

# ESA Determination of No Effect

Key Number

21231

Last Modified

6/23/2022

## Project Information:

Project Name OR 126: Veneta to Eugene	Route OR 126 - Florence-Eugene - 62	Beg MP 47.83	End MP 2.35	Other Road / Path Name Beltline Highway No. 069
Latitude (e.g. 45.4591° N) 44.0526 (project ctr)	Longitude (e.g. -123.8442° W) -123.2558 (project ctr)	ODOT Region Region 2	County Lane	Proponent Agency ODOT
Select Predominant Project Type Modernization/New Alignment/Bypass	6th Field HUC for Aquatic Species (Primary) 170900030103 - Lower Coyote Creek	6th Field HUC for Aquatic Species (Secondary if applicable) 170900030107 - Upper Amazon Creek-Amazon Diversion Canal		

## Federally Listed Species, Critical Habitat and Essential Fish Habitat Evaluated in the API:

Common Name, Scientific Name, Federal Status	Critical Habitat Presence	Determination of Effect
Murrelet, Marbled Brachyramphus marmoratus, Threatened	<input type="checkbox"/> Critical Habitat	Species and/or Critical Habitat Not Present, Absence Determination
Owl, Northern Spotted (Strix occidentalis caurina), Threatened	<input type="checkbox"/> Critical Habitat	Species and/or Critical Habitat Not Present, Absence Determination
Horned Lark, Streaked (Eremophila alpestris strigata), Threatened	<input type="checkbox"/> Critical Habitat	Species and/or Critical Habitat Not Present, Absence Determination
Butterfly, Taylor's Checkerspot (Euphydryas editha taylori), Endangered	<input type="checkbox"/> Critical Habitat	Species and/or Critical Habitat Not Present, Absence Determination
Pacific marten, Coastal Distinct Population Segment (Martes caurina), Threatened	<input type="checkbox"/> Critical Habitat	Species and/or Critical Habitat Not Present, Absence Determination
Butterfly, Fender's Blue (Icaricia icarioides fenderi), Endangered	<input checked="" type="checkbox"/> Critical Habitat	Species and/or Critical Habitat Present, Covered by an Individual Biological Opinion
Plant, Kincaid's Lupine (Lupinus sulphureus ssp. kincaidii), Threatened	<input checked="" type="checkbox"/> Critical Habitat	Species and/or Critical Habitat Present, Covered by an Individual Biological Opinion
Plant, Willamette Daisy (Erigeron decumbens), Endangered	<input checked="" type="checkbox"/> Critical Habitat	Species and/or Critical Habitat Present, Covered by an Individual Biological Opinion
Plant, Nelson's Checker-mallow (Sidalcea nelsoniana), Threatened	<input type="checkbox"/> Critical Habitat	Species and/or Critical Habitat Not Present, Absence Determination
Trout, Bull (Salvelinus confluentus), Threatened	<input type="checkbox"/> Critical Habitat	Species and/or Critical Habitat Not Present, Absence Determination
	<input type="checkbox"/> Critical Habitat	
	<input type="checkbox"/> Critical Habitat	
	<input type="checkbox"/> Critical Habitat	
	<input type="checkbox"/> Critical Habitat	
	<input type="checkbox"/> Critical Habitat	

\*Salmon & Steelhead - Columbia River Basin Group - Contains all of the Salmon & Steelhead ESU as listed: Chinook Salmon (Lower Columbia River, Snake River Fall Run, Snake River Spring/Summer Run, Upper Willamette River), Chum Salmon - Columbia River, Coho Salmon - Lower Columbia River, Sockeye Salmon - Snake River, Steelhead (Lower Columbia River, Middle Columbia River, Snake River Basin, Upper Willamette River)

## Essential Fish Habitat

Chinook Salmon	EFH Present, Covered by the FAHP ESA Programmatic	Coho Salmon	EFH Present, Covered by the FAHP ESA Programmatic
Coastal Pelagics	EFH Present, Covered by the FAHP ESA Programmatic	Groundfish	EFH Present, Covered by the FAHP ESA Programmatic

## Data Sources and Survey Method(s) Utilized:

Data Source	Date:	Data Source	Date:
Other: IPaC, USFWS geodatabase	12/14/21, 10/5/21	ORBIC	4/1/2020
Field Survey - Complete Assessment	4/13/20-4/15/21	USFW Staff Contacted:	11/16/2021
Streamnet	12/14/21	NMFS Staff Contacted:	6/3/2021

### Field Survey Technique(s):

DOWL first completed desktop research from the identified sources, compiling a list of species that are threatened, endangered, or proposed for listing that could potentially be present within the project's action area. Subsequently, DOWL environmental staff conducted a field survey of the project's area of potential impact (API) for listed species on April 13 through April 15, 2020; May 15, 2020; June 15 through June 18, 2020; and June 17 and June 18, 2021. During the surveys, DOWL staff traversed the API noting existing conditions and plant communities. Suitable habitat for the species listed above as "not present" is absent from the API. The action area outside the API was not surveyed. Listed species and critical habitat that were identified within the API are discussed in the Feb 2022 BA. See "Additional Supportive Info" box on Page 3.

**API Map: (portrait orientation or rotate 90 degrees before inserting)**



**Provide Brief Project Description (1-2 Paragraphs)**

The Oregon Department of Transportation (ODOT) and the lead federal action agency, the Federal Highway Administration (FHWA), propose multiple safety and congestion relief improvements along OR 126 between the cities of Eugene and Veneta. The project will include widening the 2-lane road to a 4-lane road, replacing bridges and constructing a new bridge, traffic control changes such as roundabouts and additional and modified left-turn lanes at multiple intersections, a new shared-use path adjacent to the roadway, and on- and off-site stormwater facilities. Final off-site stormwater facilities have not been determined and are not covered in this memo.

**Additional Supportive Information:**

Although streaked horned lark habitat was not identified in the API, project construction activities including temporary clearing and grubbing, and the construction and operation of temporary access roads during construction could create new temporary streaked horned lark habitat. The project will implement avoidance measures to prevent streaked horned larks from occupying temporary construction areas. Old growth forest that could support northern spotted owls or marbled murrelets is absent from the action area. Forested areas that are present in the action area are highly fragmented and do not meet the habitat requirements of the Pacific marten.

**State Listed Species:**




Lomatium bradshawii was identified in the API and will be impacted. Consultation with ODA will be required.

**Avoidance Measures Required (If Applicable):**

Avoidance measures for streaked horned lark will be required during construction and will be included in Section 00290 during the final design phase.

**Required Signatures:**

This No Effect determination is based on the project as defined in the Design Acceptance Package (DAP). Changes in project scope or scale following DAP may invalidate this No Effect determination.

Individual Responsible for the No Effect Determination:	ODOT Reviewer	Individuals Responsible for Ensuring Implementation of Avoidance Measures: (Signatures only required if minimization measures are listed above)
<b>Austin Bloom</b>  Digitally signed by Austin Bloom Date: 2022.06.16 14:48:19 -07'00'	<b>TESTA Nicholas R</b>  Digitally signed by TESTA Nicholas R Date: 2022.06.24 10:19:52 -07'00'	<b>Molly A Cary</b>  Digitally signed by Molly A Cary Date: 2022.06.30 11:44:13 -07'00'
Austin Bloom, DOWL, Last Certified 2016	Nicholas Testa Senior ODOT Biologist, Region 2	Project OR District Manager, Organization