



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

June 16, 2014

Refer to NMFS No: 2014-730

Tom Edell
Environmental Stewardship Branch
California Department of Transportation District 5
50 Higuera Street
San Luis Obispo, California 93401

Re: Endangered Species Act Section 7(a)(2) Concurrence Letter for the California Department of Transportation's Bridge-Replacement Project at Goleta Beach Park, Santa Barbara County

Dear Mr. Edell:

On May 15, 2014, NOAA's National Marine Fisheries Service (NMFS) received the California Department of Transportation's (Caltrans) request for concurrence under Section 7 of the U.S. Endangered Species Act (ESA). The request concerns Caltrans' Goleta Beach Park Bridge-Replacement Project (proposed action) in Santa Barbara County and potential effects on the endangered Southern California Coast (SCC) Distinct Population Segment (DPS) of steelhead (*Oncorhynchus mykiss*) and designated critical habitat for this species. Caltrans is serving as the lead federal agency for the proposed action in accordance with the provisions of the *Memorandum of Understanding between the Federal Highway Administration and Caltrans Concerning the State of California's Participation in the Surface Transportation Project Delivery Program Pursuant to 23 USC 327*, which became effective October 1, 2012. This response to your request was prepared by NMFS pursuant to Section 7(a)(2) of the ESA, implementing regulations at 50 CFR 402, and agency guidance for preparation of letters of concurrence.

This letter underwent pre-dissemination review using standards for utility, integrity, and objectivity in compliance with applicable guidelines issued under the Data Quality Act (section 515 of the Treasury and General Government Appropriations Act for Fiscal Year 2001, Public Law 106-554). The concurrence letter will be available through NMFS' Public Consultation Tracking System <https://pcts.nmfs.noaa.gov/pcts-web/homepage.pcts>. A complete record of this consultation is on file at NMFS' Southern California Coastal Office in Long Beach, California.

Action Area

The proposed action will occur in the Tecolotito Creek channel of Goleta Slough. Goleta Slough provides habitat for endangered SCC steelhead (71 FR 834¹), and is designated critical habitat for the species (70 FR 52488²).

¹ Endangered and Threatened Species: Final Listing Determinations for 10 Distinct Population Segments of West Coast Steelhead. Federal Register, Vol. 71, No. 3. January 5, 2006.



The action area is about 725-feet long and includes the linear extent of the Goleta Beach Park Bridge over Goleta Slough and encompasses the riparian corridor to the top of the slough bank. Longitudinally within the slough channel, the action area extends approximately 375-feet upstream and 350-feet downstream from the existing Goleta Beach Park Bridge centerline.

The section of Goleta Slough within the action area is projected to function primarily as migration area for steelhead. As a result, steelhead presence within the action area appears to coincide with rain-induced periods of elevated creek discharge that may occur between November and May.

Proposed Action

Under the proposed action, Caltrans would replace the existing multi-span Goleta Beach Park Bridge over Goleta Slough. A multi-span bridge (approximately 53.5-feet wide x 140-feet long) on a new alignment will be placed on concrete piles cast in drilled holes within the slough banks. Construction activities will require the work area to be dewatered and installation of a temporary access path into the slough channel. Once the proposed bridge is complete, the existing bridge would be demolished and removed. Following construction, Caltrans proposes to implement a habitat mitigation and monitoring plan (HMMP). There is no known action that is interrelated or interdependent with the proposed action.

Caltrans proposes to implement the following avoidance and minimization measures as part of the proposed action:

1. Dewatering activities will occur between June 1 and October 31 to avoid the steelhead migration window and therefore presence of steelhead. A qualified biologist will be present during construction and demolition activities to inspect the dewatered area daily to ensure that the diversion remains intact.
2. To further reduce the likelihood of direct effects to steelhead, temporary block nets will be installed to isolate the work area from surrounding flowing water. Upon completion of construction activities, the block nets will be removed.
3. Best management practices (BMPs) will be implemented during dewatering and construction to minimize the likelihood that water-quality alterations within and downstream of the action area would be observed.

Action Agency's Effects Determination

Caltrans determined the proposed action "may affect, but is not likely to adversely affect SCC steelhead or designated critical habitat within Goleta Slough." This determination is based on the implementation of avoidance and minimization measures, in particular restricting the proposed activities to when steelhead presence within the action area is unlikely and isolating the work area from flowing water.

² Endangered and Threatened Species: Designated Critical Habitat for Seven Evolutionary Significant Units of Pacific Salmon and Steelhead in California. Federal Register, Vol. 70, No. 170. September 2, 2005.

Consultation History

On April 8, 2014, NMFS received Caltrans' letter and information package requesting initiation of Section 7 formal consultation under the ESA for the proposed action.

On May 5, 2014, NMFS and Caltrans held a teleconference to discuss the proposed action and potential measures that could be implemented to reduce the likelihood of adversely affecting steelhead.

On May 15, 2014, NMFS received Caltrans' letter requesting initiation of Section 7 informal consultation under the ESA. The request included additional avoidance and minimization measures discussed during the May 5, 2014 teleconference.

Effects of the Action

Under the ESA, "effects of the action" means the direct and indirect effects of an action on the listed species or critical habitat, together with the effects of other activities that are interrelated or interdependent with that action (50 CFR 402.02). The applicable standard to find that a proposed action is not likely to adversely affect listed species or critical habitat is that all of the effects of the action are expected to be discountable, insignificant, or completely beneficial. Beneficial effects are contemporaneous positive effects without any adverse effects to the species or critical habitat. Insignificant effects relate to the size of the impact and should never reach the scale where take occurs. Discountable effects are those extremely unlikely to occur.

Dewatering activities will occur between June 1 and October 31. NMFS does not expect adult or juvenile steelhead migrating through the action area during this time. Juvenile steelhead are not expected to rear in this portion of Goleta Slough because qualitative field surveys undertaken in the vicinity of the action area between 1993 and 2008 did not document presence of this species (e.g. CERES 2013³, Padre 2010⁴, URS 2010⁵) and the action area appears to function primarily as migration corridor. Additionally, steelhead in Goleta Slough are not expected to be impacted by construction because barriers will be installed that prevent steelhead from entering the work area from the downstream and upstream direction, and the proposed action does not include impact pile driving. As a result, direct effects to steelhead owing to the proposed action are discountable.

While effects of the proposed action on SCC steelhead and their critical habitat include the potential for substantial turbidity increases associated with dewatering and disturbance of the slough banks within a confined area, such increases are not probable owing to the wet season BMPs that are incorporated into the proposed action. Short-term increases in turbidity, if observed when the channel is re-watered or during the first rain event of the year, are anticipated to be insignificant relative to background turbidity concentration.

³ California Environmental Resources Evaluation System (CERES). 2013. Goleta Slough. California Natural Resources Agency.

⁴ Padre Associates. 2010. Santa Barbara County Flood Control and Water Conservation District Flood Control Maintenance Activities in the Goleta Slough. Final Subsequent Environmental Impact Report. SCH. 2000031092. October 2010.

⁵ URS Corporation. 2008. Results of Tidewater Goby Pre-construction Survey and Monitoring for the Goleta Beach Road Bridge Project 2008. Prepared for Santa Barbara County Public Works Department Transportation Division, engineering Section. December 5, 2008.

The proposed bridge location is mainly devoid of shade providing vegetation, and the vegetation that will be removed along the slough banks as part of the proposed action does not shade aquatic habitat. As a result, the proposed action is not expected to diminish the functional value of beneficial vegetation along the slough banks. Additionally, impacts to wetland habitat within the action area are expected to be minimized due to the implementation of a HMMP that would restore tidal connectivity between Goleta Slough and a parcel of land located to the north of Goleta Beach Park Bridge. The HMMP will achieve the overall goal of enhancing biodiversity and habitat value within Goleta Slough. Thus, the impacts to wetland habitat within the action area are expected to be discountable.

The information made available to NMFS as part of this consultation indicates the proposed bridge would not permanently alter or influence the channel configuration or hydrology within this section of Goleta Slough. The vertical profile of the proposed bridge will be increased to accommodate a higher water-surface elevation than the existing bridge, and the new bridge piers will be installed in the same configuration as the existing bridge, which is parallel to the direction of creek flow. Thus, the proposed action is not expected to reduce the functional value of the action area as a migratory corridor for adult and juvenile steelhead.

Conclusion

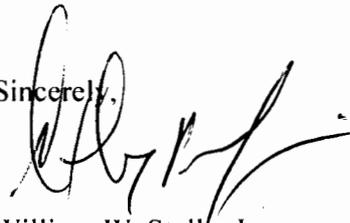
Based on this analysis, NMFS concurs with Caltrans that the proposed action is not likely to adversely affect endangered SCC steelhead or designated critical habitat within the action area of Goleta Slough.

Reinitiation of Consultation

Reinitiation of consultation is required and shall be requested by Caltrans or by NMFS, where discretionary Federal involvement or control over the action has been retained or is authorized by law and (1) new information reveals effects of the action that may affect listed species or critical habitat in a manner or to an extent not previously considered; (2) the identified action is subsequently modified in a manner that causes an effect to the listed species or critical habitat that was not considered in this concurrence letter; or if (3) a new species is listed or critical habitat designated that may be affected by the identified action (50 CFR §402.16). This concludes the ESA portion of this consultation.

Please direct questions regarding this letter to Jay Ogawa, Southern California Coastal Office (562) 980-4061.

Sincerely,


for William W. Stelle, Jr.
Regional Administrator

cc: Mary Larson, CDFW, Los Alamitos
Administrative File: 151422WCR2014CC00088