

APPENDIX D: NATIONAL MARINE FISHERIES SERVICE SECTION 7 CONSULTATION



U.S. Department
of Transportation
**Federal Highway
Administration**

Central Federal Lands Highway Division

March 8, 2018

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In Reply Refer To:
HFPM-16

National Marine Fisheries Service
Attn: Sara Azat
777 Sonoma Avenue, #325
Santa Rosa, CA 05404

Subject: Section 7 Consultation for Sir Francis Drake Boulevard Improvement Project
CA FLAP CR109(1)
Addendum to the Biological Assessment

Dear Ms. Azat:

The Federal Highway Administration Central Federal Lands Highway Division (FHWA-CFLHD), in cooperation with Marin County and the National Park Service (NPS), is proposing to improve Sir Francis Drake Boulevard (SFDB) within Point Reyes National Seashore (PRNS). The purpose of the project is to restore the structural integrity of the road and enhance safety for all users while reducing ongoing maintenance requirements. FHWA-CFLHD is the lead federal agency for this consultation.

Since the submittal of the Biological Assessment (BA) in May 2015 and supplemental information provided in September 2015, FHWA-CFLHD has modified the Action Alternative to further improve conditions along SFDB and to provide detail to the mitigation approach to compensate for impacts related to the roadway project. Changes to the Action Alternative include: (1) installing a bridge at Schooner Creek; (2) installing biotechnical bank stabilization along a portion of East Schooner Creek; (3) re-establishing a historic wetland at Drakes Beach and reconfiguring the parking lot; and (4) constructing two ponds (Home Ranch Pond 2 and 9) to provide aquatic breeding habitat for California red-legged frog.

Enclosed for your consideration is an addendum to the BA. This addendum analyzes impacts from the project design changes to the Action Alternative since the submittal of the BA in 2015 which may have effects on federal ESA-listed species, their designated critical habitat, and Essential Fish Habitat (EFH) as well as the potential impacts to marine mammals. The need for this addendum is the result of specific project design changes that were not part of the 15 percent design phase and an expansion of the project area and, therefore, were not included in the original BA.

As described in the attached addendum, Central California Coast (CCC) coho salmon are not likely to be present in the Action Area and, according to NPS staff, there is no recent

documentation of coho salmon within Schooner Bay or East Schooner Creek. However, CCC steelhead is known to occur within the Action Area in East Schooner Creek and Schooner Creek. Designated critical habitat for both of these species is located within the Action Area. Even though CCC coho salmon would not likely be present, potential habitat for the species exists in the Action Area and the species could potentially be present. In addition, the proposed project would help restore function of critical habitat and Essential Fish Habitat within the Action Area. Therefore, the proposed project ***may affect, but is not likely to adversely affect***, CCC coho salmon and designated critical habitat for both CCC coho salmon and steelhead. We request your concurrence with our “not likely to adversely affect” determination, and hereby request informal consultation under Section 7 of the ESA.

Although CCC steelhead would not likely be present between July 1 and October 15 when in-channel work would be conducted, the species is known to occur within the Action Area. As such, there is potential for the species to incur direct effects during construction. Therefore, the proposed project ***may affect, and is likely to adversely affect*** CCC steelhead. We request initiation of formal consultation under Section 7 of the ESA. In addition, FHWA-CFLHD respectively requests the opportunity to review the draft Biological Opinion.

With regard to marine mammals, the only potential for impacts to marine mammals is at the Drakes Beach parking lot where wetland mitigation and parking lot reconfiguration is proposed. However, construction at the parking lot would not occur during the northern elephant seal pupping and breeding season as determined by the seasonal closures established by the NPS. Therefore, no incidental take is anticipated as a result of the project and no Incidental Harassment Authorization or Letter of Authorization under the Marine Mammal Protection Act is required.

If you require further information or have questions, please contact Timberley Belish, Environmental Protection Specialist, by email at timberley.belish@dot.gov or by phone at (720) 963-3683. In addition,

Thank you for your cooperation and assistance.

Sincerely yours,

A handwritten signature in blue ink, appearing to read "Nate Allen".

Nate Allen, P.E.
Project Manager

Enclosure: Biological Assessment Addendum