

From: HENSON Anna * ODOT <Anna.HENSON@odot.state.or.us>
To: "jwarncke@cityofsalem.net" (jwarncke@cityofsalem.net)(jwarncke@cityofsalem.net)" <jwarncke@cityofsalem.net>
CC: "Bryan Colbourne (BColbourne@cityofsalem.net)" <BColbourne@cityofsalem.net>, FRICKE Daniel L <Daniel.L.FRICKE@odot.state.or.us>, HENSON Anna * ODOT <Anna.HENSON@odot.state.or.us>
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Subject: ESA Consultation Process

Good Morning Julie,

This email is to provide information on the process the Salem River Crossing Project (SRC project) has to step through to complete Endangered Species Act (ESA) consultation with the federal regulatory agencies.

BACKGROUND: ESA protects plant and animal species that are in danger of extinction. FHWA is required to consult with the US Fish and Wildlife Services (USFWS) and/or the National Marine Fisheries Service (NMFS) to ensure that FHWA is not authorizing actions that are likely to jeopardize the continued existence of listed species or destroying or adversely modifying designated critical habitat. ODOT completes this consultation on behalf of FHWA for federally funded transportation projects.

SRC PROJECT: Potential impacts to ESA listed species and their habitat that have been identified for this project are as follows:

1. Aquatic species: Chinook salmon and steelhead trout = ESA consultation with NMFS required (incidental take statement)
2. Terrestrial species: none identified = No Effect Memo to USFWS

ESA CONSULTATION: This consultation process started early in the project through the Collaborative Environmental and Transportation Agreement for Streamlining (CETAS). Representatives from USFWS and NMFS served as CETAS members and were involved at key project decision milestones. Members of this group must formally concur on the SRC project decisions related to the Purpose and Need, range of alternatives, the criteria for evaluation, the selection criteria measures and the preferred alternative.

Due to the potential impacts of this project to Aquatic species, continued coordination with NMFS is required, a Biological Assessment (BA) is currently being drafted in coordination with Tom Loynes, NMFS liaison to ODOT. The BA will make some conservative estimates about bridge design, including a work bridge, and will include potential mitigation measures or (see list below) that are agreed upon by NMFS to offset any impacts our project may incur including impacts to listed species and their habitat. Once the draft BA is complete FHWA will submit to NMFS officially and NMFS will issue a Biological Opinion (BiOp). This BiOp has to be issued by NMFS prior to FHWA approving the project by signing the Record of Decision (ROD).

Examples of Potential Effects of the project on the species and their critical habitat that could be included in the BiOp:

1. Work area isolation impacts
2. Total Suspended Solids, Turbidity, and Sediments
3. Fluvial Alteration
4. Stormwater Management
5. Chemical Contamination
6. Riparian Disturbance
7. Fish Capture, removal and relocating
8. Fluvial Alteration

Measures that could be included in the BiOp to offset the potential impacts:

1. Work within the active channel of the river will be completed during the in water work period as established by ODFW.
2. Minimize impact area - confine construction impacts to the minimum area necessary to achieve project goals.
3. Under high flow conditions, operations will cease that could result in inundation of the project area.
4. Pollution and Erosion Control Plan implementation including inspection of erosion control best management practices (BMP).
5. Construction discharge water will be treated.
6. Isolation and fish salvage will occur within work areas.
7. Prepare project completion report with photos.
8. Site restoration - finish grade slopes and elevations.
9. Look at opportunities to enhance riparian zones to allow for more shade, lower stream temperatures and more potential for large wood to be added to the system.

CURRENT STATUS of BA: CH2M's biologist has had several meetings with the Tom L (NMFS liaison) as part of the continued coordination efforts with NMFS this BA has been drafted and is currently under review by both ODOT and NMFS.

Please let me know if you have any questions or need additional information.

Thank you.

Anna Henson
Environmental Project Manager
ODOT, Region 3
541.774.6376
541.944.8783 (cell)