FHWA and Oregon DOT CE Closeout Document

This project cannot be approved by ODOT because the project does not meet the provisions of the 2015 ODOT FHWA Programmatic Categorical Exclusion Agreement due to the following circumstances:

Require project-level formal consultation under Section 7 of the Endangered Species Act.
Require the acquisition of more than minor amounts of right-of-way or displacement of owners and/or tenants.

Project Name: OR126: Veneta to Eugene	**ODOT Key #:** 21231
Federal Aid #: SA00(166)	**Region:** 2
City / County: Eugene, Veneta/Lane County	**FHWA Nexus:** PE funding
Project Sponsor:ODOT	**Highway Name:** Florence-Eugene Highway

Project Description:

The OR126: Veneta to Eugene project proposes highway improvements on OR126W from Terry St. in Eugene to the city limits of Veneta, a distance of approximately seven miles. The highway transitions from OR126 to OR569 within the project area, so sections of both highways are included in the project. The existing roadway section consists of two 12 foot travel lanes and shoulders that vary in width from 4 feet to 10 feet.

The project proposes to widen the highway to include two 9 foot shoulders, four 12 foot travel lanes, an 8 foot center median, and a 12 foot multi-use path (MUP) separated from the roadway on the north side. The project also proposes to construct a number of bridges or culverts to replace existing deficient structures or those that do not meet current fish passage requirements. The project would match into the existing 4-lane section east of Terry St. at its eastern terminus, and would terminate in City of Veneta limits on the west end. The project would also provide dedicated turn lanes or roundabouts at intersections within the corridor to reduce the potential for rear-end crashes and improve traffic flow, as well as to consolidate closely-spaced access points to the highway in accordance with Oregon Department of Transportation's (ODOT) access control policy.

It is understood that this project will require more design refinement, and subsequent construction of phases as funding is available. Categorical Exclusion Re-Evaluations are anticipated to address project and design refinements and potential scope changes as phasing and funding become available.

Project Termini: Approximately Terry Street (OR126 MP47.83) in the City of Eugene and Huston Road (Beltline Hwy MP2.35) in Veneta.

Beginning MP: 47.83	**Ending MP:** 2.35

Required Attachments: Environmental Prospectus:☒ Project Vicinity Map:☒

Discipline / Resource	Required Compliance / Status Information (click for Guidance)	Required Attachments
1. Right-of-Way	Segments of linear right of way (ROW) needed for the project are estimated using an assumed offset distance from the earthwork limits. This approach allows for design flexibility in the future. A spreadsheet tracking tax lots to be potentially affected includes approximately 100 ROW files estimated at 42 acres total, with square footages per file ranging from approximately 275 sq. ft. to 130,000 sq. ft. The larger files are associated with linear public or railroad parcels. The project Proposes to displace two residences; one residence is in extremely poor condition and currently roofless, and one is a parcel with a mobile building. A section of a public storage unit business may also be partially displaced, but the business is expected to remain viable and additional minimization of impacts to this property will be evaluated as design progresses.	None
	The surrounding lands include federal, state, and other lands managed for public use, conservation of wetlands, wet prairie habitat, wildlife habitat, agricultural, commercial, and residential uses. Public lands within the proposed project area are currently under the jurisdiction of Lane County, City of Eugene, and the City of Veneta and coordination during preliminary design has been conducted with these jurisdictions. Parcels along the alignment are also owned by the US Army Corps of Engineers (USACE) and the Bureau of Land Management (BLM). Right of way acquisition affecting USACE parcels directly adjacent to the highway is expected and thorough coordination has occurred between the project team and USACE, including 4(f) *de minimis* evaluation.	

2. Land Use	Early coordination with BLM resulted in ODOT performing additional analysis to avoid ROW impacts to BLM property. The project proposes building a retaining wall adjacent to the BLM parcel. All roadway and multi-use path improvements will remain within existing ODOT ROW at this location. A 2013 Corridor Plan concluded that the project would not induce intensification of land use. As noted in an Air Quality Memorandum based on a study by consultant HMMH, and dated 9/7/2021, the ODOT Transportation Planning and Analysis Unit determined that this project would redirect traffic from adjacent routes to the newly expanded OR126, however, the trips are not new trips that would be associated with latent demand or induced demand. The project team produced a Permit Research Memorandum on 4/12/2021 summarizing required land use approvals and required permits required in advance of final design and prior to construction. The project team also met with City of Eugene and Lane County on 9/28/2021to discuss how existing property currently designated as Protected could be converted to a Planned Transportation Corridor by the City and County amending of their plans. In summary, all permitting and land use approvals required are: • Lane County: *Conditional Use Permit, Flood Plain Development Permit, Comprehensive Plan/Goal 5 Exception related to the West Eugene Wetlands Plan for the area of Greenhill Rd. west to the Metro Plan boundary.* • City of Eugene: *Site Review, Refinement Plan Amendment/Goal 5 Exception* • City of Veneta: *Site Plan Review, Variance (if wetlands impacted)*	None
3. Socioeconomics	Temporary inconvenience during construction is to be expected, but access to businesses, residences, and parks will be maintained. The project team expects that highway users will be accommodated throughout construction due to the heavy ADT on this highway. No detours or closures are anticipated. As noted in the ROW section, the project will result in a displacement of two residential properties/tenants. No impacts to emergency services are anticipated. A Temporary Pedestrian Accessible Route plan will be developed for each construction phase as is standard practice. The project will benefit the traveling public by improving safety, improving key entrances and exits to the highway, and ensuring that the project corridor continues to meet Oregon Highway Plan mobility targets. The project also adds a new multimodal facility for bicyclists and pedestrians by creating a off-roadway path between Eugene and Veneta.	None
4. Environmental Justice	The OR126: Veneta to Eugene Project Environmental Justice Technical Memorandum prepared by DOWL on 4/26/2022, found that 14% of the project study area is identified as minority community, and 16% of the study area is identified as low income. Targeted public outreach to the EJ community occurred between 3/2020 and 11/2021 via engagement activities and interviews as Covid restrictions allowed. Based on local demographic data and communications with City leaders and community service providers, an EJ study area was established as a half mile north and south of OR126. Targeted communities were also contacted by phone message, surveys in food boxes, and consultation with local schools, subsidized housing providers, local stores, event groups, and via standard practice of newspapers, media, open house advertisements. Interested parties included 265 individuals and organizations. Questions were answered by phone and email. No specific EJ related concerns were received. One property with minority population ownership and one parcel with low-income ownership may be affected by displacement, however, ODOT will comply with the Federal Uniform Relocation Act requirements. Up to 24 noise receptor locations could experience an increase in noise, however abatement measures are unlikely reasonable and feasible per ODOT noise guidance. Substantial transportation-related improvements will occur for non-EJ and EJ residents of the study area,	None

	including improved safety and complete multimodal facilities. There could be temporary construction noise which would require a noise variances if night work would occur. Overall, the minority population in the study area is quite small and dispersed. It is assumed that potential impacts might occur within an environmental justice community, but along with the benefits provided by the project and ensuring that any potential relocation will be completed in accordance with the Uniform Act, the project would not result in disproportionately high and adverse effects to any EJ communities in the project area. Therefore, in accordance with the provisions of E.O. 12898 and FHWA Order 6640.23, no further EJ analysis is required.	
5. CWA §404 / Wetlands / Waters & U.S. Coast Guard	Coordination and consultation was conducted for the project with the Department of State Lands and US Army Corps of Engineers (USACE) regarding wetland delineation and permits needed. For USACE 408 permitting, regular coordination efforts occurred by email during the period of 11/30/2021-1/29/2022, and included submittal of concept plans and answering questions. On 2/3/2022, the Federal Highway Administration (FHWA) indicated confidence that the USACE will issue a 408 permit prior to any construction phase based on extensive coordination and commitment to provide all analysis needed by the USACE to support a LEDPA decision. The project will meet the USACE's no-rise criteria along with Lane County's no-rise requirements. It is estimated that the project will result in approximately 50 acres of wetland impacts. Depending on the required mitigation ratio, the mitigation acreage need will range from 46.75 to 140.25 acres. Consultant DOWL prepared a summary of permits that will be required for the project in the future. A Mitigation Memo dated 3/29/2022, confirms that ODOT will be able to provide compensatory mitigation to meet federal and statement requirements for wetland functions, values, and habitat types lost as a result of the project. For wetlands jurisdictional to the Oregon Department of State Lands (DSL) and the USACE: • Purchase of mitigation bank credits: Up to 150 credits may be available from existing private mitigation banks in the future. • Mitigation at ODOT-owned site (Greenhill Mitigation Bank): 3.73 credits are reserved for the project and up to 3 additional credits may be available in the future. • Offsite mitigation can occur on one or several of the parcels identified during a GIS exercise and/or identified during conversations with the agencies and organizations (such as Nature Conservancy), or at a similar site or sites identified in the future. • 2,273 acres were identified where wetland mitigation may be appropriate. GIS identified 26 sites greater than 20 ares, 43 sites ranging from 20-20 acres, and 102 sites of 5-10 acres in size. This evaluation of mitigation opportunities demonstrates and sufficient suitable mitigation is available. • For wetlands jurisdictional only to the DSL, payment in-lieu may technically be an option in addition to those options listed above, but it would likely not be approved by the DSL given the large quantity of wetland impacts. • Consultant DOWL with ODOT Region and statewide staff identified mitigation banking opportunities that are within the service area. • DOWL contacted existing mitigation banks about current and future available credits. • DOWL conducted a GIS mapping exercise to identify undeveloped sites exhibiting basic characteristics that would allow them to serve as mitigation. • Outreach to various governments and non-profit organizations may provide potential partnering opportunities for mitigation. • All potential mitigation sites, to be considered for stormwater or natural	None

	resource impacts, will go through an environmental review process to be completed prior to final site selection. The review will evaluate the presence of sensitive resources and any potential impacts from mitigation activities. A combination of approaches are proposed that include mitigation banks and in-lieu fees, advance mitigation credits, onsite or offsite constructed mitigation, and payment in lieu. No U.S. Coast Guard permitting is needed for this project as the project does not affect or modify bridge clearances for navigability.	
6. Floodways & Floodplains	A floodplain development permit will be required for some culvert or bridge replacement locations mapped as a flood hazard zone. A pre-application meeting with Lane County occurred in February of 2021 finding that a standard floodplain development permit must be obtained. For work in a Special Flood Hazard Area, structures must be at or over the 3-foot minimum clearance level. It is expected that removal and fill will be balanced to the greatest extent possible to maintain current flood level designations. Since bridge and culvert openings must meet ODFW and NMFS criteria, no rise should be achieved as part of standard design practice. The Project team coordinated with the USACE regarding meeting Lane County's no-rise requirements indicating that no rise is allowed. Some fill in the Fern Ridge Reservoir will be required to widen the roadway prism but no USACE objections or questions were received. FHWA reviewed coordination emails and on 2/3/22 indicated that FHWA is comfortable that the USACE will issue a 408 permit. A Corps 408 approval will be necessary.	None
7. Water Quality	Stormwater runoff treatment will be required for this project due to bridge replacements, increase in impervious surfaces, and changes to drainage patterns. It is estimated that the project will increase the contributing impervious area (CIA) from approximately 34 acres to approximately 90 acres. Treatment for approximately 33 acres of CIA can occur onsite as constraints allow. Approximately 56 acres of offsite treatment will be needed. To assure treatment areas are available, a number of locations have been identified along I-5 that are suitable for offsite treatment. These locations will not have discipline surveys performed until they may be selected for use during design phases. It is expected that treatment will be in the form of bioretention ponds and bioslopes. Stormwater flow control and detention is not required on this project because all stormwater runoff discharges to Fern Ridge Reservoir which is considered a large water body.	None
	A Biological Assessment (BA) dated 1/19/2022 was prepared by DOWL for USFWS species addressing Fender's Blue Butterfly, Kincaid's Lupine, Willamette Daisy, and Willamette Daisy critical habitat. The proposed finding was May Affect, Likely to Adversely Affect. Consultation with USFWS occurred from 12/2020 through 8/2022 by meetings between ODOT, FHWA and USFWS to review the BA and conservation measures. The resulting Biological Opinion was issued on 8/31/2022 with a finding of no jeopardy and no adverse modification of critical habitat. The project will employ avoidance and minimization measures at more advanced design phases. These measures will include: • Salvage and relocate Kincaid's lupine and Willamette Daisy plants to protected sites, if possible. It is estimated that 156 Kincaid's Lupine and 90 Willamette Daisy Plants could be lost due to project construction. Establishment of high-quality habitat that supports between 3 and 5 times the impacted amount of plants is expected. • Use of only weed-free fill materials adjacent to sensitive habitats. • Secure all appropriate environmental clearances, permits and regulatory approvals for staging areas selected.	

8. ESA / T&E Species	• Design footprints to avoid and minimize impacts to the greatest extent practicable. • Survey offsite stormwater treatment facilities locations prior to site selection to ensure impact avoidance. • Use offsite treatment locations if onsite stormwater treatment would result in additional impacts to habitat of listed plants. • Establish no work area zones outside of the construction impact area and indicate no work areas on the final design documents. • Secure a 10(a)(1) permit for plant salvage or seed collection. • Deter streaked horned larks from occupying temporarily cleared construction areas. • Contain geotechnical investigations to within the impact area (API) associated with the roadway footprint. • Planting in any median area will be with native species and controlled for weeds. • Restore all temporarily impacted areas to pre-construction contours and seed as appropriate with native seed mix. The Biological Opinion is valid for fifteen years from date of signature. Impact avoidance and minimization measures listed above are found in Appendix B of the Biological Opinion. Federal Aid Highway Program Programmatic Endangered Species Act (FAHP) documentation was prepared by DOWL for impacts associated with bridge or culvert replacement and for stormwater runoff due to increased impervious surface and changes to drainage patterns. FHWA and National Marine Fisheries Service approved the documentation on 7/5/2022 and 7/22/2022 respectively. An ESA Determination of No Effect 6/23/2022 and was prepared by DOWL Biologist Austin Bloom. Streaked Horned Lark was not identified in the the project area, however construction activities including clearing and temporary access roads may create Lark habitat. Avoidance measures to prevent nesting could be required . The No Effect indicates that stated-listed Lomatium bradshawii was identified in the API and may be impacted. If that is the case, coordination with Oregon Department of Agriculture should occur during final design and prior to construction for applicable project phases.	USFWS Biological Opinion ESA Determination of No Effect FAHP ESA Notification
9. NHPA §106 (Cultural Resources)	The OR126 corridor project area of potential impact is covered by Programmatic Agreement Among the Federal Highway Administration, the Oregon State Historic Preservation Office, and the Oregon Department of Transportation for the OR126: Veneta to Eugene Project, Agreement No. 73000-00019807 with the final signature on 8/2/2023 by FHWA. The Programmatic Agreement outlines historic (built) and archaeological investigation completed to date and investigations remaining to be conducted. The document sets out what specific locations require more investigation when additional design, right of entry, and funding is available. The document expires ten years from date of execution unless extended in writing. The project will employ avoidance and minimization measures through more advanced design phases. It is possible that monitoring of excavations could be required. Future project phases will adhere to all stipulations of the Project Programmatic Agreement. A Joint Finding of No Adverse Effect was prepared for the project by ODOT Historian Chris Bell and ODOT Historian Kirsten Straus with ODOT Archaeologist Jessica Curteman. The State Historic Preservation Office (SHPO) concurred with the Finding as of 7/12/2024. Previous to the Joint Finding of No Adverse Effect, additional design was performed for the historic Diess Feed and Seed parcel to minimize effects and to	Programmatic Agreement Among the Federal Highway Administration, The Oregon State Historic Preservation Office, and the Oregon Department of Transportation for the OR126: Veneta to Eugene Project, PA-200 Joint Finding of No Adverse Effect

	avoid an adverse impact to the resource. Proposed ROW lines show the Project's commitment to increase distance between the store front and the highway, and to build a retaining wall to minimize property impact. SHPO concurred with this approach on 7/18/2022.	
10. Visual Resources	There are no designated visual resources in or adjacent to the project area.	None
11. §4(f) USDOT Act	Section 4(f) evaluations were prepared for several historic (built) resources that border OR126, including a memorial/cemetery parcel, a feed store, a ballroom, and the Fern Ridge Dam Historic District. These resources will be impacted by linear strip ROW needs. Based on the Section 106 Joint Finding of Effect, there will be no adverse effect to the resources, but there will be a *de minimis* effect. *De minimis* documents were approved by FHWA on 7/18/2024. Two *de minimis* evaluations were prepared for impacts to two parks along OR126 and abutting the Fern Ridge Reservoir. The park owners, USACE, and the park operators, ODFW and Lane County, have provided their concurrence that the effects to their properties as indicated in the documents are a *de minimis* effect. De minimis documents were approved by FHWA on 3/19/2024 (Fern Ridge Wildlife Area) and on 4/29/2024 (Perkins Peninsula Park).	De minimis (Built Resources) De minimis (Parks)
12. §6(f) LWCF Act	No properties encumbered with Land & Water Conservation Fund Act funds are within the project study area.	None
13. Air Quality	A portion of the project east of Greenhill Rd is within the Eugene Maintenance Area for PM10. A qualitative hotspot analysis (i.e. PM10 memo) will be required. Coordination with ODOT Air Quality Specialist Natalie Liljenwall indicates that quantitative PM10 analysis is not required because the project is not one of "local air quality concern" as defined by 40 CFR 93.123(b)(1). This project is listed in the 2018-2021 Final STIP as OR126: Veneta to Eugene, Pg. 204, Work type "Modern", indicating developing a concept for widening of OR126W from two to four lanes between Eugene and Veneta, and preliminary design to approximately 30%. Eugene-Springfield is a limited maintenance area for PM_{10} and does not require regional emission analysis for regional conformity of their MTIP and Regional Transportation Plan (RTP). The proposed project is fiscally constrained and is in the Central Lane Metropolitan Planning Organization's (CLMPO) 2040 Regional Transportation Plan (RTP) and CLMPO's financially constrained and the 2018-2021 Metropolitan Transportation Improvement Program (MTIP). The FHWA and FTA issued finding and approval of the air quality conformity Determination (AQCD) of the 2040 RTP on June 26, 2017 and approved the AQCD of MTIP on September 29, 2017. The design concept and scope of the proposed project in this report is consistent with the project description in the RTP and the MTIP. The Project is the same in design concept and scope as the project that is listed in the 2018-2021 STIP for Key Number 21231.	None
14. Noise	The requires noise evaluation as it falls into the FHWA Type 1 Project category that includes the additional of through-traffic lanes. The project team prepared a Noise Technical Report dated 2/2022 analyzing traffic noise levels for existing conditions (2020) and the build/No-Build Alternatives for year 2044. Noise levels may exceed noise abatement criteria for up to 24 receptors in the corridor, however, noise impacts are deemed not significant under noise impact criteria. The report also notes that the project corridor contains undeveloped lands that could change with future development. Noise abatement measures evaluated, though feasible, would not be reasonable, and therefore are not recommended for this project.	None
	A Hazardous Materials Corridor Study was prepared by consultant Shannon & Wilson and is dated 10/2020. The report identifies 19 locations of contamination in the corridor with varying risk to the project, with most being low to moderate risk. During preliminary design, it is recommended that ground penetrating radar be used to determine if subsurface tanks remain. The report also recommends that shoulder soils be analyzed for petroleum products and metals.	

15. Hazardous Materials	Shannon & Wilson prepared an Addendum dated 10/2021 to account for an expansion in the project area of potential impact at the western end. Moderate to high risk sites were identified along with a few low risk locations. As with the Corridor Study, the Addendum investigation recommends identifying potential underground tanks and testing of shoulder soils as more advanced design is in process.	None
16. Tribal Coordination	See Attached	Tribal Coordination Summary
17. Public Outreach	Intensive public outreach has occurred over the course of several years for the overall corridor proposal in general, and specifically for Section 4(f) *de minimis*. Outreach is documented in the Public Involvement Final Report of over 300 pages dated March 2022. A summary of typical public involvement includes: • Four Steering Committee meetings from 7/15/2020 through 10/28/2021. Constituent Consultation Groups, six meetings of 43 and 35 members each including highway users, adjacent users (bikes, pedestrians, boaters), naturalists, ecology educations groups, fishers, and hunters, occurred 8/11/2020 through 4/15/2021. • Interviews with organizations during May of 2020. • Two open houses online, occurring 8/8 to 8/25/2020 and 4/26-5/9/2021. • Targeted Title VI and EJ outreach by inclusion in interviews, constituent conversations. • Open House Outreach through schools, housing organizations, food pantries, area stores, area parks, mobility/accessibility organizations and postcards to 4,828 households. • Phone calls with adjacent business and property owners twice, in 9/2020 and 4/2020. • Project updates via email to 345 addresses on interested parties list, 9/2020 through 7/2021. • Media outreach to *Fern Ridge Review* and *Siuslaw News*. • Comments and responses via email and phone with 77 people. • Communications with decision-makers including local and state legislators, briefings to Lane Area Commission on Transportation, 3/2021 and 1/2022. • FHWA required Section 4(f) public outreach for anticipated park resource frontage impacts. • Flyers indicating a public comment period were posted at Perkins Peninsula Park and Fern Ridge Wildlife Area inviting comment on the Section 4(f) *de minimis* Impact Determination documents. A three week comment period with generally positive response on the highway improvements along with park impacts. Comments concluded on 1/31/2023.	See attached
18. Other Required Federal Agency Approvals	USACE as parks owner with jurisdiction for Section 4(f) *de minimis* concurrence. USFWS for Biological Opinion NMFS for FAHP ESA Notification	None
	As this project moves forward and funding is available, it is expected that the project will continue to evolve in design by phases. The project area of potential impact for each phase will require scrutiny to determine if design impacts have expanded beyond current footprint or if there are changes to regulations. The advanced design of the phases will require coordination again with regulatory partners, possible document updates, and additional Categorical Exclusion Re-Evaluations. Commitments include: • Obtain the following permits prior to initiation of construction activities • USACE 404 and 408 Permit	

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19. Environmental Commitments	• Lane County: Conditional Use Permit, Flood Plain Development Permit, Comprehensive Plan/Goal 5 Exception related to the West Eugene Wetlands plan for the area of Greenhill Rd. west to the Metro Plan boundary • City of Eugene: Site Review, Refinement Plan Amendment/Goal 5 Exception • City of Veneta: Site Plan Review, Variance (if wetland impacted) • Water Quality: Identify suitable locations and provide environmental clearances for 56 acres of off-site stormwater treatment. • ESA: Complete pre construction surveys and Implement avoidance measures to prevent nesting of ESA and MBTA species within the project footprint. • NHPA: Prepare and implement an archaeological monitoring plan for planned excavations if warranted based on final design. • NHPA: Minimization of impacts to Diess Feed and Seed parcel by building a retaining wall, as described in the resource specific Finding of Effect. • Hazardous Material: Conduct ground penetrating radar (GPR) survey to evaluate if subsurface tanks remain within the API. Complete evaluation of shoulder soils to determine if they are contaminated with petroleum products and metals. • Avoidance of BLM parcel by minimizing project footprint within existing ROW to be accomplished by building a retaining wall adjacent to the ROW line. • Minimization of impacts to Diess Feed and Seed parcel by building a retaining wall, as described in the resource specific Finding of Effect.	None

This project qualifies as a categorical exclusion as outlined in 23 CFR §771.117 under the following listed CE(s):

d13	c3	

This information demonstrates that the specific conditions/criteria for an FHWA categorical exclusion are satisfied and that neither significant environmental effects, as described in 23 CFR §771.117 (a) nor unusual circumstances, as described in 23 CFR §771.117 (b) will result.

Donna Hinze Digitally signed by Donna Hinze Date: 2024.08.14 12:28:51 -07'00'	OHRN Daniel K Digitally signed by OHRN Daniel K Date: 2024.08.14 13:30:20 -07'00'	THOMAS WELCH PARKER Digitally signed by THOMAS WELCH PARKER Date: 2024.08.14 15:11:14 -07'00'
ODOT Preparer	**ODOT Approver**	**FHWA Offical**
Submit one electronically signed CE Closeout Document and attachments to the appropriate FHWA Oregon Division Office Environmental Program contact.		Return signed form and attachments to the REC preparer and the appropriate ODOT NEPA program staff.

Upon FHWA approval, upload this form (with the required attachments and CE Peer Review Checklist and Comment Log) to the appropriate **ProjectWise GES file location**.