

## Appendix C. Agency Consultation

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**UNITED STATES DEPARTMENT OF COMMERCE**  
**National Oceanic and Atmospheric Administration**  
NATIONAL MARINE FISHERIES SERVICE  
Southwest Region  
501 West Ocean Boulevard, Suite 4200  
Long Beach, California 90802-4213

September 14, 2004

In Reply Refer To:  
151422SWR01SA5689:JCB

Karen McWilliams  
California Department of Transportation  
District 3  
2800 Gateway Oaks  
Sacramento, California 95818

Dear Ms. McWilliams:

This is in response to your August 23, 2004 letter requesting initiation of consultation with the National Marine Fisheries Service (NOAA Fisheries) for the Tower Bridge Pedestrian and Bicycle Improvement project (File Number: 71-53013-001C). Your letter indicates that your office believes the proposed project may affect, but not likely to adversely affect endangered Sacramento River winter-run Chinook salmon (*Oncorhynchus tshawytscha*), threatened Central Valley steelhead (*O. mykiss*), or designated critical habitat for winter-run Chinook salmon, pursuant to provisions of the Endangered Species Act, as amended (ESA). In addition, your office determined that the proposed project may adversely affect Essential Fish Habitat (EFH) for Pacific Salmon and are requesting consultation pursuant to provisions of the Magnuson-Stevens Fishery Conservation and Management Act (MSA).

The project consists of improvements to Tower Bridge to increase pedestrian and cyclist safety on the bridge by widening the existing pedestrian walkway on each side of the bridge from the current 3- to 4- foot width to a minimum width of ten feet. A containment system will be installed beneath the deck of the bridge to collect all water, dirt, and debris, and paint generated during project construction.

NOAA Fisheries has received the information necessary to initiate consultation on Federally listed salmonids within the proposed project area. Based on our review of the material provided with your request, site visits by NOAA Fisheries representatives, and the best scientific and commercial information currently available, NOAA Fisheries concurs with your determination that the proposed Tower Bridge Pedestrian and Bicycle Improvement project (File Number: 71-53013-001C) is not likely to adversely affect the Sacramento River winter-run Chinook salmon, Central Valley spring-run Chinook salmon, Central Valley steelhead, nor is it anticipated that the proposed project will adversely modify designated critical habitat for Sacramento River winter-run Chinook salmon. This concurrence is based on our expectation that the conservation measures incorporated in the project description will avoid adverse effects to listed species.

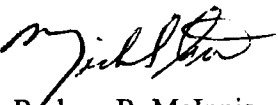


This determination may be reconsidered and further consultation may be necessary if one of the following occurs: (1) new information indicates that the proposed project may affect listed species or designated critical habitats in a manner or to an extent not considered in this review; (2) new species and/or critical habitat are designated that may be affected by the proposed action; or (3) the project description is changed. This concludes ESA section 7 consultation for the proposed project.

We have also reviewed this project for impacts to Essential Fish Habitat (EFH) for Pacific Salmon and pursuant to section 305(b)(2) of the Magnuson-Stevens Fishery Conservation and Management Act (MSA) and find that implementation of the project will not adversely affect EFH for Pacific salmon, therefore, we do not have any additional conservation recommendations for the proposed action.

If you have any questions or need further assistance with this request, please contact John Baker in our Sacramento Area Office, 650 Capitol Mall, Suite 8-300, Sacramento, California 95814. Mr. Baker may be reached by telephone at (916) 930-3616.

Sincerely,

  
do Rodney R. McInnis  
Regional Administrator

cc: NMFS-PRD, Long Beach, CA



## 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-2594

**MAR 31 2005**

Mr. Che McFarlin  
Associate Environmental Planner  
Department of Transportation  
District 3- Sacramento Area Office  
2389 Gateway Oaks Drive, Suite 100, MS-15  
Sacramento, California 95833

Subject: Request for Concurrence of a Not Likely to Adversely Affect  
Determination for the Proposed Tower Bridge Pedestrian and Bicycle  
Improvements Project, Sacramento and Yolo Counties, California

Dear Mr. McFarlin:

This letter responds to your March 17, 2005, request for initiation of consultation with the U.S. Fish and Wildlife Service (Service) on the proposed Tower Bridge Pedestrian and Bicycle Improvements Project (project) located in both Sacramento and Yolo Counties, California. Your request for consultation was received in our office on March 18, 2005. At issue are potential effects of the proposed project on the threatened delta smelt (*Hypomesus transpacificus*) and delta smelt critical habitat, endangered vernal pool tadpole shrimp (*Lepidurus packardii*), threatened vernal pool fairy shrimp (*Branchinecta lynchi*) (vernal pool crustaceans), endangered California freshwater shrimp (*Syncaris pacifica*) (freshwater shrimp), threatened valley elderberry longhorn beetle (*Desmocerus californicus dimorphus*) (beetle), and the threatened giant garter snake (*Thamnophis gigas*) (snake). 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).

The findings and recommendations in this consultation are based on: (1) the April 16, 2002, *Natural Environmental Study* report submitted to the Service by Caltrans; (2) the January 5, 2004, *Initial Study Report*, submitted to the Service by the California Department of Transportation (Caltrans); (3) the June 16, 2004, *Environmental Assessment/Draft Environmental Impact Report and Draft 4(f) Evaluation*, submitted to the Service by Caltrans; (4) a site visit conducted by Michelle Tovar of the Service on January 4, 2005; (5) a March 17, 2005, electronic mail letter and accompanying information requesting initiation of formal consultation with the Service from Caltrans; (6) and other information available to the Service.

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The proposed project is located in western Sacramento County and eastern Yolo County, at Tower Bridge, which spans the Sacramento River northeast of Raley Field and southwest of Old Sacramento. The bridge connects West Capitol Avenue, located in the City of West Sacramento, to Capitol Mall, located in the City of Sacramento. The proposed project involves widening the existing 3 to 4-foot wide sidewalks on each side of the Tower Bridge to a width of 10-feet and construct an aluminum sidewalk. The existing sidewalk will be preserved and widened by 6-7 feet on the fixed truss spans from the pylons to the lift span with a new concrete sidewalk. The sidewalk on the approach spans from the pylons to the riverbank will be preserved and widened from the existing location with a new concrete sidewalk. The existing steel will be reused and relocated to the outside of the new sidewalk, and will attach cables with cable guides. The railing will be placed on top of a new 6-inch concrete curb at the outside of the new sidewalk. The existing barriers will be preserved, and placed on the outside edge of each sidewalk. The existing light fixtures will be preserved and relocated to the outside of the new sidewalk, with the exception of the fixtures on top of the barrier on the west approach span, which will be preserved in place. The existing pedestrian gates will be preserved and four new pedestrian gates will be added to meet the pedestrian safety needs associated with the wider sidewalk. The concrete barriers at the West Sacramento end of the bridge will be preserved and the sidewalks to the outside will be widened, placing new steel railings at the outside edge of the sidewalk. The hollow concrete pylons will be modified by filling them with concrete to facilitate support of the widened sidewalk on the City of Sacramento approach span. The existing knee-brace supports below the existing sidewalk will be preserved and modified, and new larger knee-braces under the widened sidewalk will be added. New support girders will be anchored to existing hollow concrete columns and fill the columns and additional transverse bracing will be provided. Concrete walls on the banks parallel to the river will be partially removed to allow the sidewalk to connect to existing facilities. A barge will be necessary to place falsework, which will support the formwork for the sidewalk.

The project applicant proposes the following avoidance and conservation measures: (1) nothing may fall from the bridge or be deposited into the water. If anything accidentally dropped into water, immediate action will be taken to remove it; (2) no excavation will occur of any part of the banks of the river; (3) staging areas for construction equipment will be located so that spills of oil, grease or other petroleum by-products will not discharge into any watercourse or sensitive habitat. No refueling, storage, servicing, or maintenance of equipment will occur within 100 feet of delta smelt habitat. All machinery will be properly maintained and cleaned to prevent spills and leaks. Any spills or leaks from the equipment will be reported and cleaned up in accordance with applicable local, state and/or federal regulations; (4) the contractor will have on hand absorbent material to be used in case of accidental spills; (5) the construction contractor will prepare a storm water pollution prevention plan to include measures that protect water quality and minimize erosion during construction; (6) a containment system will be installed beneath the deck of the bridge. The planking, suspended by cables, will be covered with plastic to create a catch basin to collect all the water, dirt, and debris washed off the bridge. This debris will be pumped out of the containment system, placed into 55-gallon drums, and hauled off to an approved disposal site; (7) to prevent soil erosion and sedimentation into the Sacramento River, riparian vegetation will be avoided to the maximum extent practicable, and California native tree species removed will be replaced at a 3:1 ratio, and temporarily disturbed areas will be

revegetated with native grass and/or other native vegetation. No non-native seed will be used. Before any ground disturbing activity or any activity on the banks of the river, the contractor will be required to install a minimum 4-foot tall temporary plastic mesh-type construction fence around the drip line of the trees and riparian vegetation to be protected without hindering construction activities. The fencing will be checked and maintained weekly until all construction is completed. Replacement trees will be replanted at the project site. Replacement trees will be of the same species removed. Monitoring of the planting plan will be conducted annually for 5 years with a goal of 80% survival. If fewer than 80 percent of the replacement trees have survived at the end of the 5-year monitoring period, replanting and an additional 5 years of monitoring will be conducted; (8) no in water work will occur and no equipment or materials will be allowed in the flowing water of the Sacramento River, except for barges that may be required for construction; (9) litter and construction debris will be removed from the river and associated riverbank and disposed of at an appropriate site; (10) no coatings or treatments on bridge pilings or other bridge material will be allowed to leach into the surrounding environment and; (11) soil anchoring and stabilization fabrics, if used, will be slit in appropriate locations to allow for plant growth.

#### Conservation Recommendations

The project applicant proposes the following: (1) a raptor survey will occur before construction of the proposed project, the Service will be contacted if any nesting raptors are found in the project vicinity. The applicant should work with the Service to assure adverse impacts are avoided to the nesting birds; and (2) to avoid introduction of new noxious weeds, construction equipment will be cleaned offsite prior to the start of construction activities, and minimize surface disturbance to the greatest extent possible.

The Service has determined that if implemented, the proposed avoidance and conservation measures, as described above, are sufficient to avoid adverse affects to the listed delta smelt and avoid adverse modification of delta smelt critical habitat. Therefore, the proposed project will not likely adversely affect delta smelt. Elderberry shrubs (*Sambucus* species) are the host plant for the beetle. Given that no elderberry shrubs are found in or within 100 feet of the project area, the beetle will not be affected. No vernal pools were found within 250 feet of the proposed project area and therefore, listed vernal pool crustaceans will not be affected. The proposed project is out of the range for the endangered freshwater shrimp and no suitable habitat is located in the action area; therefore, the freshwater shrimp will not be affected. No suitable upland or aquatic snake habitat is present at the proposed project site therefore the snake will not be affected. The Service concurs with your determination that the proposed project will not adversely affect federally-listed species.

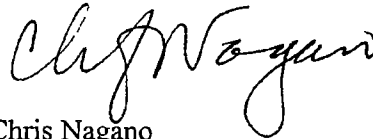
No further action pursuant to the Act is necessary unless: (1) new information reveals effects of the proposed action that may affect listed species in a manner or to an extent not considered; (2) the action is subsequently modified in a manner that causes an effect to listed species or critical habitat that was not considered in this determination; or (3) a new species or critical habitat is designated that may be affected by the proposed action.

Mr. Che McFarlin

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If you have questions regarding the proposed Tower Bridge Pedestrian and Bicycle Improvements project, please contact Michelle Tovar or the acting Sacramento Valley Branch Chief, of my office at (916) 414-6645.

Sincerely,

A handwritten signature in black ink, appearing to read "Chris Nagano". The signature is fluid and cursive, with the first name "Chris" and last name "Nagano" clearly distinguishable.

Chris Nagano  
Chief, Endangered Species Division

cc:

Gary Grunder, California Department of Transportation, Sacramento, California  
Gene Fong, Federal Highways Administration, Sacramento, California

U.S. Department of  
Homeland Security

United States  
Coast Guard



Commander  
District Eleven

U. S. Coast Guard Island  
Building 50-3  
Alameda, CA 94501-5100  
Staff Symbol: oan  
Phone: (510) 437-3514  
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16590  
Sacramento River (59.0)  
Ser: 063-05  
February 17, 2005

California Department of Transportation  
Attn: Steven R. Hetland, P.E.  
2389 Gateway Oaks Drive  
Sacramento, CA 95833

Dear Sir:

Please refer to our telephone conversation today, concerning the proposed deck replacement and sidewalk widening on the Tower Drawbridge, mile 59.0, Sacramento River.

As proposed, these projects will not appreciably change the appearance of the bridge or the existing vertical and horizontal navigational clearances. Therefore, a Coast Guard bridge permit will not be required.

We await your written proposal for the specific dates and times of the proposed deviations from the drawspan operating regulations. At least 30 days advance notice is required to allow proper review, approval, and coordination with the waterway users.

Sincerely,

A handwritten signature in black ink, appearing to read "D. H. Sulouff".

DAVID H. SULOUFF  
Chief, Bridge Section  
Eleventh Coast Guard District  
By direction