



## United States Department of the Interior

### U.S. FISH AND WILDLIFE SERVICE

Ecological Services  
Palm Springs Fish and Wildlife Office  
777 East Tahquitz Canyon Way, Suite 208  
Palm Springs, California 92262



In Reply Refer to:  
FWS-ERIV-20B0200-20I1249

July 2, 2020  
*Sent by Email*

Mr. Craig Wentworth  
Department of Transportation – District 8  
464 West Fourth Street, 6th Floor  
San Bernardino, California 92401

Subject: Request for Informal Consultation for the Chuckwalla Valley Road Bridge Replacement, Riverside County, California (BRLO 5956, 225, 226, 227 and 239)

Dear Mr. Wentworth:

We received your electronic mail dated May 21, 2020, requesting our concurrence with your determination that the proposed action for replacing four bridges along Chuckwalla Valley Road (Project) may affect, but is not likely to adversely affect the federally threatened desert tortoise [Mojave population DPS (*Gopherus agassizii*); desert tortoise] or its designated critical habitat. Your request and our response are made pursuant to section 7(a)(2) of the Endangered Species Act of 1973 (Act), as amended (16 U.S.C. 1531 *et seq.*). The California Department of Transportation (Caltrans) is the non-Federal representative for the Federal Highway Administration (FHWA). Caltrans is receiving Federal funding for the Project from FHWA and providing funding to Riverside County (Applicant) for the Project. Caltrans has assumed FHWA's National Environmental Policy Act responsibilities for section 7 consultation in accordance with 23 U.S.C. 327 Memorandum of Understanding between FHWA and Caltrans (effective October 1, 2012).

The proposed Project would occur on Chuckwalla Valley Road east of Desert Center in Riverside County. The Applicant proposes to replace four existing two-lane timber bridges with two-lane modern bridges. Project activities would include removing existing bridge structures, constructing bridge components, installing modern traffic road barriers and railings, and improving roadway and channels underneath the bridges. The Applicant would use the existing roadway for access and staging construction equipment and materials. All Project activities would occur within the roadway right-of-way.

The action area for the proposed Project is within designated critical habitat for desert tortoise. Pre-project surveys for desert tortoise were conducted in the Project area in 2017 and 2019. These surveys did not detect desert tortoise individuals or sign. Project activities would disturb approximately 10.17 acres of designated critical habitat, permanently impacting 0.66 acre and temporarily impacting 9.51 acres.

## Conservation Measures

The proposed Project includes conservation measures (CM) intended to avoid and minimize effects to desert tortoise and its designated critical habitat. Caltrans will ensure implementation of the following conservation measures:

- CM 1. **Best Management Practices (BMPs):** Caltrans will ensure the implementation of the following BMPs to reduce impacts on desert tortoise and critical habitat:
  - a. Workers will implement dust control measures to minimize airborne dust impacts on adjacent vegetation.
  - b. The Project will reduce the potential for fire by requiring the use of protective gear to reduce fire risks. In addition, fire suppression capabilities will be available on site whenever construction occurs during the fire season.
  - c. Trash will be stored in closed containers and removed from the Project area daily.
  - d. Workers will properly remove and dispose of non-native plant species during construction activities to prevent sprouting or regrowth.
  - e. The Project will include plans for water pollution and erosion control in accordance with Regional Water Quality Control Board requirements.
- CM 2. **Biological Monitor:** An Approved Biologist will monitor construction activities to ensure that practicable measures are being employed to avoid incidental disturbance to desert tortoise designated critical habitat adjacent to the Project area.
- CM 3. **Preconstruction Desert Tortoise Survey:** An Approved Biologist will conduct preconstruction surveys in all work areas for desert tortoise no more than 7 days prior to the start of construction activities, including staging within the Project area.
- CM 4. **Temporary Construction Areas:** Caltrans will ensure that post-construction and all temporary construction areas within desert tortoise habitat will be returned to preconstruction conditions.
- CM 5. **Desert Tortoise Exclusion Fencing:** Caltrans will ensure the construction area will be contained to the minimal area necessary to complete the proposed Project and will be specified in the construction plans. Desert tortoise-proof fencing will be installed under the direction of an Approved Biologist around the perimeter of the Project site to prevent desert tortoise from entering. The fencing will be monitored and maintained at a frequency necessary to ensure its effectiveness.
- CM 6. **Worker Environmental Awareness Program Training:** The Project will include a worker education program, which the Approved Biologist will present

to all construction personnel prior to the start of construction activities. The biologist will describe the work limits within which the Project must be accomplished and all approved access routes. The training will include general behavior and ecology of desert tortoise and other sensitive species (i.e., nesting birds), identification of the species, reporting requirements, and protection measures being implemented for the Project.

- CM 7. **Desert Tortoise under Vehicles and/or Equipment:** The Approved Biologist and Project personnel will carefully check under parked vehicles or equipment for desert tortoises before moving any vehicles or equipment. If a desert tortoise is found within the Project area, then activities will stop in the vicinity of the tortoise and the tortoise will be allowed to move away on its own accord to a location away from danger. Workers will not capture, handle, or relocate desert tortoises. Project activities shall begin only once the desert tortoise is safely outside the Project areas or required protected areas.

Based on the information provided and the conservation measures described above, we concur that the proposed Project is not likely to adversely affect desert tortoise or designated critical habitat. We are basing our concurrence on the implementation of the aforementioned conservation measures, the small amount of habitat impacts, and the temporary nature of the effects. Should the project description change or if a desert tortoise is injured or killed on the Project site or because of Project-related activities, our concurrence to your determination may be reconsidered and formal consultation may be required.

The interagency consultation requirements of section 7 of the Act have been satisfied. Although our concurrence ends informal consultation, obligations under section 7 of the Act will be reconsidered if new information reveals effects of the agency action that may affect listed species or critical habitat in a manner or to an extent not previously considered, or this action is subsequently modified in a manner that was not considered in this assessment.

If you have any questions, please contact [Vincent James](#)<sup>1</sup> of my staff at 760-322-2070, extension 415.

Sincerely,

for Jenness McBride  
Acting Assistant Field Supervisor

---

<sup>1</sup> vincent\_james@fws.gov