



California Natural Resources Agency
DEPARTMENT OF FISH AND GAME
1416 9th Street, 12th Floor
Sacramento, CA 95814
www.dfg.ca.gov

ARNOLD SCHWARZENEGGER, Governor
DONALD KOCH, Director



June 22, 2009

Ms. Katrina Pierce
California Department of Transportation
703 B Street
Marysville, California 95901-0911

**Request for Consistency Determination for the State Route 99 Roadway
Rehabilitation Project (Rio Bonito), Butte County (2080-2009-005-02)**

Dear Ms. Pierce:

On May 22, 2009, the Department of Fish and Game (DFG) received your request for a determination pursuant to Fish and Game Code Section 2080.1 that the May 20, 2009 federal Biological Opinion as amended (BO) (Ref. No. 81420-2009-F-0438-R001) and its associated incidental take statement for the proposed project referenced above are consistent with the California Endangered Species Act (CESA) as to anticipated take of Giant garter snake (*Thamnophis couchi gigas*).

DFG has determined that the above-referenced BO, including its incidental take statement, for the State Route 99 Roadway Rehabilitation Project (Rio Bonito), located on Highway 99 east of the town of Biggs in Butte County, is consistent with CESA. A copy of our determination is attached for your records.

If you have questions regarding our determination, please contact Staff Environmental Scientist Jenny Marr (530) 895-4267 or Kent Smith, Environmental Program Manager, at (916) 358-2900.

Sincerely,

Kevin Hunting, Deputy Director
Ecosystem Conservation Division

Enclosure

cc: See Page 2

Ann Malcolm, General Counsel

Kent Smith, NCR

Jeff Drongesen, NCR

Jennifer Deleon, HCPB

Jenny Marr, NCR