

I-205 Toll Project

MEMORANDUM



Date February 11, 2021
To Lucinda Broussard, Mandy Putney, Michael Holthoff, Ben White, and Devin Simmons (ODOT)
From Dan Gunderson, WSP
Subject Vegetation, Wildlife, and Aquatic Species Methodology Memorandum – Draft #4
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2 INTRODUCTION

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

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

11 LEGAL REGULATIONS AND STANDARDS

12 Laws, Plans, Policies, Regulations, and Guidance

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

- 15 • NEPA (42 United States Code (U.S.C.) 4321 et seq.) and associated regulations codified at
16 40 Code of Federal Regulations (CFR) §1500-1508
- 17 • Compensatory Mitigation for Losses of Aquatic Resources Final Rule (33 CFR Parts 332)
- 18 • Endangered Species Act (ESA) - Section 7 Consultation with National Oceanic and
19 Atmospheric Administration's (NOAA) National Marine Fisheries Service (NOAA
20 Fisheries) and US Fish and Wildlife Service (USFWS)¹
- 21 • 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.

- 1 • Clean Water Act (Water Pollution Control Act of 1972 and Amendments; 33 U.S.C. §1251 et
2 seq.), and associated regulations codified at 40 CFR and 33 CFR
- 3 • Oregon’s Statewide Planning Goals and Guidelines (Oregon Administrative Rule (OAR)
4 660-015-0000) Goal 5: Natural Resources, Scenic and Historic Areas, and Open Spaces;
5 Goal 15: Willamette River Greenway
- 6 • Oregon Department of Fish and Wildlife (ODFW) – Fish and Wildlife Habitat Mitigation
7 Policy OAR 635-415
- 8 • Clackamas County Zoning and Development Ordinance
- 9 • West Linn Community Development Code
- 10 • Oregon City Municipal Code

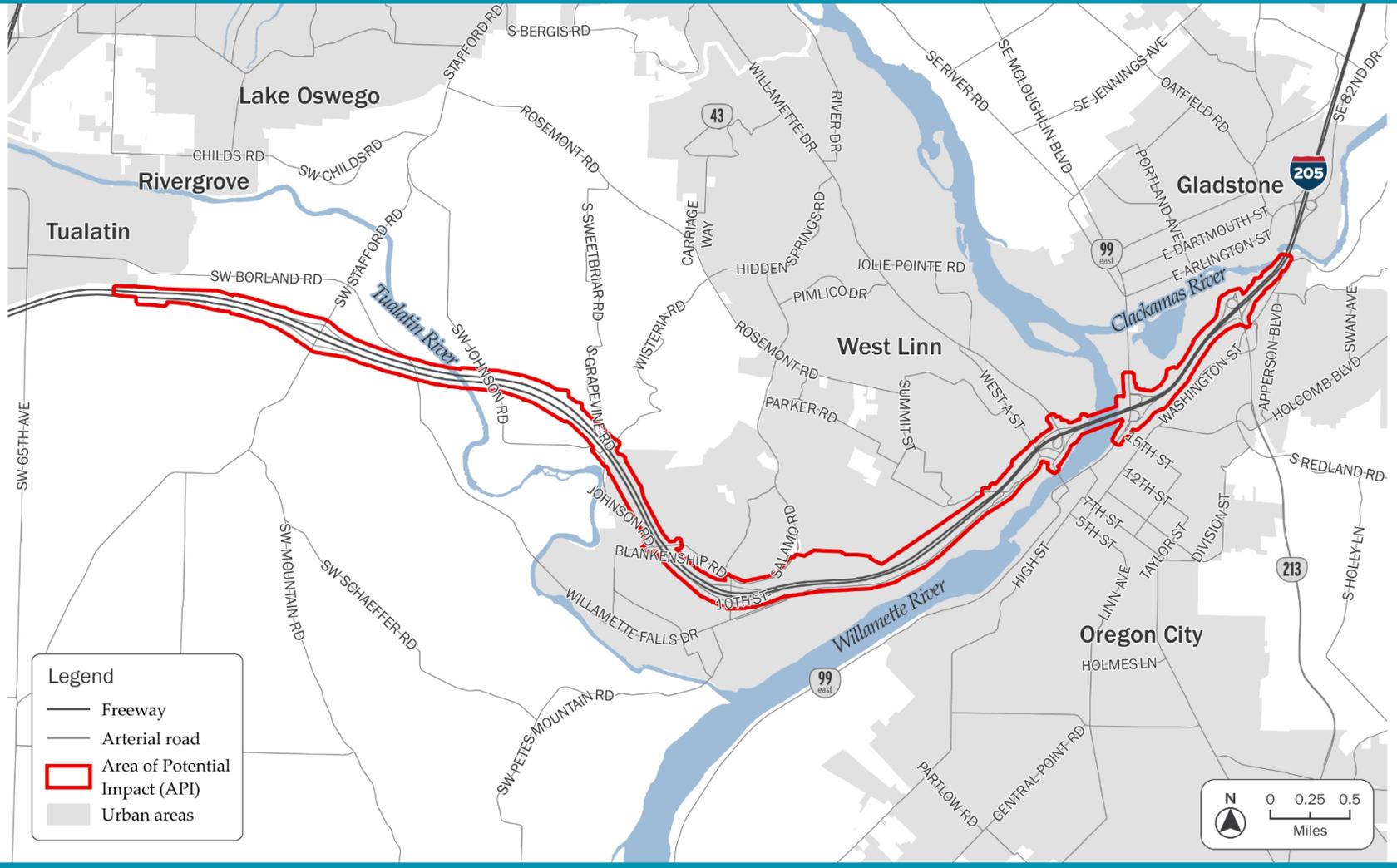
11 **AREA OF POTENTIAL IMPACT**

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

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

22 Prior to preparation of the EA, this API may be modified once the alternatives to be studied in
23 the EA have been identified and projected traffic volumes have been refined.

1 **Figure 1. Preliminary Vegetation, Wildlife, and Aquatic Species API**



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1 **DESCRIBING THE AFFECTED ENVIRONMENT**

2 **Published Sources and Databases**

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

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

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

28 **Contacts and Coordination**

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

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

4 **Field Surveys or Testing**

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

11 **IMPACT ASSESSMENT METHODS**

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

14 **Long-Term Impact Assessment Methods**

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

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

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

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

29 **Short-Term Impact Assessment Methods**

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

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

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

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

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

12 **Indirect Impacts Assessment Methods**

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

21 **Cumulative Impacts Assessment Methods**

22 The analysis of cumulative impacts to vegetation, wildlife, and aquatic species is described in
23 the I-205 Toll Project Cumulative Impacts Methodology Memorandum.

24 **MITIGATION APPROACH**

25 Potential mitigation measures will be identified for adverse impacts, if any, to vegetation,
26 wildlife, and aquatic species. Mitigation measures, if required, will be developed using
27 applicable agency-based regulations and guidance for those agencies with jurisdiction. The
28 approach to mitigation common to federal, state, and local agency guidance is a requirement for
29 a mitigation sequencing process that begins with avoidance and minimization of impacts to the
30 extent practicable, followed by compensatory mitigation for any unavoidable impacts.

31 If the analysis results in a determination of potential impacts, appropriate mitigation measures
32 will be developed to avoid, minimize, and mitigate these impacts. Mitigation measures for any
33 impacts to endangered and/or threatened species will be developed in coordination with
34 NOAA Fisheries and USFWS. Mitigation for any impacts to non-ESA-listed vegetation, wildlife,
35 and fisheries resources will be developed in coordination with ODFW. Mitigation for some
36 types of potential vegetation impacts, such as tree removal, will also be developed consistent
37 with local jurisdiction requirements where applicable. The approach to mitigation may also

1 incorporate measures developed for other environmental resources, including wetlands and
2 waters, that also serve to avoid, minimize, or mitigate for impacts to vegetation, wildlife, and
3 aquatic species.

4 **PERFORMANCE MEASURES**

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

8 **Table 1. Vegetation, Wildlife, and Aquatic Species Performance Measures**

Performance Measure	Tool and/or Data Source used for Assessment of Measure
Area of direct impacts to vegetation, wildlife, or aquatic species and their habitat	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	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.

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

11 **REFERENCES**

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