



# ODOT Federal-Aid Highway Program ESA-MSA Programmatic Notification

Key Number	21231
Last Modified	Feb 9, 2022

## Project Information

NMFS Approval <b>Approval Needed</b>	USFW Approval <b>N/A</b>	Select Predominant Project Type Widening/Adding Lanes	Proponent Agency ODOT		
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	Longitude (e.g. -123.8442° W) -123.2558	ODOT Region Region 2	County Lane	Anticipated Construction Start Year Unknown	End Year UNK
Biologist Austin Bloom	Phone 541.762.2093	E-mail abloom@dowl.com	ODOT Region Environmental Coordinator Donna Hinze	E-mail Donna.l.hinze@odot.state.or.us	
FHWA Contact Satvinder Sandhu	Phone 503.316.2560	E-mail satvinder.sandhu@dot.gov			

6th Field HUC 170900030103 - Lower Coyote Creek	6th Field HUC (if applicable) 170900030107 - Upper Amazon Creek-Amazon Diversor	Additional 6th Field HUCs <input type="checkbox"/> Check if additional HUCs are listed below in Project Description.
ODFW In-Water Work Window July 1 to October 15	ODFW In-Water Work Window July 1 to October 15	

### Brief Project Description:

ODOT Region 2 is proposing multiple safety and congestion improvements to approximately 7.2 miles of OR 126 in Lane County between Huston Road in Veneta (OR 126, Florence-Eugene Highway No. 062, MP 47.83) and Terry Street in Eugene (Beltline Highway No. 069, MP 2.35). The improvements include widening the two-lane road to a four-lane road, constructing a shared-use path, five roundabouts, modified left-turn lanes at multiple intersections, replacement of three bridges over waterways and construction of a new bridge over a railroad, replacement of one bridge with a culvert, replacement of many culverts including six with historic fish use (but no ESA-listed fish), stormwater treatment (on-site and off-site), and retaining walls of various lengths and heights. Approximately 3.4 miles of this project passes through the Fern Ridge Reservoir. Three bridges and one culvert, as well as one retaining wall, are proposed for replacement within the reservoir.

Bridge replacements will occur within Fern Ridge Reservoir at West Fork Coyote Creek (Bridge 17410), Middle Fork Coyote Creek (Bridge 02522A), and Coyote Creek (Bridge 02520A). Additionally, an exiting box culvert under OR126 within the reservoir will be extended.

Early coordination has been ongoing with the ODOT/NMFS Liaison. NMFS determined that FAHP fluvial performance standards for the bridges and culvert replacements will not apply to this project because ESA-listed fish species are not present within or near the project API (as determined by NMFS and ODFW). Because ESA-listed species are present downstream of the Monroe dam (approximately 18 miles downstream of the project area), stormwater treatment meeting FAHP standards will be required. Due to site constraints, off-site stormwater mitigation will be required. The project will increase the contributing impervious area (CIA) from 34.41 acres to 88.95 acres. Of that, approximately 32.62 acres will be treated on-site and approximately 56.33 acres will be treated off-site. It is anticipated that off-site treatment will occur along Interstate 5, Highway 99, and the Randy Pape Beltline through Eugene. The project team has identified approximately 104 acres (almost double what is required) of potential off-site stormwater treatment CIA so future off-site treatment options are available for this project once it moves to the final design and construction phase. Although approximately 56.33 acres of off-site CIA will require treatment for this project, approximately 104 acres of CIA treatment options are available for the project team to choose from in case some sites are determined to not be suitable.

NMFS has determined that stormwater flow control and detention is not required on this project because all stormwater runoff discharges to Fern Ridge Reservoir. NMFS has concurred that Fern Ridge Reservoir is considered a large water body, thus flow control is not required.

Potential impacts to ESA-listed plants and their habitat have been addressed with an individual biological assessment submitted to the USFWS in February 2022.

## Affected Species

Species	Critical Habitat*
Upper Willamette River Chinook	<input checked="" type="checkbox"/>
Upper Willamette River Steelhead	<input checked="" type="checkbox"/>
Upper Columbia River Chinook	<input checked="" type="checkbox"/>
Upper Columbia River Steelhead	<input checked="" type="checkbox"/>
Middle Columbia River Steelhead	<input checked="" type="checkbox"/>
Lower Columbia River Chinook	<input checked="" type="checkbox"/>
Lower Columbia River Coho	<input checked="" type="checkbox"/>
Lower Columbia River Steelhead	<input checked="" type="checkbox"/>
Columbia River Chum	<input checked="" type="checkbox"/>
Snake River Basin Steelhead	<input checked="" type="checkbox"/>
Snake River Fall Chinook	<input checked="" type="checkbox"/>
Snake River Sockeye	<input checked="" type="checkbox"/>

\*Or proposed Critical Habitat if relevant.

Species	Critical Habitat*
Snake River Spring / Summer Chinook	<input checked="" type="checkbox"/>
Eulachon	<input checked="" type="checkbox"/>
Green Sturgeon	<input checked="" type="checkbox"/>
Select Species	<input type="checkbox"/>
Select Species	<input type="checkbox"/>
Select Species	<input type="checkbox"/>
Select Species	<input type="checkbox"/>
Select Species	<input type="checkbox"/>
Select Species	<input type="checkbox"/>
Select Species	<input type="checkbox"/>
Select Species	<input type="checkbox"/>
Select Species	<input type="checkbox"/>

### May Effect EFH

☒ Chinook Salmon    ☒ Coho Salmon    ☒ Coastal Pelagics    ☒ Groundfish

## Project Activities

Check boxes to indicate project activities that may affect covered species or supporting habitat.

- |  |   |
|--|---|
| <input type="checkbox"/> General Heavy Construction  | <input type="checkbox"/> Slope Stabilization and Drainage   |
| <input type="checkbox"/> Geotechnical Drilling   | <input type="checkbox"/> Streambank Stabilization and Scour Protection                            |
| <input type="checkbox"/> Material Sources  | <input type="checkbox"/> Culvert and Bridge Removal   |
| <input type="checkbox"/> Mobilization, Staging and Disposal  | <input type="checkbox"/> Bridge Repair and Rehabilitation (As Relevant, Attach Bridge Supplement) |
| <input type="checkbox"/> Erosion, Sedimentation and Pollution Control                                  | <input type="checkbox"/> Bridge Construction (Attach Bridge Supplement if Aquatic)                |
| <input type="checkbox"/> Temporary Access Roads  | <input type="checkbox"/> Pile Driving and Pile Removal (Attach Bridge Supplement if Aquatic)      |
| <input type="checkbox"/> Barges  | <input type="checkbox"/> Culvert Extension, Repair and/or Installation                            |
| <input type="checkbox"/> Temporary Bridges and Treated Materials (Attach Bridge Supplement if Aquatic) | <input type="checkbox"/> Painting and Coating   |
| <input type="checkbox"/> Work Area Isolation   | <input type="checkbox"/> Asphalt and Concrete Paving  |
| <input type="checkbox"/> Clearing, Grubbing and Earthwork  | <input type="checkbox"/> Other Permanent Roadway Structures                                       |
| <input type="checkbox"/> Weed Removal  | <input type="checkbox"/> Site Restoration and Enhancement Plantings                               |
| <input type="checkbox"/> Trees and Down Timber Removal   | <input type="checkbox"/> Channel Modification and Waterway Enhancements (Attach Relevant Plans)   |
| <input type="checkbox"/> Blasting  | <input checked="" type="checkbox"/> Stormwater Management   |
|  | <input type="checkbox"/> Other: <input type="text"/>  |

### Activities Requiring Approval from Services (check which apply; explain / justify below)

☐ Not Applicable

		Attachments Needed:
<input checked="" type="checkbox"/>	On-site stormwater treatment deficit	Relevant plans
<input type="checkbox"/>	Net increase in artificial fill or abandoned fill in the functional floodplain	Relevant plans
<input type="checkbox"/>	Unvegetated streambank riprap; any streambank riprap above OHW, or in-stream flow control structures	Relevant plans
<input type="checkbox"/>	In-water work extension	IWW Variance/Project Change
<input type="checkbox"/>	Fish passage structure or fishway (including ladder, culvert retrofit, pool-riffle structure, roughened chute)	Fish passage plan or plans
<input type="checkbox"/>	Weed control that doesn't meet treatment standards	Relevant plans
<input type="checkbox"/>	Blasting in or near aquatic habitat	Blasting plan
<input type="checkbox"/>	Bridge replacement that doesn't meet fluvial performance standards	Bridge Supplement
<input type="checkbox"/>	Stream channel modification or waterway enhancement that does not meet design standards	Relevant plans
<input type="checkbox"/>	Stormwater flow management (when required) in watershed less than 100 mi <sup>2</sup>	Drawing or plans
<input type="checkbox"/>	Other modifications to FAHP design standards in the FAHP that may result in direct impacts to covered aquatic resources	Relevant plans
<input type="checkbox"/>	Removal of Kincaid's lupine, Bradshaw's lomatium, or Fender's blue butterfly habitat	Relevant plans
<input type="checkbox"/>	High noise producing work within 300ft of Marbled Murrelet habitat between April 1st & August 5th	Relevant plans
<input type="checkbox"/>	Removal of mature conifer trees (18" or larger DBH) in Northern Spotted Owl or Marbled Murrelet habitat	Relevant plans

### Explanation of Activities That Require Approval or Modifications:

☐ Not Applicable

Due to right-of-way and natural resources constraints, it will not be possible to provide on-site treatment for much of the runoff between the Coos Bay Rail Line bridge crossing and Ellmaker Road. Providing new stormwater treatment facilities for this portion of the corridor would result in additional fill in the reservoir, and/or impacts to wet meadow habitat, wetlands, ESA-listed species, or designated critical habitat. Instead of developing on-site treatment facilities in this area, stormwater runoff will be collected by a combination of inlets and roadside ditches and conveyed, untreated, into Fern Ridge Reservoir through a system of small storm sewers, culverts, and ditches.

Runoff from 32.62 acres of CIA will be treated on-site in new bioretention ponds and bioslopes. Bioretention ponds (5 total) are proposed at four intersections: Green Hill Road, Fisher Road, Central Road, and Ellmaker Road. Bioslopes are proposed on the south roadway embankment from Terry Street to approximately 0.3 miles west of the railroad crossing. Stormwater management facilities will be designed to address typical roadway runoff pollutants, including sediments, nutrients, hydrocarbons, heavy metals (both dissolved and particulate), polycyclic aromatic hydrocarbon (PAHs), and hydrocarbons (oils, greases, etc.).

The lack of complete on-site stormwater treatment will be offset by treating currently untreated runoff from an off-site location. Approximately 104 acres of untreated area have been identified at sites along I-5, Highway 569 (Randy Pape Beltline), and Highway 99, generally located northeast of the project corridor; additional sites may be identified in the future. The current design requires at least 56.33 acres total of off-site CIA to be treated.

It should be noted that this project will require many project activities listed in the Project Activities block at the top of this page, however, because ESA-listed fish species are not present within the project area (ESA fish species presence is approximately 18 miles north at the Monroe Dam on the Long Tom River), the only project activity that may affect covered species or supporting habitat is stormwater management. Therefore, only stormwater management has been identified in the project activities list at the top of this page.

**Stormwater Management**☐ **Not Applicable**

Stormwater Feature	Pre-Project	Anticipated Post Project
Project Impervious Surface Area (ISA)	34.410Acres	88.950 Acres
Net New ISA (=Pre-Project-Actual Post Project)		54.540 Acres
Contributing Impervious Area (CIA)	34.410Acres	88.950 Acres
Total ISA Treated On-site		32.620 Acres
Total ISA Treated Off-site		56.330 Acres
Stormwater Credits Used*		Acres
Total Managed ISA (on- and off-site and credits)		88.950 Acres
Net Water Quality Treatment (=Total Managed ISA-Post Project CIA)		0.000 Acres
Excess Stormwater Area Treated for Credit*		Acres

\* Stormwater Credit discussions still underway, please consult with NMFS before using any sort of credit.

Average Daily Traffic\*\* Project Area  Off-Site Treatment Area

\*\*Provide range if variable. If off-site is less than on-site (per ADT Range table, see User's Guide), a greater amount of ISA must be treated and describe below.

Water Quality Design Storm  Is Flow Control Provided?

If Not Required, Why?

Flow Control Design Range:

Lower End Point Design Storm  inches Upper End Point Design Storm  inches

Stormwater Manual Cited:  Responsible Agency for Stormwater BMPs:

Stormwater Designer Name, Phone #, E-mail:

☒ **Attached Aerial Photo/Site Drawing That Show: The CIA, Sub-Basins, Drainage Flow Paths, Receiving Waters and BMP Locations.**

Drainage Area	Treatment Method	BMP	Maint. Table***	ISA Treated (Acres)	Receiving Water
A	See Attached Spreadsheet			Acre(s)	
				Acre(s)	
				Acre(s)	
				Acre(s)	
				Acre(s)	
				Acre(s)	

For additional rows, please attach the [Stormwater Management Data Page](#).

\*\*\* ODOT Stormwater Facility Maintenance Tables ( <http://www.oregon.gov/ODOT/HWY/GEOENVIRONMENTAL/pages/omm.aspx>) or other (attach).

Comments:

Proposed on-site treatment will be provided with bioslopes and five bioretention ponds at four intersections. The bioretention ponds are located on existing impervious area that, due to the alignment of the proposed roundabouts, will no longer be in the roadway. Due to the poor hydraulic properties of the existing soils, underdrains will be required for the bioretention ponds. Between Green Hill Road and just east of Richmond Street, bioslopes are proposed on the south side of OR 126. The proposed bioslopes will be designed to conform to ODOT standards for a two-foot-wide bioslope. The bioslopes will require an underdrain to convey the runoff to the outfall of each bioslope. Details of the on-site treatment areas for these facilities are as follows:

- Bioretention Pond 1, located at the intersection with Green Hill Road, CIA treated = 5.34 acres
- Bioretention Pond 2, located at the intersection with Fisher Road, CIA treated = 6.14 acres
- Bioretention Pond 3, located at the intersection with Central Road, CIA treated = 5.07 acres
- Bioretention Pond 4, located at the intersection Ellmaker Road, CIA treated = 7.71 acres
- Bioretention Pond 5, located along Ellmaker Road, north of OR 126, CIA treated = 1.82 acres
- Bioslopes, Total CIA treated = 6.54 acres

Various locations were evaluated for potential off-site mitigation facilities. All potential locations are located within the same 8-digit Hydrologic Unit Code (HUC8) as the project area, and will treat roadways in the same or greater Average Daily Traffic (ADT) category, as required by FAHP standards. Potential mitigation sites were assessed to ensure infiltration is not present in the area, that facilities would not encroach into existing wetlands, that locations do not already provide natural dispersion to runoff, and that the roadside ditch does not meet ODOT requirements for a filter strip.

A typical configuration for the off-site treatment facilities would include a bioswale 105 feet in length, at 0.005 slope, with 1V:4H side slopes, and an outlet structure at the outfall. Bottom widths will vary from 4 to 9 feet depending on the amount of CIA to be treated. 56.33 acres of off-site impervious area must be treated to mitigate for the untreated on-site area. Over 104 acres of CIA were identified at 119 locations to assure that enough appropriate off-site mitigation area is available should some of the identified sites prove unusable due to site conditions or if some are treated as a result of other projects prior to OR 126 project construction. Prior to selecting the final off-site treatment areas, environmental field studies will be completed to verify treatment facilities do not impact ESA-listed species/habitat, wetlands/waters, or cultural resources.

NMFS has determined that stormwater flow control and detention is not required on this project because all stormwater run off discharges to Fern Ridge Reservoir. NMFS has concurred that Fern Ridge Reservoir is considered a large water body, thus flow control is not required.

## Habitat Impacts / Restoration

☒ Not Applicable

Habitat Type	Anticipated Impact		Anticipated Restoration		
	Linear ft	Area	Linear ft	Area	Primary Purpose
Streambank Hardening Below OHW	ft		ft		
Riparian Habitat Disturbed		ft <sup>2</sup>		ft <sup>2</sup>	
	ft	ft <sup>2</sup>	ft	ft <sup>2</sup>	
	ft	ft <sup>2</sup>	ft	ft <sup>2</sup>	
	ft	ft <sup>2</sup>	ft	ft <sup>2</sup>	

\*Aquatic Habitat Type(s) Disturbed: ☐ Pool ☐ Riffle ☐ Glide ☐ Estuarine Habitat (<300' away)

## Trees &amp; Woody Debris Anticipated Impacts / Restoration

☒ Not Applicable

Habitat Type	Trees Removed				Trees Added		Primary Purpose
	0-6"	6-18"	> 18"	# Down Timber (LWM)	# Native Trees Planted	# LWM Installed	
Riparian Zone							

## Other Anticipated Avoidance/Minimization Measures, Offsetting Measures and Enhancements

☒ Not Applicable

Activity/Resource	Purpose	Amount		
		On-Site	Off-Site	Units

Other information on impacts/restoration/enhancements (attach Additional Information form if more space needed):

With the exception of the species discussed in the Biological Assessment, ESA-listed species are not present in the project area. There are ESA-listed fish species present approximately 18 miles downstream of the project area (at the Monroe Dam). Therefore, while stormwater treatment meeting FAHP standards is required, the categories above are not applicable to the project.

## List of Attachments

☐ Not Applicable

Relevant Plans/Special Provisions

Bridge Supplement

Additional Information

## Electronic Signatures &amp; Authorizations:

The following individuals have reviewed the Notification for accuracy & compliance with the FAHP ESA Consultation (NMFS Ref(2011/02095)) and/or (USFW Cons #01EOFW00-2012-F-0020) approve implementation of the project as described here in. A Biologist Qualified by ODOT under its ESA Effects Determination Program must review this document and ensure its quality before it is submitted to the FHWA. Please sign this document electronically & forward appropriately.

Austin Bloom

Digitally signed by Austin Bloom  
DN: CN=Austin Bloom, OU=Standard,  
OU=Users, OU=Staff, DC=ODOT, DC=COM  
Reason: I am the author of this document  
Date: 2022.06.06 12:06:42 -07'00'

Qualified Biologist, Last Certified 2016

Molly A Cary

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Cary  
Date: 2022.06.06 13:54:05  
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Construction Project Manager - ODOT

OHRN Daniel K

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Region 2 Environmental Manager, ODOT

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FHWA

Only if "approval from services required"

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NMFS or USFW