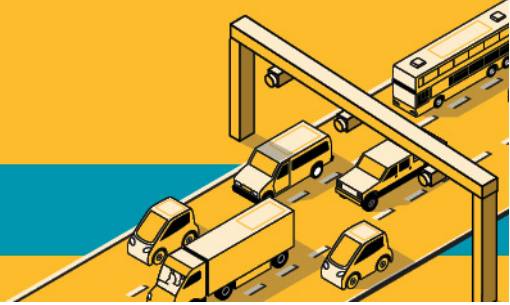


I-205 Toll Project

MEMORANDUM



Date September 1, 2021
To Lucinda Broussard, Carol Snead, and Devin Simmons (ODOT)
From Dan Gunderson, WSP
Subject Vegetation, Wildlife, and Aquatic Species Methodology Memorandum
CC

INTRODUCTION

This memorandum describes the methods that will be used in the I-205 Toll Project (Project) Environmental Assessment (EA) analysis to evaluate vegetation, wildlife, and aquatic species impacts of the Project alternatives. The analysis and results will be documented in the EA that will be developed to comply with federal guidelines and regulations, including the National Environmental Policy Act (NEPA) and local and state policies, standards, and regulations.

The vegetation, wildlife, and aquatic species analysis will evaluate impacts from the construction, operations, and maintenance of the Project and will identify mitigation measures as needed.

LEGAL REGULATIONS AND STANDARDS

Laws, Plans, Policies, Regulations, and Guidance

The following is a list of federal, state, and local laws, regulations, plans, policies, and guidance documents that guide or inform the assessment of vegetation, wildlife, and aquatic species:

- NEPA (42 United States Code (U.S.C.) 4321 et seq.) and associated regulations codified at 40 Code of Federal Regulations (CFR) §1500-1508
- Compensatory Mitigation for Losses of Aquatic Resources Final Rule (33 CFR Parts 332)
- Endangered Species Act (ESA) - Section 7 Consultation with National Oceanic and Atmospheric Administration's (NOAA) National Marine Fisheries Service (NOAA Fisheries) and US Fish and Wildlife Service (USFWS)¹
- Migratory Bird Treaty Act – administered by USFWS

¹ NOAA Fisheries is responsible for administering the ESA for anadromous salmon and steelhead; USFWS is responsible for administering the ESA for non-anadromous fish species (e.g., bull trout) and terrestrial species.

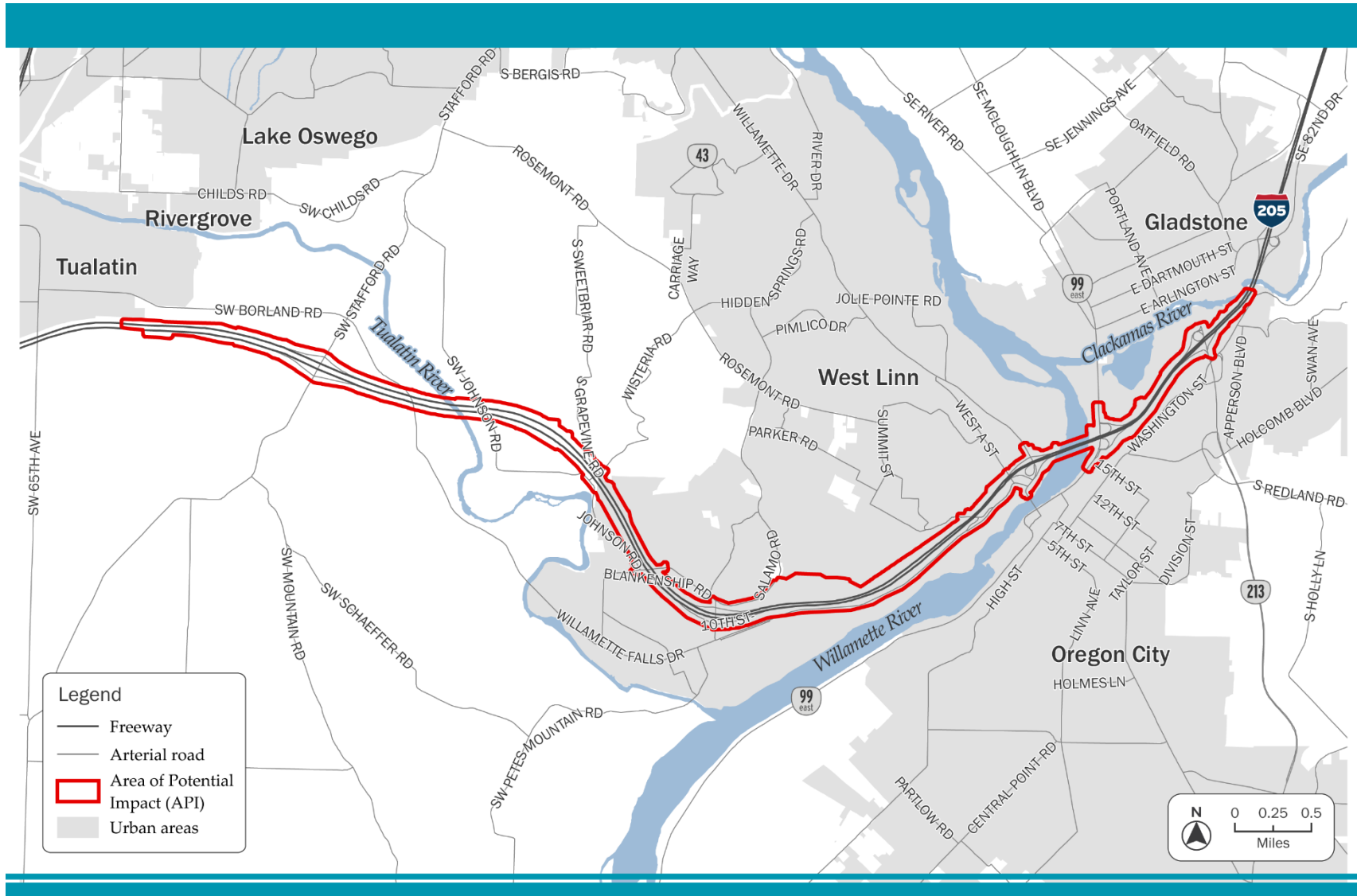
- Clean Water Act (Water Pollution Control Act of 1972 and Amendments; 33 U.S.C. §1251 et seq.), and associated regulations codified at 40 CFR and 33 CFR
- Oregon’s Statewide Planning Goals and Guidelines (Oregon Administrative Rule (OAR) 660-015-0000) Goal 5: Natural Resources, Scenic and Historic Areas, and Open Spaces; Goal 15: Willamette River Greenway
- Oregon Department of Fish and Wildlife (ODFW) – Fish and Wildlife Habitat Mitigation Policy OAR 635-415
- Clackamas County Zoning and Development Ordinance
- West Linn Community Development Code
- Oregon City Municipal Code

AREA OF POTENTIAL IMPACT

The area of potential impact (API) is the geographic boundary within which impacts to the environment could occur with the Project alternatives. The API for direct and indirect long-term and short-term impacts to vegetation, wildlife, and aquatic species resource analysis is defined as the area within 100-feet of the existing I-205 right-of-way between the Stafford Road and Oregon Route 213 (OR 213) interchanges, as shown in Figure 1.

The only effects anticipated to vegetation, wildlife, and aquatic species associated with the project would be those associated with construction of toll gantries and any associated utility modifications. The final locations of gantries and utilities have not yet been determined, but it is assumed that these improvements would be constructed within 100 feet of the existing I-205 right-of-way between the Stafford Road and OR 213 interchanges.

Figure 1. Vegetation, Wildlife, and Aquatic Species API



DESCRIBING THE AFFECTED ENVIRONMENT

Published Sources and Databases

Data used in the 2018 Documented Categorical Exclusion (DCE) prepared for the I-205 Improvements Project will be reviewed to confirm its relevancy and applicability to this study. The following is a list of the data that will be used to determine and describe vegetation, wildlife, and aquatic species resources/existing conditions:

- Existing Vegetation GIS dataset from U.S. Department of Agriculture (USDA)
- Aerial photos from Google Earth
- Maps of Essential Salmonid Habitat from Oregon Department of State Lands (DSL)
- Designated Critical Habitat Mapping and Federal Register notices from USFWS and NOAA Fisheries
- Essential Fish Habitat designations from NOAA Fisheries
- ESA-listed species presence data from the USFWS Information for Planning and Consultation (IPAC) database
- Rare species location data from the Oregon Biodiversity Information Center (ORBIC)
- Goal 5 habitat inventory mapping and documentation from the Cities of Oregon City and West Linn, Clackamas County, and Metro
- Biological Resources Technical Memorandum prepared for the I-205 Improvements Stafford Road to OR 213 Project (HDR 2018)

A desktop assessment will be conducted to document the existing vegetation and habitat conditions within the API, including any previously documented observations of vegetation, wildlife, or aquatic species presence and use, and an assessment of the potential presence of any such resources. A description of the vegetation and plant communities within the API will be developed based on existing vegetation GIS data from USDA and refined based on a review of available recent aerial photography. A list of priority species and critical habitat that may occur within the API will be developed from the USFWS IPAC database and NOAA Fisheries data. In addition, a rare species location data request will be made through ORBIC.

Contacts and Coordination

Federal and state agencies including ODFW, ORBIC, USFWS, and NOAA Fisheries, will be contacted to obtain information on priority species presence in the API and Project vicinity. These agencies maintain public databases of information regarding priority species presence, and these databases will be referenced in the development of the EA, to reflect any new information regarding the presence of priority vegetation, wildlife, or aquatic species. These agencies will also be consulted with for input concerning potential Project impacts to identify and develop appropriate mitigation if necessary.

Local jurisdictions including the Cities of Oregon City and West Linn, Clackamas County, and Metro will also be contacted to identify any local species and habitat inventory data that these agencies may maintain, including Goal 5 habitat inventory mapping and documentation.

Field Surveys or Testing

No field surveys or testing will be conducted. The extent of vegetation, wildlife, and aquatic species resources are expected to be limited within the API and can be assessed through a desktop review of available public datasets. When the design is advanced, and the specific locations of toll gantries are identified, it may be necessary to conduct a field survey to confirm the presence/absence of sensitive vegetation, wildlife, or aquatic species resources in the locations of any proposed ground disturbing activities.

IMPACT ASSESSMENT METHODS

The impacts analysis will address the long-term and short-term impacts upon vegetation, wildlife, and aquatic species for each of the Project alternatives.

Long-Term Impact Assessment Methods

The analysis of direct long-term impacts to vegetation, wildlife, and aquatic species resulting from the Project will consider:

- The effects of vegetation removal, damage, or replacement in terms of area and species diversity that may modify habitat for birds and wildlife
- Habitat connectivity modification and its effects on wildlife and aquatic species
- Water quality impacts and their effects on aquatic species in the API

Most potential long-term impacts to vegetation, wildlife, and aquatic species would result from the direct disturbance associated with the installation of toll gantries and associated utilities. It is anticipated that the final location of toll gantries and utilities would avoid direct impacts to native vegetation and wildlife habitat to the extent practicable, and that direct long-term impacts to these resources would be minimal.

Since the final locations of toll gantries and utilities may not be determined for the EA, the assessment of long-term impacts to vegetation, wildlife, and aquatic species will be qualitative in nature, and will rely on information collected during the desktop analysis.

Short-Term Impact Assessment Methods

The analysis of direct short-term impacts to vegetation, wildlife, and aquatic species that would occur during Project construction will consider:

- Temporary construction-related impacts to water quality and the potential effects on vegetation, wildlife, and aquatic species

- Terrestrial construction noise and potential effects on terrestrial wildlife
- Temporary construction-related vegetation and ground disturbance and potential effects on vegetation, wildlife, and aquatic species

Most potential short-term impacts to vegetation, wildlife, and aquatic species would result from temporary disturbance during installation of toll gantries and associated utilities. As noted for long-term impacts, it is anticipated that the final location of toll gantries and utilities would avoid direct short-term impacts to vegetation, wildlife, and aquatic species to the extent practicable, and that direct impacts to these resources would be minimal.

Since the final locations of toll gantries and utilities may not be determined for the EA, the assessment of short-term impacts to vegetation, wildlife, and aquatic species will be qualitative in nature, and will rely on information collected during the desktop analysis.

Indirect Impacts Assessment Methods

Indirect impacts are those that are caused by a specific action and that take place later in time or are further removed in distance, but are still reasonably foreseeable to occur (40 CFR 1508.8). The analysis will assess the potential for indirect impacts to vegetation, wildlife, and aquatic species that may occur from Project-induced changes in traffic and/or development that may occur during and after Project construction. This assessment will be qualitative in nature and will rely in part on the findings in the land use section of the EA regarding potential for induced changes in traffic and/or development patterns within the API that could potentially affect vegetation, wildlife, or aquatic species.

Cumulative Impacts Assessment Methods

In accordance with ODOT guidance (ODOT 2010), the cumulative impacts assessment will consist of an eight-step process to identify and evaluate cumulative impacts. The long-term, short-term, and indirect impacts identified for vegetation, wildlife, and aquatic species will be used in Step 1 to identify whether the Project has the potential to contribute to cumulative impacts on vegetation, wildlife, and aquatic species when considered in combination with other past, present, and future actions. For those resources studied in the cumulative impact assessment, the direct and indirect impacts identified in the respective technical analysis will also be used in Step 4: "Identify direct and indirect impacts that may contribute to a cumulative impact." See the I-205 Toll Project Cumulative Impacts Methodology Memorandum for additional details on the eight-step process and cumulative impacts methodology.

MITIGATION APPROACH

Potential mitigation measures will be identified for adverse impacts, if any, to vegetation, wildlife, and aquatic species. Mitigation measures, if required, will be developed using applicable agency-based regulations and guidance for those agencies with jurisdiction. The approach to mitigation common to federal, state, and local agency guidance is a requirement for

a mitigation sequencing process that begins with avoidance and minimization of impacts to the extent practicable, followed by compensatory mitigation for any unavoidable impacts.

If the analysis results in a determination of potential impacts, appropriate mitigation measures will be developed to avoid, minimize, and mitigate these impacts. Mitigation measures for any impacts to endangered and/or threatened species will be developed in coordination with NOAA Fisheries and USFWS. Mitigation for any impacts to non-ESA-listed vegetation, wildlife, and fisheries resources will be developed in coordination with ODFW. Mitigation for some types of potential vegetation impacts, such as tree removal, will also be developed consistent with local jurisdiction requirements where applicable. The approach to mitigation may also incorporate measures developed for other environmental resources, including wetlands and waters, that also serve to avoid, minimize, or mitigate for impacts to vegetation, wildlife, and aquatic species.

PERFORMANCE MEASURES

Table 1 presents a preliminary list of performance measures identified to evaluate how the alternatives compare in terms of impacts and benefits to vegetation, wildlife, and aquatic species.

Table 1. Preliminary Vegetation, Wildlife, and Aquatic Species Performance Measures

Performance Measure	How	Tool and/or Data Source used for Assessment of Measure
Area of direct impacts to vegetation, wildlife, or aquatic species and their habitat	Quantitative	The approximate project footprint (limits of cut/fill) will be established from the project drawings, and this footprint will be overlain on the vegetation, wildlife, and aquatic species mapping to estimate an approximate quantity of direct impact to vegetation, wildlife, or aquatic species and their habitat.
Area of indirect impacts to vegetation, wildlife, or aquatic species and their habitat	Qualitative	The approximate project footprint (limits of cut/fill) will be established from the project drawings. Scientific Best Professional Judgement will be used to determine the extent of any indirect impacts to vegetation, wildlife, or aquatic species and their habitat.

Additional performance measures may be identified during the course of analysis.

REFERENCES

HDR. 2018. Biological Resources Technical Memorandum. I-205 Widening and Seismic Improvements - Stafford Road to OR 213.

Memo: Vegetation, Wildlife, and Aquatic Species Methodology
September 1, 2021

Oregon Department of Transportation (ODOT). 2010. Environmental Impact Statement
Annotated Template, Chapter 4: Cumulative Impacts.