

State of California
Department of Fish and Wildlife



Memorandum

Date: May 7, 2020

Governor's Office of Planning & Research

To: Ms. Sabrina Dunn
California Department of Transportation
District 4
Post Office Box 23660, MS-8B
Oakland, CA 94623

MAY 07 2020

STATE CLEARINGHOUSE

DocuSigned by:
Gregg Erickson
BET74W083C604EA
From: Mr. Gregg Erickson, Regional Manager
California Department of Fish and Wildlife-Bay Delta Region, 2825 Cordelia Road, Suite 100, Fairfield, CA 94534

Subject: Interstate 580 – Interstate 205 Roadside Safety Improvement Project Initial Study/Negative Declaration, SCH #2020040221, City of Livermore, Alameda County

The California Department of Fish and Wildlife (CDFW) has reviewed the proposed Initial Study and Negative Declaration (IS/ND) for the proposed Interstate 580 – Interstate 205 Roadside Safety Improvement Project (Project) pursuant the California Environmental Quality Act (CEQA) and CEQA Guidelines.¹ Pursuant to our jurisdiction, CDFW is submitting comments on the IS/ND as a means to inform the California Department of Transportation (Caltrans) as the Lead Agency, of our concerns regarding potentially significant impacts to sensitive resources associated with the proposed Project.

PROJECT LOCATION AND DESCRIPTION SUMMARY

Caltrans proposes to improve maintenance worker safety by extending and paving gore areas, which are small triangular unpaved areas between on-ramps and highways, and constructing maintenance vehicle pullouts (MVPs) at 14 locations along Interstate 580 (I-580) and Interstate 205 (I-205) from North Vasco Road in the City of Livermore in Alameda County to the Alameda-San Joaquin county line (post mile [PM] 0.0 to PM R9.7 on I- 580, and PM L0.0 to PM 0.5 on I-205). The total length of the project is approximately 9.62 miles.

The Biological Study Area (BSA) consists of approximately 2.55 acres located within the City of Livermore and the Altamont Pass I-580 transportation corridor, before the San Joaquin/Alameda county line. The BSA is composed primarily of paved road and barren ground. About 15 percent of the BSA is composed of naturalized annual grassland and landscaped land.

CDFW ROLE

CDFW is a Trustee Agency with responsibility under CEQA §15386 for commenting on projects that could impact fish, plant and wildlife resources. CDFW is also considered a Responsible Agency if a project would require discretionary approval, such as permits issued under the California Endangered Species Act, the Native Plant Protection Act, the Lake and Streambed Alteration (LSA) Program and other provisions of the Fish and Game Code that afford protection to the State's fish and wildlife trust resources.

¹ CEQA is codified in the California Public Resources Code in section 21000 et seq. The "CEQA Guidelines" are found in Title 14 of the California Code of Regulations, commencing with section 15000.

Ms. Sabrina Dunn
California Department of Transportation

2

May 7, 2020

LAKE AND STREAMBED ALTERATION AGREEMENT

Please be advised that the proposed Project may be subject to LSA Notification for impacts to drainage systems that connect to tributaries of main stem creeks and tributaries that occur within the Project BSA. CDFW requires an LSA Notification, pursuant to Fish and Game Code section 1600 et. seq., for or any activity that may substantially divert or obstruct the natural flow; change or use material from the bed, channel, or bank including associated riparian or wetland resources; or deposit or dispose of material where it may pass into a river, lake or stream. Work within ephemeral streams, washes, watercourses with a subsurface flow, and floodplains are subject to notification requirements.

CALIFORNIA ENDANGERED SPECIES ACT

The proposed Project has the potential to impact California tiger salamander (*Ambystoma californiense*), a species designated as threatened pursuant to CESA. Please be advised that a CESA Incidental Take Permit (ITP) must be obtained if the Project has the potential to result in take of species of plants or animals listed under CESA, either during construction or over the life of the Project. Under CESA, take is defined as "to hunt, pursue, catch, capture, or kill, or attempt to hunt, pursue, catch, capture or kill." Issuance of an ITP is subject to CEQA documentation. If the Project will impact CESA-listed species, early consultation is encouraged, as significant modification to the Project and mitigation measures may be required in order to obtain a CESA Permit.

COMMENTS AND RECOMMENDATIONS

CDFW acting as a Responsible Agency, has discretionary approval under CESA through issuance of an ITP and an LSA Agreement as well as other provisions of the Fish and Game Code that afford protection to the State's fish and wildlife trust resources. CDFW would like to thank you for preparing the IS/ND and including the appropriate avoidance and mitigation measures imposed as conditions of Project approval by the lead agency, the California Department of Transportation, that will ensure all Project-related impacts are mitigated to below a level of significance under CEQA. Provided, the lead agency implements and adheres to the Project as described in the IS/ND and implements the avoidance and minimization measures related to the Biological Resources section of the Negative Declaration pursuant to CEQA, CDFW has no further comment in regards to the Project noted herein.

CONCLUSION

Thank you for the opportunity to provide comments and recommendations regarding those activities involved in the Project that may affect California's fish and wildlife. Likewise, we appreciate the opportunity to provide comments regarding those aspects of the Project that CDFW, by law, may be required to carry out or approve through the exercise of its own regulatory authority under the Fish and Game Code.

Questions regarding this letter or further coordination should be directed to Mr. Robert Stanley, Senior Environmental Scientist (Specialist), at (707) 428-2093 or Robert.Stanley@wildlife.ca.gov; or Mr. Craig Weightman, Environmental Program Manager, at (707) 944-5577 or Craig.Weightman@wildlife.ca.gov.

cc: State Clearinghouse #2020040221