



# United States Department of the Interior

FISH AND WILDLIFE SERVICE  
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In Reply Refer to:  
2022-0079134-S7-001

November 15, 2022

Laura Loeffler  
Branch Chief, Division of Environmental Management, M-1 Branch  
California Department of Transportation, District 3  
703 B Street  
Marysville, California 95901  
laura.loeffler@dot.ca.gov

Subject: Section 7 Consultation on the County Road 49 Hamilton Creek Bridge  
Replacement Project in Yolo County, California (Federal Project Number BRLO  
5922 [111])

Dear Laura Loeffler:

This letter is in response to the California Department of Transportation's (Caltrans) October 3, 2022, request for consultation with the U.S. Fish and Wildlife Service (Service) on the County Road 49 Hamilton Creek Bridge Replacement Project (proposed project) in Yolo County, California. Your initiation request and the accompanying February 2022 *County Road 49 over Hamilton Creek Bridge Replacement Project Biological Assessment* (biological assessment) prepared by Gallaway Enterprises (consultant) was received by the Service on October 17, 2022. At issue are the proposed project's effects on the federally threatened valley elderberry longhorn beetle (*Desmocerus californicus dimorphus*) (beetle). This response is provided under the authority of the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 et seq.) (Act), and in accordance with the implementing regulations pertaining to interagency cooperation (50 CFR 402).

The federal action on which we are consulting is Caltrans, in conjunction with the County of Yolo (County), implementing the proposed project, which will replace the bridge over Hamilton Creek along County Road 49. Pursuant to 50 CFR 402.12(j), you submitted a biological assessment for our review and requested concurrence with the findings presented therein. These findings conclude that the proposed project may affect, and is likely to adversely affect, the beetle. The proposed project is pending approval from the Yolo Habitat Conservancy for coverage by the September 2018 *Yolo County Habitat Conservation Plan and Natural Community Conservation Plan* (Plan).

This document was based on the following:

- 1) Your October 3, 2022 letter requesting initiation of formal consultation with the attached biological assessment;
- 2) The Plan dated September 2018;

- 3) Email communication between the Service and the Yolo Habitat Conservancy; and
- 4) Other information available to the Service.

The proposed project occurs within the Plan area and is an activity eligible for coverage under the Plan. The Service concurs that the proposed project complies with all applicable conditions required by the Plan and the incidental take permit. The status of the beetle and the effects of covered activities, such as the proposed project, were previously addressed in our August 2, 2018, *Intra-Service Biological and Conference Opinion on the Issuance of a Section 10(a)(1)(B) Incidental Take Permit to the Yolo Habitat Conservancy, including Yolo County and the incorporated cities of Davis, West Sacramento, Winters, and Woodland, for the Yolo County Habitat Conservation Plan and Natural Community Conservation Plan* (Service File Number 08ESMF00-2017-F-3219-1). In this biological opinion, we concluded that the effects of the covered activities and level of incidental take were not likely to jeopardize the continued existence of the beetle. As a result, the Service authorized the incidental take associated with the proposed project in the Plan's incidental take permit (Service Permit Number TE-05527D-0 issued on September 24, 2018). Once the Yolo Habitat Conservancy provides approval for coverage under the Plan, take exemption will be authorized for the proposed project.

This fulfills Caltrans' requirement to consult with the Service under section 7 of the Act. As provided in 50 CFR 402.16(a), reinitiation of consultation is required and shall be requested by the federal agency or by the Service where discretionary federal involvement or control over the action has been retained or is authorized by law, and if:

- 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; or
- 3) A new species is listed or critical habitat designated that may be affected by the identified action.

If you have any questions concerning this determination on the County Road 49 Hamilton Creek Bridge Replacement Project, please contact Ian Perkins-Taylor, Senior Fish and Wildlife Biologist, by email ([ian\\_perkins-taylor@fws.gov](mailto:ian_perkins-taylor@fws.gov)) or by phone at (916) 414-6585 or Megan Cook, Sacramento Valley Division Supervisor, by email ([megan\\_cook@fws.gov](mailto:megan_cook@fws.gov)), by phone at (916) 414-6492, or at the letterhead address.

Sincerely,

Michael Fris  
Field Supervisor

cc:

Alexander Tengolics, Executive Director, Yolo Habitat Conservancy, Woodland, California  
Brooks Taylor, California Department of Transportation, Marysville, California