



United States Department of the Interior

FISH AND WILDLIFE SERVICE
Oregon Fish and Wildlife Office
2600 S.E. 98th Avenue, Suite 100
Portland, Oregon 97266
(503) 231-6179 FAX: (503) 231-6195



Reply To: 8330.2021(03)
File Name: Sp202.wpd
TS Number: 03-1650

February 14, 2003

Emily Roth
Parametrix, Inc.
700 NE Multnomah, Suite 1160
Portland, OR 97232

Subject: ODOT US 101 Transportation Solutions Project
USFWS Reference # (1-7-03-SP-202)

Dear Ms. Roth:

This is in response to your letter, dated January 30, 2003, requesting information on listed and proposed endangered and threatened species that may be present within the area of the ODOT US 101 Transportation Solutions Project in Curry County. The U.S. Fish and Wildlife Service (Service) received your correspondence on January 30, 2003.

We have attached a list (Attachment A) of threatened and endangered species that may occur within the area of the ODOT US 101 Transportation Solutions Project. The list fulfills the requirement of the Service under section 7(c) of the Endangered Species Act (Act) of 1973, as amended (16 U.S.C. 1531 *et seq.*). Federal Highway Commission (FHWA) requirements under the Act are outlined in Attachment B.

The purpose of the Act is to provide a means whereby threatened and endangered species and the ecosystems on which they depend may be conserved. Under section 7(a)(1) and 7(a)(2) of the Act and pursuant to 50 CFR 402 *et seq.*, FHWA is required to utilize their authorities to carry out programs which further species conservation and to determine whether projects may affect threatened and endangered species, and/or critical habitat. A Biological Assessment is required for construction projects (or other undertakings having similar physical impacts) which are major Federal actions significantly affecting the quality of the human environment as defined in the National Environmental Policy Act (NEPA) (42 U.S.C. 4332 (2)(c)). For projects other than major construction activities, the Service suggests that a biological evaluation similar to the Biological Assessment be prepared to determine whether they may affect listed and proposed species. Recommended contents of a Biological Assessment are described in Attachment B, as well as 50 CFR 402.12.

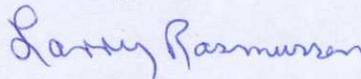
If FHWA determines, based on the Biological Assessment or evaluation, that threatened and endangered species and/or critical habitat may be affected by the project, FHWA is required to consult with the Service following the requirements of 50 CFR 402 which implement the Act.

Attachment A includes a list of candidate species under review for listing. The list reflects changes to the candidate species list published June 13, 2002, in the Federal Register (Vol. 67, No. 114, 40657) and the addition of "species of concern." Candidate species have no protection under the Act but are included for consideration as it is possible candidates could be listed prior to project completion. Species of concern are those taxa whose conservation status is of concern to the Service (many previously known as Category 2 candidates), but for which further information is still needed.

If a proposed project may affect only candidate species or species of concern, FHWA is not required to perform a Biological Assessment or evaluation or consult with the Service. However, the Service recommends addressing potential impacts to these species in order to prevent future conflicts. Therefore, if early evaluation of the project indicates that it is likely to adversely impact a candidate species or species of concern, FHWA may wish to request technical assistance from this office.

Your interest in endangered species is appreciated. The Service encourages FHWA to investigate opportunities for incorporating conservation of threatened and endangered species into project planning processes as a means of complying with the Act. If you have questions regarding your responsibilities under the Act, please contact Stacy Sroufe at (503) 231-6179. All correspondence should include the above referenced file number. For questions regarding salmon and steelhead trout, please contact National Marine Fisheries Service, 525 NE Oregon Street, Suite 500, Portland, Oregon 97232, (503) 230-5400.

Sincerely,



bur

Kemper M. McMaster
State Supervisor

Attachments
1-7-03-SP-202

cc: OFWO-ES
ODFW (nongame)

FEDERALLY LISTED AND PROPOSED ENDANGERED AND THREATENED SPECIES,
CANDIDATE SPECIES AND SPECIES OF CONCERN THAT MAY OCCUR WITHIN THE
AREA OF THE ODOT US 101 TRANSPORTATION SOLUTIONS PROJECT
1-7-03-SP-202

LISTED SPECIES^{1/}Mammals

Northern (=Stellar) sea lion	<i>Eumetopias jubatus</i>	T
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Birds

Marbled murrelet ^{2/}	<i>Brachyramphus marmoratus</i>	CH T
Western snowy plover ^{3/}	<i>Charadrius alexandrinus nivosus</i>	CH T
Bald eagle ^{4/}	<i>Haliaeetus leucocephalus</i>	T
Brown pelican	<i>Pelecanus occidentalis</i>	E

Fish

Coho salmon (S. Oregon/N. Calif. Coast) ^{6/}	<i>Oncorhynchus kisutch</i>	**T
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Plants

Western lily	<i>Lilium occidentale</i>	E
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PROPOSED SPECIES

None

CANDIDATE SPECIES

None

SPECIES OF CONCERNMammals

Pallid bat	<i>Antrozous pallidus pacificus</i>
White-footed vole	<i>Arborimus albipes</i>
Pacific western big-eared bat	<i>Corynorhinus (=Plecotus) townsendii townsendii</i>
Silver-haired bat	<i>Lasionycteris noctivagans</i>
Long-eared myotis (bat)	<i>Myotis evotis</i>
Fringed myotis (bat)	<i>Myotis thysanodes</i>
Long-legged myotis (bat)	<i>Myotis volans</i>
Yuma myotis (bat)	<i>Myotis yumanensis</i>

Birds

Band-tailed pigeon	<i>Columba fasciata</i>
Olive-sided flycatcher	<i>Contopus cooperi (=borealis)</i>
Yellow-breasted chat	<i>Icteria virens</i>
Acorn woodpecker	<i>Melanerpes formicivorus</i>
Oregon vesper sparrow	<i>Pooecetes gramineus affinis</i>
Purple martin	<i>Progne subis</i>

Amphibians and Reptiles

Tailed frog
Northwestern pond turtle
California mountain kingsnake
Del Norte salamander
Northern red-legged frog
Foothill yellow-legged frog
Southern torrent salamander

Ascaphus truei
Emys (=Clemmys) marmorata marmorata
Lampropeltis zonata
Plethodon elongatus
Rana aurora aurora
Rana boylei
Rhyacotriton variegatus

Fish

Green sturgeon
Pacific lamprey
Coastal cutthroat trout (S. OR/CA Coast)

Acipenser medirostris
Lampetra tridentata
Oncorhynchus clarki clarki

Invertebrates

Siskiyou gazelle beetle
Insular blue butterfly

Nebria gebleri siskiyouensis
Plebejus saepiolus insulanus

Plants

Pink sand verbena
Mendocino coast indian paintbrush
Seaside gilia
Large flowered goldfields
Moss
Wolf's evening-primrose
Silvery phacelia
Coast checker bloom

Abronia umbellata ssp. *breviflora*
Castilleja mendocinensis
Gilia millefoliata
Lasthenia macrantha ssp. *prisca*
Limbella fryei
Oenothera wolfii
Phacelia argentea
Sidalcea malviflora ssp. *patula*

(E) - Listed Endangered

(T) - Listed Threatened

(CH) - Critical Habitat has been designated for this species

(PE) - Proposed Endangered

(PT) - Proposed Threatened

(PCH) - Critical Habitat has been proposed for this species

(S) - Suspected

(D) - Documented

Species of Concern - Taxa whose conservation status is of concern to the Service (many previously known as Category 2 candidates), but for which further information is still needed.

(CF) - Candidate: National Marine Fisheries Service designation for any species being considered by the Secretary for listing for endangered or threatened species, but not yet the subject of a proposed rule.

** Consultation with National Marine Fisheries Service may be required.

^{1/} U. S. Department of Interior, Fish and Wildlife Service, October 31, 2000, Endangered and Threatened Wildlife and Plants, 50 CFR 17.11 and 17.12

^{2/} Federal Register Vol. 57, No. 45328, October 01, 1992, Final Rule - Marbled Murrelet

^{3/} Federal Register Vol. 64, No. 234, December 7, 1999, Final Rule-Critical Habitat for the Western Snowy Plover

^{4/} Federal Register Vol. 60, No. 133, July 12, 1995 - Final Rule - Bald Eagle

^{5/} Federal Register Vol. 57, No. 10, January 15, 1992, Final Rule-Critical Habitat for the Northern Spotted Owl

^{6/} Federal Register Vol. 62, No. 87, May 6, 1997, Final Rule-Southern Oregon Coast Coho Salmon

^{7/} Federal Register Vol. 63, No. 153, August 10, 1998, Final Rule-Oregon Coast Coho Salmon

^{8/} Federal Register Vol. 63, No. 53, March 19, 1998, Final Rule-West Coast Steelhead

ATTACHMENT B

FEDERAL AGENCIES RESPONSIBILITIES UNDER SECTION 7(a) and (c)
OF THE ENDANGERED SPECIES ACT

SECTION 7(a)-Consultation/Conference

Requires:

- 1) Federal agencies to utilize their authorities to carry out programs to conserve endangered and threatened species;
- 2) Consultation with FWS when a Federal action may affect a listed endangered or threatened species to insure that any action authorized, funded or carried out by a Federal agency is not likely to jeopardize the continued existence of listed species or result in the destruction or adverse modification of Critical Habitat. The process is initiated by the Federal agency after they have determined if their action may affect (adversely or beneficially) a listed species; and
- 3) Conference with FWS when a Federal action is likely to jeopardize the continued existence of a proposed species or result in destruction or adverse modification of proposed Critical Habitat.

SECTION 7(c)-Biological Assessment for Major Construction Projects¹

Requires Federal agencies or their designees to prepare a Biological Assessment (BA) for construction projects only. The purpose of the BA is to identify proposed and/or listed species which are/is likely to be affected by a construction project. The process is initiated by a Federal agency in requesting a list of proposed and listed threatened and endangered species (list attached). The BA should be completed within 180 days after its initiation (or within such a time period as is mutually agreeable). If the BA is not initiated within 90 days of receipt of the species list, the accuracy of the species list should be informally verified with our Service. No irreversible commitment of resources is to be made during the BA process which would foreclose reasonable and prudent alternatives to protect endangered species. Planning, design, and administrative actions may be taken; however, no construction may begin.

To complete the BA, your agency or its designee should: (1) conduct an on-site inspection of the area to be affected by the proposal which may include a detailed survey of the area to determine if the species is present and whether suitable habitat exists for either expanding the existing population or for potential reintroduction of the species; (2) review literature and scientific data to determine species distribution, habitat needs, and other biological requirements; (3) interview experts including those within FWS, National Marine Fisheries Service, State conservation departments, universities, and others who may have data not yet published in scientific literature; (4) review and analyze the effects of the proposal on the species in terms of individuals and populations, including consideration of cumulative effects of the proposal on the species and its habitat; (5) analyze alternative actions that may provide conservation measures and (6) prepare a report documenting the results, including a discussion of study methods used, any problems encountered, and other relevant information. The BA should conclude whether or not a listed species will be affected. Upon completion, the report should be forwarded to our Portland Office.

¹A construction project (or other undertaking having similar physical impacts) which is a major Federal action significantly affecting the quality of the human environment as referred to in NEPA (42 U.S.C. 4332. (2)c). On projects other than construction, it is suggested that a biological evaluation similar to the biological assessment be undertaken to conserve species influenced by the Endangered Species Act.



Oregon

Theodore R. Kulongoski, Governor

Department of Transportation
Technical Services Branch
Environmental Services Section
1158 Chemeketa Street, NE
Salem, OR 97301-2528
Telephone: (503) 986-3477
Fax: (503) 986-3524

September 17, 2004

File Code:

James M. Hamrick
Assistant Director for Heritage Conservation
Deputy State Historic Preservation Officer
Oregon State Historic Preservation Office
725 Summer Street NE
Salem, OR 97301

**Re: Request for Concurrence on Level of Effect
Central Building
Downtown Brookings –U.S. Highway 101 Transportation
Solutions Project
Curry County
Key No. 11718**

Dear James Hamrick,

Attached for your review and concurrence is a Section 106 Finding of Effect report for the 1915 Central Building, a National Register Listed property. The historic resource is located within the Area of Potential Effect for the Downtown Brookings –U.S. Highway 101 Transportation Solutions Project. Preliminary application of the Section 106 Criteria of Adverse Effect [refer, 36 CFR 800.5] indicates a Finding of "No Historic Properties Affected" for the proposed project's effects on the Central Building.

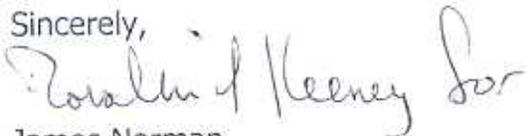
The environmental assessment yielded 2 build alternatives: a couplet option (alternative 4) and an improvement of existing facility option (alternative 5). Under alternative 4, Chetco Avenue and Railroad Street would be redesignated as a couplet with 3 travel lanes, on-street parking, and a bicycle lane. Additional Right of Way would be needed at both ends of the couplet where the two legs would split/region. Traffic lights would be installed on Railroad Street at 5th St, Mill St., Wharf St. and Oak St. On Chetco Avenue the traffic signals would remain the same, however, the Center Street signal would be moved to Mill Street, and Center Street would be cul de sac'd at Chetco Avenue. It is anticipated that access will be maintained somehow at this location. Pedestrian amenities such as curb extensions, crosswalks, and sidewalks would be added where feasible.

Under alternative 5, Chetco Avenue would remain a 2-way highway through downtown Brookings, with 4 travel lanes and left turn refuges at Pacific Ave, Mill St., Wharf St., Fern Ave., Oak St. and Alder St. to allow for safe turning from Chetco Ave. to side streets. A raised median would be constructed in areas not designated as left turn refuge. Signalized intersections would remain the same, with the exception of the Center Street signal, which would move to the Mill Street intersection, and Center Street would be cul de sac'd at Chetco Avenue. It is anticipated that access will be maintained somehow at this location. Pedestrian amenities such as curb extensions, crosswalks, and sidewalks would be added where feasible.

The anticipated effect to the Central Building is the same under both alternatives: Given the urban setting of the historic resource, the traffic flow changes, addition of sidewalks next to the property (which is surrounded by parking lots), and relocation of traffic signals to a different intersection will result in a Finding of "No Historic Properties Affected". Access will be maintained to the property.

If you have any questions, please call James Norman at 503-986-3514.

Sincerely,



James Norman
Air Quality and Cultural Unit Manager

attachments:

Section 106 Finding of Effect: Central Building

Copies with attachments:

Rosalind Keeney, ODOT Cultural Resources Program Coordinator
Elton Chang, FHWA
Greg Holthoff, NEPA Policy Coordinator, ODOT
Key File 11718

Copies without attachments:

Leslie Schwab, ODOT Historic Preservation Specialist

**OREGON INVENTORY OF HISTORIC PROPERTIES
SECTION 106: LEVEL OF EFFECT**

Agency/Project: ODOT/ Downtown Brookings –U.S. Highway 101 Transportation Solutions Project/ Key No. 11718

Name: Central Building
Street Address: 703 Chetco Ave.

City, County: Brookings, Curry County

Preliminary Finding of Effect:

- No Historic Properties Affected No Historic Properties Adversely Affected Historic Properties Adversely Affected

State Historic Preservation Office Comments:

- Concur
 Do Not Concur.
 No Historic Properties Affected No Historic Properties Adversely Affected Historic Properties Adversely Affected

Signed

Ernie Jalving

Date

10/7/04

INTRODUCTION

This statement of finding discusses the effect of the proposed Downtown Brookings/ U.S. Highway 101 project to the Central Building, a National Register-Listed property. It is the finding of the Federal Highway Administration (FHWA), in concurrence with the Oregon Department of Transportation (ODOT) that the project will result in a Finding of "No Historic Properties Affected".

This statement of finding is made pursuant to the requirements of Section 106 of the National Historic Preservation Act of 1966 (36 CFR 800), Executive Order 11593, and the National Environmental Policy Act.

PROJECT DESCRIPTION

The Downtown Brookings-Highway 101 Transportation Solutions project is an Environmental Assessment project currently in development for compliance with the National Environmental Policy Act. The purpose of the proposed undertaking is to increase traffic safety, improve operational conditions, and alleviate future capacity problems on and adjacent to U.S. Highway 101 in the downtown of Brookings, Oregon. The proposed undertaking is needed, as the projected increases in local and regional traffic, population growth and economic development are projected to cause a decrease in operational and safety conditions on the highway. The recent crash history for the study area indicates that the area exceeds the statewide average for this type and size of facility. In addition, the highway has been designated a national and state Scenic Byway. The preferred design alternatives (there were 5 considered in all) are referred to as alternative 4 and alternative 5.

Alternative 4 Design Features:

Under this alternative, Chetco Avenue and Railroad Street would be redesignated as a couplet with 3 travel lanes, on-street parking, and a bicycle lane. Additional Right of Way would be needed at both ends of the couplet where the two legs would split/region. Traffic lights would be installed on Railroad Street at 5th St, Mill St., Wharf St. and Oak St. On Chetco Avenue the traffic signals would remain the same, however, the Center Street signal would be moved to Mill Street, and Center Street would be cul de sac'd at Chetco Avenue. It is anticipated that access will be maintained somehow at this location. Pedestrian amenities such as curb extensions, crosswalks, and sidewalks would be added where feasible.

Alternative 5 Design Features:

Under this alternative, Chetco Avenue would remain a 2-way highway through downtown Brookings, with 4 travel lanes and left turn refuges at Pacific Ave, Mill St., Wharf St., Fern Ave., Oak St. and Alder St. to allow for safe turning from Chetco Ave. to side streets. A raised median would be constructed in areas not designated as left turn refuge. Signalized intersections would remain the same, with the exception of the Center Street signal, which would move to the Mill Street intersection, and Center Street would be cul de sac'd at Chetco Avenue. It is anticipated that access will be maintained somehow at this location. Pedestrian amenities such as curb extensions, crosswalks, and sidewalks would be added where feasible.

OREGON INVENTORY OF HISTORIC PROPERTIES
SECTION 106: LEVEL OF EFFECT
Continuation Sheet

Agency/Project: ODOT/ Downtown Brookings -U.S. Highway 101 Transportation Solutions Project/ Key No. 11718

Name: Central Building Street Address: 703 Chetco Avenue	City, County: Brookings, Curry County
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The Area of Potential Effect for the project was broadly defined during the early stages of the environmental assessment. As the proposed alternatives were narrowed down, and potentially eligible resources were identified and evaluated for national register eligibility, it was determined that only one national register eligible (actually listed) resource was located within the APE for Alternatives 4 and 5: The Central Building.

IDENTIFICATION AND DESCRIPTION OF THE HISTORIC PROPERTY

The 1915 Central Building was listed on the National Register of Historic Places in 1980. Located in the center of Brookings, the Central Building was built by the California and Oregon Lumber Company and served as the administrative building. The building is located at the southeast corner of Chetco Ave. and Center Street. The structure is a one and one-half story, wood frame commercial building with a rectangular footprint. The hipped roof features multiple, (hipped-roof) window dormers. Detailing is modest, with a colonial revival stylistic emphasis. Siding is shiplap redwood siding, and the concrete foundation is sheathed in cedar shingle. The medium pitched hipped roof is clad with gray, asphaltic shingles. The main façade has few alterations, however, awnings have been added and new signage has been placed next to the building. The setting of the building is urban, as it is in the center of the business district. The building is set back from the highway, which is the main street through downtown, with a parking lot between the building and the roadway. The Central Building is the only structure on this block of Center Street.

AVOIDANCE ALTERNATIVES

As the project has the potential to affect historic resources, design alternatives were proposed for this project.

- Redesign the intersection to avoid Right of Way Acquisition: Since the project's original design had the potential to affect the property via a Right of Way take at one corner of the Central Building tax lot, the roadway design was altered to avoid taking property from the National Register-Listed resource. The current design will add a sidewalk adjacent to the tax lot but not encroach on the property.

EVALUATION OF EFFECTS

It has been determined by the Federal Highway Administration, in conjunction with the Oregon Department of Transportation, that the proposed project will not affect the National Register-Listed Central Building, as the changes to the setting (moving a traffic signal to a different intersection, potential installation of new sidewalk and curb extension, and change of traffic movement on Center Street) will not diminish any of the qualities that contribute to the National Register eligibility of the Central Building. While traffic patterns will shift in the vicinity of the building, and Center Street will be closed to thru traffic onto Chetco Avenue, access will be maintained to the building and its parking areas.

COORDINATION AND PUBLIC INVOLVEMENT

Coordination has taken place between the ODOT Cultural Resources Staff and the ODOT project development team regarding the proposed project. As the project is an Environmental Assessment, public involvement has been a key component of the project development process.

CONCLUSION

It is the determination of ODOT and FHWA that project will result in a Finding of "No Historic Properties Affected" for this federally funded undertaking.

OREGON INVENTORY OF HISTORIC PROPERTIES
SECTION 106: LEVEL OF EFFECT
SUPPLEMENTAL PHOTOGRAPHS

Agency/Project: ODOT/ Downtown Brookings –U.S. Highway 101 Transportation Solutions Project/ Key No. 11718

Name: Central Building

City, County: Brookings, Curry County

Street Address: 703 Chetco Avenue



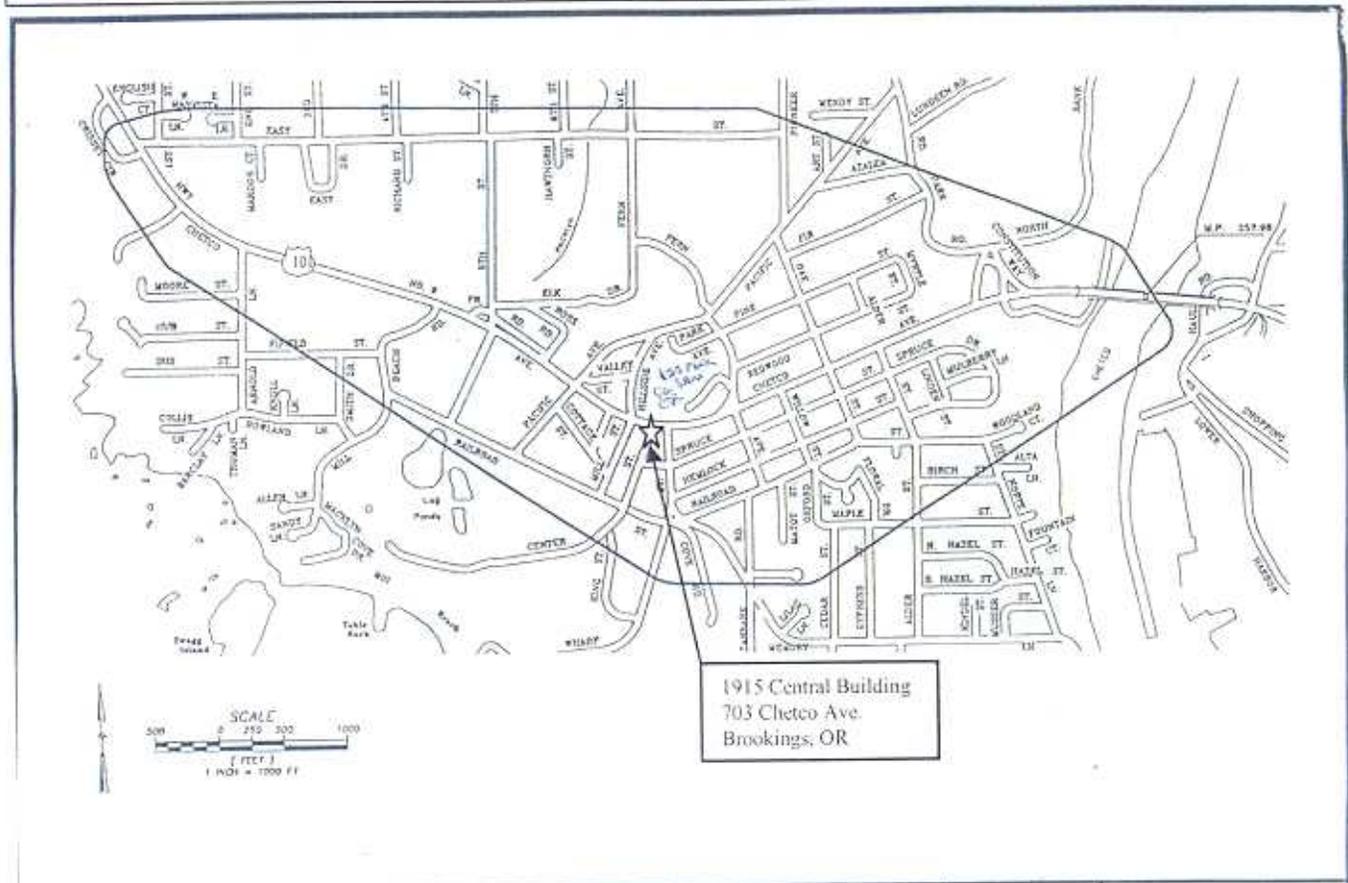
View: view of main façade of central building, looking south across highway 101



View: Perspective view of the central building, view looking southeast from intersection of center st. and chetco ave.

**OREGON INVENTORY OF HISTORIC PROPERTIES
SECTION 106: LEVEL OF EFFECT
PROJECT MAP**

Street Address: 703 Chetco Ave.	City, County: Brookings, Curry County
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<p>CITY OF BROOKINGS HIGHWAY 101 ONE-WAY COUPLET ANALYSIS</p>	<p>STUDY AREA</p>	<p>FIGURE 1</p>	
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