

# Memorandum

*Making Conservation  
California Way of Life.*

 for

**To:** **CARLI BAKER**  
District Biologist  
Office of Biological Sciences and Permits

**Date:** April 30, 2021

**File:** Oakland Alameda  
Access Project  
(OAAP)

**EA:** 04-0G360

**EFIS:** 0400000326A

**Rosanna McGuire**  Date: 2021.04.30  
17:32:22-07'00'

**From:** **Rosanna McGuire**  
Environmental Planner/Biologist  
HNTB

**Subject:** Addendum to the Natural Environment Study for EA 04-0G360, OAAP, Alameda  
County, California

## 1.0 Purpose of this Addendum

The Natural Environment Study-Minimal Impact (NES-MI) for OAAP was approved by the California Department of Transportation (Caltrans) in September 2020. Since the approval of the NES-MI, two species updates have occurred for monarch butterfly (*Danaus plexippus*) and the Crotch bumble bee (*Bombus crotchii*). The purpose of this addendum is to document the updated environmental setting, impacts, avoidance, minimization and/or mitigation measures (AMMs) and provide revised effect determinations. All changes are included below.

Since approval of the NES-MI, one species, the monarch butterfly is now listed as candidate species under the Federal Endangered Species Act (FESA). Monarch butterfly was not included in the NES-MI approved in September 2020. Monarch observations were included in the California Natural Diversity Database (CNDDDB) lists obtained on March 9, 2021 (Attachment 1), and it was observed during project field surveys. Monarch butterfly was not included in the official species lists provided by either the San Francisco Bay-Delta Fish and Wildlife or the Sacramento Fish and Wildlife Offices on March 9, 2021 (Attachments 2 and 3).

A species observation for Crotch bumble bee was also added to the CNDDDB on October 30, 2020. Crotch bumble bee was not previously identified in the 2020 NES-MI. Crotch bumble bee is currently listed on the California Department of Fish and Wildlife's (CDFW) Special Animals List (April 2021) as a candidate for endangered status under the California Endangered Species Act (CESA). However, the California Superior Court ruled on November 19, 2020 that CESA does not cover insects, despite invertebrates being included under the definition of fish in Section 45 of the California Fish and Game Code. The court's

ruling set aside the California Fish and Game Commission's decision to accept the petition for listing. The November 19, 2020 decision is currently being appealed by CDFW and three environmental organizations. Although the initial decision to accept the listing petition and list Crotch bumble bee as a candidate species was set aside, due to the outstanding uncertainty regarding the outcome of the appeal, HNTB recommended adding the Crotch bumble bee to the Environmental Impact Report/Environmental Assessment (EIR/EA). The Crotch bumble bee meets the technical criteria to be a candidate species, and therefore qualifies as endangered, rare, or threatened under California Environmental Quality Act (CEQA) Guidelines Section 15380(d).

## 2.0 Summary

The following revisions are to be made to the Summary:

1. Paragraph seven is replaced with the following: "A total of 49 special-status wildlife species (including federally-listed and state-listed) and regulated habitats have potential to occur within a 5-mile radius of the BSAs. Based on the evaluation conducted for this NES-MI, the following special-status species have the potential to occur: monarch butterflies (*Danaus plexippus*), peregrine falcon (*Falco peregrinus*), roosting bats, and migratory nesting birds."
2. The following paragraph is added: "Monarch butterflies are a candidate for listing under the Federal Endangered Species Act. Monarchs could roost in trees or forage in or near the project footprint. Prior to any tree removals, a biologist will be on-site to confirm that the trees do not contain monarch butterfly roosts."
3. Monarch butterfly are to be added to list of species discussed in the Worker Environmental Awareness Training.

## 3.0 Chapter 3 Environmental Setting

The following revisions are to be made to Chapter 3 Environmental Setting:

1. Section 3.2.3 Special-Status Wildlife Species:
  - a. Change the total number of special-status wildlife species and protected habitats have potential to occur within the biological study area (BSA) to from 47 to 49.
  - b. The number of special-status wildlife species that could occur in the BSA is updated from six to seven.
  - c. Two additional rows are added to Table 8, as follows.

**Table 8.** Potential for Special-Status Wildlife to Occur within the Biological Study Area (BSAs)

Scientific Name Common Name	Federal Status	State Status	Habitat Requirements	Potential to Occur within the BSA	FESA Effects Determination
<b>Invertebrates</b>					
<i>Bombus crotchii</i> Crotch bumble bee	--	CE	Grassland and open scrub habitats in California. Food plants are often from the following genera: snapdragons, phacelias, <i>Clarkia</i> , tree poppies, wild buckwheat, and <i>Eschscholzia</i> (such as the California poppy).	<b>None.</b> The nearest CNDDB record is 4.8 miles from suitable annual grassland habitat within the project footprint (City of Alameda). There are no records of Crotch bumble bees on Alameda Island. Due to presence of extensive urbanization and the Oakland Estuary between the CNDDB record and annual grassland in the BSA, as well as the lack of intervening suitable habitat patches, there is no potential for Crotch bumble bees to occur within the BSA.	Not present. No effect.
<i>Danaus plexippus</i> Monarch butterfly	C	--	Winter roost sites extend along the coast from northern Mendocino to Baja California, Mexico. Roosts located in wind-protected tree groves (eucalyptus, Monterey pine, and Monterey cypress [ <i>Cupressus macrocarpa</i> ]), with nectar and water sources nearby.	<b>High.</b> Observed during biological surveys.	Present. No effect.

"Provide a safe, sustainable, integrated and efficient transportation system to enhance California's economy and livability"

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#### 4.0 Chapter 4 Results: Biological Resources, Discussion of Impacts, and Mitigation

The following revisions are to be made to Chapter 3 Environmental Setting:

1. Section 4.4 Special-Status Wildlife:
  - a. Revise first paragraph to state that 49 special-status wildlife species were evaluated, of which seven were determined to have some potential to occur within the BSA.
  - b. Add Section 4.4.4 Monarch Butterfly (4.4.4.1 through 4.4.4.4):

##### 4.4.4 Monarch Butterfly

In the western U.S., each fall, over one million monarchs fly to more than two hundred groves along the California coast where they roost over winter. These butterflies leave their overwintering sites in spring and fly eastward to California's Central Valley and the Sierra Nevada foothills and north to Oregon, Washington, and British Columbia in search of milkweeds on which to lay their eggs. Milkweed species (*Asclepias* spp.) are the required host plants for caterpillars of the monarch butterfly.

##### 4.4.4.1 Survey Results

Oakland BSA – No monarchs were observed during the surveys in the Oakland BSA. The BSA does not contain optimal roosting habitat. Monarchs prefer protected groves of species such as eucalyptus, Monterey pine, and Monterey cypress. Although there are eucalyptus trees within the BSA, most of which are adjacent to I-880, they do not form sheltering groves.

Alameda BSA – Breeding monarchs have been documented on the island of Alameda however no milkweed species were observed during biological survey of the BSA. Adult monarchs were observed during biological surveys. Adult monarchs may forage in urban landscaping as well as annual grassland within the BSA.

##### 4.4.4.2 Project Impacts

There would be no permanent impacts to native foraging habitat, including annual grasslands and urban landscaping. Work near the annual grassland area in Alameda is limited to bicycle/pedestrian path and crosswalk improvements adjacent to Mariner Square Drive. There would be no permanent loss of annual grassland habitat associated with the Build Alternative. Affected landscaping would be replaced or restored as part of the Build Alternative.

There is no potential for permanent impacts to the host plant of monarchs, milkweed. No milkweed species were identified during previous biological surveys. Furthermore, work near the annual grassland area in Alameda is limited to bicycle/pedestrian path and crosswalk improvements adjacent to Mariner Square Drive. There would be no permanent loss of annual grassland habitat associated with the Build Alternative.

The Build Alternative would not result in the permanent loss of overwintering roosts. Monarchs are known to roost in tree species such as eucalyptus. There were no roosts identified during biological surveys. The majority of the tree removals (including eucalyptus) for the Build Alternative are located adjacent to I-880 and are unlikely to function as roosting locations for overwintering monarchs due to the exposure to noise and visual disturbance from highway traffic. The eucalyptus adjacent to I-880 do not form protective groves that monarchs prefer for roosting.

Construction of the Build Alternative would not result in impacts to breeding, roosting, or foraging monarch butterflies. There are no known overwintering roosts within the BSA, nor are there host plants for breeding within the BSA. Based on the biological surveys, trees within the BSA do not form the protective groves that monarchs prefer for roosting. It is therefore unlikely that a new roost would form in the BSA prior to construction. Construction activities have the potential to disturb active roosts, if a new roost is established in the project footprint prior to construction.

Construction activities also have the potential to result in the direct mortality of monarchs. Prohibitions on take do not apply to candidates for FESA. Therefore, mortality of individual monarch butterflies is not prohibited. Construction of the Build Alternative is not planned to take place near documented high concentrations of monarch butterflies and therefore direct conflict between monarchs is expected to be minimal. The Build Alternative would not result in sufficient direct mortality to cause the population to drop below self-sustaining levels.

#### 4.4.4.4 Avoidance and Minimization Measures/Compensatory Mitigation

AMMs will be modified to include the following measures to prevent project impacts to monarch butterfly:

- Prior to any tree removals, a biologist will be on-site to confirm that the trees do not contain monarch butterfly roosts.
- Conduct Worker Environmental Awareness Training regarding potential sensitive species that could occur in or near the BSAs, including monarch butterflies.

Impacts to monarch butterflies will be avoided with the implementation of AMMs. Trees that will be removed by the project will be surveyed prior to removal to confirm that they do not support monarch roosts. Construction of the Build Alternative would therefore not result in the loss of an active monarch overwintering site. The preconstruction training will instruct construction staff to avoid monarchs that may forage near construction. Therefore, construction will not result in direct mortality of monarch butterflies. No impacts are anticipated and no compensatory mitigation is proposed.

c. The following changes are to be made to Table 10:

- Conduct Worker Environmental Awareness Training: Add monarch butterflies to the list of sensitive species that could occur near the BSA.
- Add new row for monarch butterflies. The description will state: "Prior to any tree removals, a biologist will be on-site to confirm that the trees do not contain monarch butterfly roosts."

## **5.0 Chapter 5 Conclusions and Regulatory Determination**

The project would have no effect on monarch butterflies. No changes are needed to Chapter 5.

## **6.0 References**

California Department of Fish and Wildlife (CDFW). April 2021. Special Animals List. Accessed April 28, 2021. <https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=109406&inline>

U.S. Fish and Wildlife Service. December 15, 2020. U.S. Fish and Wildlife Service Finds Endangered Species Act Listing for Monarch Butterfly Warranted but Precluded. Press Release. Accessed April 27, 2021. [https://www.fws.gov/news/ShowNews.cfm?ref=u.s.-fish-and-wildlife-service-finds-endangered-species-act-listing-for-&\\_ID=36817](https://www.fws.gov/news/ShowNews.cfm?ref=u.s.-fish-and-wildlife-service-finds-endangered-species-act-listing-for-&_ID=36817)

## **Attachments**

- (1) CNDDDB Selected Elements (Animals), March 9, 2021
- (2) San Francisco Bay-Delta Fish and Wildlife Species List, March 9, 2021
- (3) Sacramento Fish and Wildlife Species List, March 9, 2021



**Query Criteria:** Quad IS (Oakland East (3712272) OR Oakland West (3712273) OR San Leandro (3712262) OR Hunters Point (3712263)) AND Taxonomic Group IS (Fish OR Amphibians OR Reptiles OR Birds OR Mammals OR Mollusks OR Arachnids OR Crustaceans OR Insects)

Species	Element Code	Federal Status	State Status	Global Rank	State Rank	Rare Plant Rank/CDFW SSC or FP
<i>Accipiter cooperii</i> Cooper's hawk	ABNKC12040	None	None	G5	S4	WL
<i>Ambystoma californiense</i> California tiger salamander	AAAAA01180	Threatened	Threatened	G2G3	S2S3	WL
<i>Antrozous pallidus</i> pallid bat	AMACC10010	None	None	G4	S3	SSC
<i>Aquila chrysaetos</i> golden eagle	ABNKC22010	None	None	G5	S3	FP
<i>Athene cunicularia</i> burrowing owl	ABNSB10010	None	None	G4	S3	SSC
<i>Bombus caliginosus</i> obscure bumble bee	IIHYM24380	None	None	G4?	S1S2	
<i>Bombus crotchii</i> Crotch bumble bee	IIHYM24480	None	Candidate Endangered	G3G4	S1S2	
<i>Bombus occidentalis</i> western bumble bee	IIHYM24250	None	Candidate Endangered	G2G3	S1	
<i>Charadrius nivosus nivosus</i> western snowy plover	ABNNB03031	Threatened	None	G3T3	S2	SSC
<i>Cicindela hirticollis gravaida</i> sandy beach tiger beetle	IICOL02101	None	None	G5T2	S2	
<i>Circus hudsonius</i> northern harrier	ABNKC11011	None	None	G5	S3	SSC
<i>Corynorhinus townsendii</i> Townsend's big-eared bat	AMACC08010	None	None	G4	S2	SSC
<i>Coturnicops noveboracensis</i> yellow rail	ABNME01010	None	None	G4	S1S2	SSC
<i>Danaus plexippus pop. 1</i> monarch - California overwintering population	IILEPP2012	None	None	G4T2T3	S2S3	
<i>Dipodomys heermanni berkeleyensis</i> Berkeley kangaroo rat	AMAFD03061	None	None	G4T1	S1	
<i>Elanus leucurus</i> white-tailed kite	ABNKC06010	None	None	G5	S3S4	FP
<i>Emys marmorata</i> western pond turtle	ARAAD02030	None	None	G3G4	S3	SSC
<i>Eucyclogobius newberryi</i> tidewater goby	AFCQN04010	Endangered	None	G3	S3	





**Selected Elements by Scientific Name**  
**California Department of Fish and Wildlife**  
**California Natural Diversity Database**



Species	Element Code	Federal Status	State Status	Global Rank	State Rank	Rare Plant Rank/CDFW SSC or FP
<b><i>Euphydryas editha bayensis</i></b> Bay checkerspot butterfly	IILEPK4055	Threatened	None	G5T1	S1	
<b><i>Falco peregrinus anatum</i></b> American peregrine falcon	ABNKD06071	Delisted	Delisted	G4T4	S3S4	FP
<b><i>Geothlypis trichas sinuosa</i></b> saltmarsh common yellowthroat	ABPBX1201A	None	None	G5T3	S3	SSC
<b><i>Helminthoglypta nickliniana bridgesi</i></b> Bridges' coast range shoulderband	IMGASC2362	None	None	G3T1	S1S2	
<b><i>Lasionycteris noctivagans</i></b> silver-haired bat	AMACC02010	None	None	G3G4	S3S4	
<b><i>Lasiurus cinereus</i></b> hoary bat	AMACC05030	None	None	G3G4	S4	
<b><i>Lateralus jamaicensis coturniculus</i></b> California black rail	ABNME03041	None	Threatened	G3G4T1	S1	FP
<b><i>Masticophis lateralis euryxanthus</i></b> Alameda whipsnake	ARADB21031	Threatened	Threatened	G4T2	S2	
<b><i>Melospiza melodia pusillula</i></b> Alameda song sparrow	ABPBXA301S	None	None	G5T2?	S2S3	SSC
<b><i>Microcina leei</i></b> Lee's micro-blind harvestman	ILARA47040	None	None	G1	S1	
<b><i>Neotoma fuscipes annectens</i></b> San Francisco dusky-footed woodrat	AMAFF08082	None	None	G5T2T3	S2S3	SSC
<b><i>Nyctinomops macrotis</i></b> big free-tailed bat	AMACD04020	None	None	G5	S3	SSC
<b><i>Phalacrocorax auritus</i></b> double-crested cormorant	ABNFD01020	None	None	G5	S4	WL
<b><i>Rallus obsoletus obsoletus</i></b> California Ridgway's rail	ABNME05011	Endangered	Endangered	G3T1	S1	FP
<b><i>Rana boylei</i></b> foothill yellow-legged frog	AAABH01050	None	Endangered	G3	S3	SSC
<b><i>Rana draytonii</i></b> California red-legged frog	AAABH01022	Threatened	None	G2G3	S2S3	SSC
<b><i>Reithrodontomys raviventris</i></b> salt-marsh harvest mouse	AMAFF02040	Endangered	Endangered	G1G2	S1S2	FP
<b><i>Rynchops niger</i></b> black skimmer	ABNNM14010	None	None	G5	S2	SSC
<b><i>Scapanus latimanus parvus</i></b> Alameda Island mole	AMABB02031	None	None	G5T1Q	SH	SSC
<b><i>Sorex vagrans halicoetes</i></b> salt-marsh wandering shrew	AMABA01071	None	None	G5T1	S1	SSC
<b><i>Spirinchus thaleichthys</i></b> longfin smelt	AFCHB03010	Candidate	Threatened	G5	S1	



**Selected Elements by Scientific Name**  
**California Department of Fish and Wildlife**  
**California Natural Diversity Database**



<b>Species</b>	<b>Element Code</b>	<b>Federal Status</b>	<b>State Status</b>	<b>Global Rank</b>	<b>State Rank</b>	<b>Rare Plant Rank/CDFW SSC or FP</b>
<b><i>Sternula antillarum browni</i></b> California least tern	ABNNM08103	Endangered	Endangered	G4T2T3Q	S2	FP
<b><i>Taxidea taxus</i></b> American badger	AMAJF04010	None	None	G5	S3	SSC
<b><i>Tryonia imitator</i></b> mimic tryonia (=California brackishwater snail)	IMGASJ7040	None	None	G2	S2	

**Record Count: 42**

## Attachment 2



# United States Department of the Interior



FISH AND WILDLIFE SERVICE  
San Francisco Bay-Delta Fish And Wildlife  
650 Capitol Mall  
Suite 8-300  
Sacramento, CA 95814  
Phone: (916) 930-5603 Fax: (916) 930-5654  
[http://kim\\_squires@fws.gov](http://kim_squires@fws.gov)

In Reply Refer To:

March 09, 2021

Consultation Code: 08FBBDT00-2020-SLI-0209

Event Code: 08FBBDT00-2021-E-00255

Project Name: Oakland Alameda Access Project

Subject: Updated list of threatened and endangered species that may occur in your proposed project location or may be affected by your proposed project

To Whom It May Concern:

The enclosed species list identifies threatened, endangered, proposed and candidate species, as well as proposed and final designated critical habitat, that may occur within the boundary of your proposed project and/or may be affected by your proposed project. The species list fulfills the requirements of the U.S. Fish and Wildlife Service (Service) under section 7(c) of the Endangered Species Act (Act) of 1973, as amended (16 U.S.C. 1531 *et seq.*).

New information based on updated surveys, changes in the abundance and distribution of species, changed habitat conditions, or other factors could change this list. Please feel free to contact us if you need more current information or assistance regarding the potential impacts to federally proposed, listed, and candidate species and federally designated and proposed critical habitat. Please note that under 50 CFR 402.12(e) of the regulations implementing section 7 of the Act, the accuracy of this species list should be verified after 90 days. This verification can be completed formally or informally as desired. The Service recommends that verification be completed by visiting the ECOS-IPaC website at regular intervals during project planning and implementation for updates to species lists and information. An updated list may be requested through the ECOS-IPaC system by completing the same process used to receive the enclosed list.

The purpose of the Act is to provide a means whereby threatened and endangered species and the ecosystems upon which they depend may be conserved. Under sections 7(a)(1) and 7(a)(2) of the Act and its implementing regulations (50 CFR 402 *et seq.*), Federal agencies are required to utilize their authorities to carry out programs for the conservation of threatened and endangered species and to determine whether projects may affect threatened and endangered species and/or designated critical habitat.

A Biological Assessment is required for construction projects (or other undertakings having similar physical impacts) that are major Federal actions significantly affecting the quality of the human environment as defined in the National Environmental Policy Act (42 U.S.C. 4332(2)(c)). For projects other than major construction activities, the Service suggests that a biological evaluation similar to a Biological Assessment be prepared to determine whether the project may affect listed or proposed species and/or designated or proposed critical habitat. Recommended contents of a Biological Assessment are described at 50 CFR 402.12.

If a Federal agency determines, based on the Biological Assessment or biological evaluation, that listed species and/or designated critical habitat may be affected by the proposed project, the agency is required to consult with the Service pursuant to 50 CFR 402. In addition, the Service recommends that candidate species, proposed species and proposed critical habitat be addressed within the consultation. More information on the regulations and procedures for section 7 consultation, including the role of permit or license applicants, can be found in the "Endangered Species Consultation Handbook" at:

<http://www.fws.gov/endangered/esa-library/pdf/TOC-GLOS.PDF>

Please be aware that bald and golden eagles are protected under the Bald and Golden Eagle Protection Act (16 U.S.C. 668 *et seq.*), and projects affecting these species may require development of an eagle conservation plan ([http://www.fws.gov/windenergy/eagle\\_guidance.html](http://www.fws.gov/windenergy/eagle_guidance.html)). Additionally, wind energy projects should follow the wind energy guidelines (<http://www.fws.gov/windenergy/>) for minimizing impacts to migratory birds and bats.

Guidance for minimizing impacts to migratory birds for projects including communications towers (e.g., cellular, digital television, radio, and emergency broadcast) can be found at:

<http://www.fws.gov/migratorybirds/CurrentBirdIssues/Hazards/towers/towers.htm>;

<http://www.towerkill.com>; and

<http://>

[www.fws.gov/migratorybirds/CurrentBirdIssues/Hazards/towers/comtow.html](http://www.fws.gov/migratorybirds/CurrentBirdIssues/Hazards/towers/comtow.html).

We appreciate your concern for threatened and endangered species. The Service encourages Federal agencies to include conservation of threatened and endangered species into their project planning to further the purposes of the Act. Please include the Consultation Tracking Number in the header of this letter with any request for consultation or correspondence about your project that you submit to our office.

Attachment(s):

- Official Species List
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## Official Species List

This list is provided pursuant to Section 7 of the Endangered Species Act, and fulfills the requirement for Federal agencies to "request of the Secretary of the Interior information whether any species which is listed or proposed to be listed may be present in the area of a proposed action".

This species list is provided by:

### **San Francisco Bay-Delta Fish And Wildlife**

650 Capitol Mall  
Suite 8-300  
Sacramento, CA 95814  
(916) 930-5603

This project's location is within the jurisdiction of multiple offices. Expect additional species list documents from the following office, and expect that the species and critical habitats in each document reflect only those that fall in the office's jurisdiction:

### **Sacramento Fish And Wildlife Office**

Federal Building  
2800 Cottage Way, Room W-2605  
Sacramento, CA 95825-1846  
(916) 414-6600

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## Project Summary

Consultation Code: 08FBDT00-2020-SLI-0209

Event Code: 08FBDT00-2021-E-00255

Project Name: Oakland Alameda Access Project

Project Type: TRANSPORTATION

Project Description: Improve multimodal access between Oakland, Alameda, and I-880

Project Location:

Approximate location of the project can be viewed in Google Maps: <https://www.google.com/maps/@37.79124588130587,-122.26119070013291,14z>



Counties: Alameda County, California

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## Endangered Species Act Species

There is a total of 10 threatened, endangered, or candidate species on this species list.

Species on this list should be considered in an effects analysis for your project and could include species that exist in another geographic area. For example, certain fish may appear on the species list because a project could affect downstream species.

IPaC does not display listed species or critical habitats under the sole jurisdiction of NOAA Fisheries<sup>1</sup>, as USFWS does not have the authority to speak on behalf of NOAA and the Department of Commerce.

See the "Critical habitats" section below for those critical habitats that lie wholly or partially within your project area under this office's jurisdiction. Please contact the designated FWS office if you have questions.

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1. [NOAA Fisheries](#), also known as the National Marine Fisheries Service (NMFS), is an office of the National Oceanic and Atmospheric Administration within the Department of Commerce.

### Mammals

NAME	STATUS
Salt Marsh Harvest Mouse <i>Reithrodontomys raviventris</i> No critical habitat has been designated for this species. Species profile: <a href="https://ecos.fws.gov/ecp/species/613">https://ecos.fws.gov/ecp/species/613</a>	Endangered

### Birds

NAME	STATUS
California Clapper Rail <i>Rallus longirostris obsoletus</i> No critical habitat has been designated for this species. Species profile: <a href="https://ecos.fws.gov/ecp/species/4240">https://ecos.fws.gov/ecp/species/4240</a>	Endangered
California Least Tern <i>Sterna antillarum browni</i> No critical habitat has been designated for this species. Species profile: <a href="https://ecos.fws.gov/ecp/species/8104">https://ecos.fws.gov/ecp/species/8104</a>	Endangered
Western Snowy Plover <i>Charadrius nivosus nivosus</i> Population: Pacific Coast population DPS-U.S.A. (CA, OR, WA), Mexico (within 50 miles of Pacific coast) There is <b>final</b> critical habitat for this species. The location of the critical habitat is not available. Species profile: <a href="https://ecos.fws.gov/ecp/species/8035">https://ecos.fws.gov/ecp/species/8035</a>	Threatened

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## Reptiles

NAME	STATUS
Alameda Whipsnake (=striped Racer) <i>Masticophis lateralis euryxanthus</i> There is <b>final</b> critical habitat for this species. The location of the critical habitat is not available. Species profile: <a href="https://ecos.fws.gov/ecp/species/5524">https://ecos.fws.gov/ecp/species/5524</a>	Threatened
Green Sea Turtle <i>Chelonia mydas</i> Population: East Pacific DPS No critical habitat has been designated for this species. Species profile: <a href="https://ecos.fws.gov/ecp/species/6199">https://ecos.fws.gov/ecp/species/6199</a>	Threatened

## Amphibians

NAME	STATUS
California Red-legged Frog <i>Rana draytonii</i> There is <b>final</b> critical habitat for this species. The location of the critical habitat is not available. Species profile: <a href="https://ecos.fws.gov/ecp/species/2891">https://ecos.fws.gov/ecp/species/2891</a>	Threatened

## Fishes

NAME	STATUS
Delta Smelt <i>Hypomesus transpacificus</i> There is <b>final</b> critical habitat for this species. The location of the critical habitat is not available. Species profile: <a href="https://ecos.fws.gov/ecp/species/321">https://ecos.fws.gov/ecp/species/321</a>	Threatened

## Insects

NAME	STATUS
San Bruno Elfin Butterfly <i>Callophrys mossii bayensis</i> There is <b>proposed</b> critical habitat for this species. The location of the critical habitat is not available. Species profile: <a href="https://ecos.fws.gov/ecp/species/3394">https://ecos.fws.gov/ecp/species/3394</a>	Endangered

## Flowering Plants

NAME	STATUS
California Seablite <i>Suaeda californica</i> Population: No critical habitat has been designated for this species. Species profile: <a href="https://ecos.fws.gov/ecp/species/6310">https://ecos.fws.gov/ecp/species/6310</a>	Endangered

## Critical habitats

THERE ARE NO CRITICAL HABITATS WITHIN YOUR PROJECT AREA UNDER THIS OFFICE'S JURISDICTION.



## Attachment 3



# United States Department of the Interior



FISH AND WILDLIFE SERVICE  
Sacramento Fish And Wildlife Office  
Federal Building  
2800 Cottage Way, Room W-2605  
Sacramento, CA 95825-1846  
Phone: (916) 414-6600 Fax: (916) 414-6713

In Reply Refer To:  
Consultation Code: 08ESMF00-2020-SLI-2279  
Event Code: 08ESMF00-2021-E-03556  
Project Name: Oakland Alameda Access Project

March 09, 2021

Subject: Updated list of threatened and endangered species that may occur in your proposed project location or may be affected by your proposed project

### To Whom It May Concern:

The enclosed species list identifies threatened, endangered, proposed and candidate species, as well as proposed and final designated critical habitat, under the jurisdiction of the U.S. Fish and Wildlife Service (Service) that may occur within the boundary of your proposed project and/or may be affected by your proposed project. The species list fulfills the requirements of the Service under section 7(c) of the Endangered Species Act (Act) of 1973, as amended (16 U.S.C. 1531 *et seq.*).

Please follow the link below to see if your proposed project has the potential to affect other species or their habitats under the jurisdiction of the National Marine Fisheries Service:

[http://www.nwr.noaa.gov/protected\\_species/species\\_list/species\\_lists.html](http://www.nwr.noaa.gov/protected_species/species_list/species_lists.html)

New information based on updated surveys, changes in the abundance and distribution of species, changed habitat conditions, or other factors could change this list. Please feel free to contact us if you need more current information or assistance regarding the potential impacts to federally proposed, listed, and candidate species and federally designated and proposed critical habitat. Please note that under 50 CFR 402.12(e) of the regulations implementing section 7 of the Act, the accuracy of this species list should be verified after 90 days. This verification can be completed formally or informally as desired. The Service recommends that verification be completed by visiting the ECOS-IPaC website at regular intervals during project planning and implementation for updates to species lists and information. An updated list may be requested through the ECOS-IPaC system by completing the same process used to receive the enclosed list.

The purpose of the Act is to provide a means whereby threatened and endangered species and the ecosystems upon which they depend may be conserved. Under sections 7(a)(1) and 7(a)(2) of the Act and its implementing regulations (50 CFR 402 *et seq.*), Federal agencies are required to

utilize their authorities to carry out programs for the conservation of threatened and endangered species and to determine whether projects may affect threatened and endangered species and/or designated critical habitat.

A Biological Assessment is required for construction projects (or other undertakings having similar physical impacts) that are major Federal actions significantly affecting the quality of the human environment as defined in the National Environmental Policy Act (42 U.S.C. 4332(2)(c)). For projects other than major construction activities, the Service suggests that a biological evaluation similar to a Biological Assessment be prepared to determine whether the project may affect listed or proposed species and/or designated or proposed critical habitat. Recommended contents of a Biological Assessment are described at 50 CFR 402.12.

If a Federal agency determines, based on the Biological Assessment or biological evaluation, that listed species and/or designated critical habitat may be affected by the proposed project, the agency is required to consult with the Service pursuant to 50 CFR 402. In addition, the Service recommends that candidate species, proposed species and proposed critical habitat be addressed within the consultation. More information on the regulations and procedures for section 7 consultation, including the role of permit or license applicants, can be found in the "Endangered Species Consultation Handbook" at:

<http://www.fws.gov/endangered/esa-library/pdf/TOC-GLOS.PDF>

Please be aware that bald and golden eagles are protected under the Bald and Golden Eagle Protection Act (16 U.S.C. 668 *et seq.*), and projects affecting these species may require development of an eagle conservation plan ([http://www.fws.gov/windenergy/eagle\\_guidance.html](http://www.fws.gov/windenergy/eagle_guidance.html)). Additionally, wind energy projects should follow the wind energy guidelines (<http://www.fws.gov/windenergy/>) for minimizing impacts to migratory birds and bats.

Guidance for minimizing impacts to migratory birds for projects including communications towers (e.g., cellular, digital television, radio, and emergency broadcast) can be found at: <http://www.fws.gov/migratorybirds/CurrentBirdIssues/Hazards/towers/towers.htm>; <http://www.towerkill.com>; and <http://www.fws.gov/migratorybirds/CurrentBirdIssues/Hazards/towers/comtow.html>.

We appreciate your concern for threatened and endangered species. The Service encourages Federal agencies to include conservation of threatened and endangered species into their project planning to further the purposes of the Act. Please include the Consultation Tracking Number in the header of this letter with any request for consultation or correspondence about your project that you submit to our office.

Attachment(s):

- Official Species List
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## Official Species List

This list is provided pursuant to Section 7 of the Endangered Species Act, and fulfills the requirement for Federal agencies to "request of the Secretary of the Interior information whether any species which is listed or proposed to be listed may be present in the area of a proposed action".

This species list is provided by:

### **Sacramento Fish And Wildlife Office**

Federal Building  
2800 Cottage Way, Room W-2605  
Sacramento, CA 95825-1846  
(916) 414-6600

This project's location is within the jurisdiction of multiple offices. Expect additional species list documents from the following office, and expect that the species and critical habitats in each document reflect only those that fall in the office's jurisdiction:

### **San Francisco Bay-Delta Fish And Wildlife**

650 Capitol Mall  
Suite 8-300  
Sacramento, CA 95814  
(916) 930-5603

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## Project Summary

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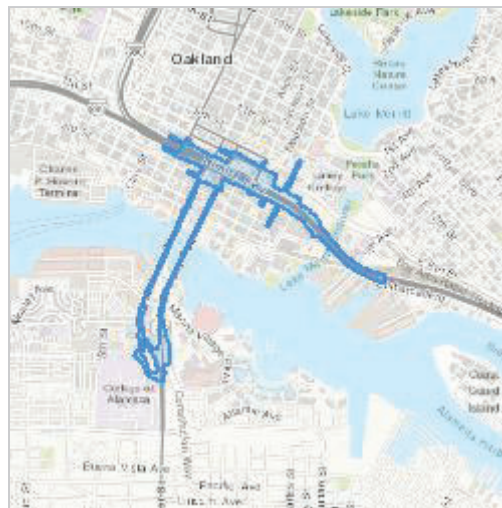
Project Name: Oakland Alameda Access Project

Project Type: TRANSPORTATION

Project Description: Improve multimodal access between Oakland, Alameda, and I-880

Project Location:

Approximate location of the project can be viewed in Google Maps: <https://www.google.com/maps/@37.79124588130587,-122.26119070013291,14z>



Counties: Alameda County, California

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## Endangered Species Act Species

There is a total of 12 threatened, endangered, or candidate species on this species list.

Species on this list should be considered in an effects analysis for your project and could include species that exist in another geographic area. For example, certain fish may appear on the species list because a project could affect downstream species.

IPaC does not display listed species or critical habitats under the sole jurisdiction of NOAA Fisheries<sup>1</sup>, as USFWS does not have the authority to speak on behalf of NOAA and the Department of Commerce.

See the "Critical habitats" section below for those critical habitats that lie wholly or partially within your project area under this office's jurisdiction. Please contact the designated FWS office if you have questions.

1. [NOAA Fisheries](#), also known as the National Marine Fisheries Service (NMFS), is an office of the National Oceanic and Atmospheric Administration within the Department of Commerce.

### Mammals

NAME	STATUS
Salt Marsh Harvest Mouse <i>Reithrodontomys raviventris</i> No critical habitat has been designated for this species. Species profile: <a href="https://ecos.fws.gov/ecp/species/613">https://ecos.fws.gov/ecp/species/613</a>	Endangered

### Birds

NAME	STATUS
California Clapper Rail <i>Rallus longirostris obsoletus</i> No critical habitat has been designated for this species. Species profile: <a href="https://ecos.fws.gov/ecp/species/4240">https://ecos.fws.gov/ecp/species/4240</a>	Endangered
California Least Tern <i>Sterna antillarum browni</i> No critical habitat has been designated for this species. Species profile: <a href="https://ecos.fws.gov/ecp/species/8104">https://ecos.fws.gov/ecp/species/8104</a>	Endangered
Western Snowy Plover <i>Charadrius nivosus nivosus</i> Population: Pacific Coast population DPS-U.S.A. (CA, OR, WA), Mexico (within 50 miles of Pacific coast) There is <b>final</b> critical habitat for this species. The location of the critical habitat is not available. Species profile: <a href="https://ecos.fws.gov/ecp/species/8035">https://ecos.fws.gov/ecp/species/8035</a>	Threatened

## Reptiles

NAME	STATUS
Alameda Whipsnake (=striped Racer) <i>Masticophis lateralis euryxanthus</i> There is <b>final</b> critical habitat for this species. The location of the critical habitat is not available. Species profile: <a href="https://ecos.fws.gov/ecp/species/5524">https://ecos.fws.gov/ecp/species/5524</a>	Threatened
Green Sea Turtle <i>Chelonia mydas</i> Population: East Pacific DPS No critical habitat has been designated for this species. Species profile: <a href="https://ecos.fws.gov/ecp/species/6199">https://ecos.fws.gov/ecp/species/6199</a>	Threatened

## Amphibians

NAME	STATUS
California Red-legged Frog <i>Rana draytonii</i> There is <b>final</b> critical habitat for this species. The location of the critical habitat is not available. Species profile: <a href="https://ecos.fws.gov/ecp/species/2891">https://ecos.fws.gov/ecp/species/2891</a>	Threatened

## Fishes

NAME	STATUS
Delta Smelt <i>Hypomesus transpacificus</i> There is <b>final</b> critical habitat for this species. The location of the critical habitat is not available. Species profile: <a href="https://ecos.fws.gov/ecp/species/321">https://ecos.fws.gov/ecp/species/321</a>	Threatened
Tidewater Goby <i>Eucyclogobius newberryi</i> There is <b>final</b> critical habitat for this species. The location of the critical habitat is not available. Species profile: <a href="https://ecos.fws.gov/ecp/species/57">https://ecos.fws.gov/ecp/species/57</a>	Endangered

## Insects

NAME	STATUS
San Bruno Elfin Butterfly <i>Callophrys mossii bayensis</i> There is <b>proposed</b> critical habitat for this species. The location of the critical habitat is not available. Species profile: <a href="https://ecos.fws.gov/ecp/species/3394">https://ecos.fws.gov/ecp/species/3394</a>	Endangered

## Flowering Plants

NAME	STATUS
California Seablite <i>Suaeda californica</i> Population: No critical habitat has been designated for this species. Species profile: <a href="https://ecos.fws.gov/ecp/species/6310">https://ecos.fws.gov/ecp/species/6310</a>	Endangered
Santa Cruz Tarplant <i>Holocarpha macradenia</i> There is <b>final</b> critical habitat for this species. The location of the critical habitat is not available. Species profile: <a href="https://ecos.fws.gov/ecp/species/6832">https://ecos.fws.gov/ecp/species/6832</a>	Threatened

## **Critical habitats**

THERE ARE NO CRITICAL HABITATS WITHIN YOUR PROJECT AREA UNDER THIS OFFICE'S JURISDICTION.