems in each catchment group. These modifications include construction of ditches, inlet/junction structures, pump stations, and installation of drainage pipes.

Bioretention systems are not currently used by Caltrans. This project would be installed and tested under the Caltrans BMP Pilot Testing Program. Bioretention systems for stormwater treatment promote contaminant removal by filtration through vegetation and soil media. Removal and breakdown of contaminants occur as runoff flows through and subsequently ponds within the above-ground vegetation as well as during filtration through the filter media. This bioretention system will include a flow regulation device, a vegetated strip, a shallow vegetated ponding area, a surface organic layer of mulch, a planting soil bed, an underdrain system, and an emergency overflow spillway or structure.

To avoid effects to listed species, Caltrans will implement the following minimization measures:

- To avoid the potential impact to the clapper rail, all construction activities occurring immediately adjacent to marshland vegetation or in upland refugia habitat will not take place during the clapper rail breeding season from February 1 through August 31.

- If the construction limits extend into the vegetation adjacent to pickleweed, a special two-foot high barrier fence will be installed to isolate the construction area from potential harvest mouse habitat. The barrier fence will consist of silt fence material and will be buried in a six to eight-inch trench to prevent mice from pushing under the fence. Two-inch wide wooden stakes will support the fence at regular intervals. After fence installation, a qualified biologist will inspect the fenced area for harvest mice; if any harvest mice are found within the construction zone, Caltrans will coordinate with the Service for guidance.

- Storage, refueling and other construction machinery maintenance activities will not be conducted in the wetland or marsh area.

- Temporarily impacted areas will be re-graded, replanted, and restored to preconstruction conditions after construction. All impacted tree/shrub species, including irrigated landscape plants will be replaced on-site and in-kind with native species. All construction debris will be removed from the site after project construction.

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- Biological monitors will visit the project site during project related activities near the salt marsh areas. If special-status species are sighted in the project area, construction will stop and the Service will be contacted for guidance.

- The project boundary adjacent to the Emeryville Crescent Marsh along the bay will be designated as an Environmentally Sensitive Area. High visibility fencing will be used to keep people and equipment from entering sensitive areas outside the project limits.

The Service has determined that the SFOBB East Span seismic safety project stormwater treatment project is not likely to adversely affect the brown pelican, the clapper rail, or the harvest mouse. This determination is based on the fact that the proposed action will not take place in these species' potential habitats and effects to potential habitat will be avoided during construction. Therefore, unless new information reveals effects of the project that may affect federally listed species or critical habitat in a manner not identified to date, or if a new species is listed or critical habitat is designated that may be affected by the proposed action, no further action pursuant to the Act is necessary.

Please contact Ryan Olah or the Coast Bay Delta Branch Chief of my staff at (916) 414-6625, if you have questions regarding this response on the SFOBB East Span seismic safety project stormwater treatment project.

Sincerely,

Catrina Martin
Deputy Assistant Field Supervisor

cc:
NOAA Fisheries, Santa Rosa, California