I-205 Toll Project

MEMORANDUM

Date	February 11, 2021
To	Lucinda Broussard, Mandy Putney, Ken Sargent, Michael Holthoff, Ben White and David McDonald (ODOT)
From	Dan Gunderson, WSP
Subject	Wetlands and Water Resources Methodology Memorandum – Draft #4
CC	

INTRODUCTION

This memorandum describes the methods that will be used in the I-205 Toll Project (Project) Environmental Assessment (EA) analysis to evaluate wetlands and water resources 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 wetlands and water resources 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 wetlands and water resources:

- Clean Water Act (Water Pollution Control Act of 1972 and Amendments; 33 United States Code [U.S.C.] §1251 et seq.), and associated regulations codified at 40 Code of Federal Regulations (CFR) and 33 CFR
- 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]
- Rivers and Harbors Act of 1899 (33 U.S.C. §407)
- Executive Order 11990 – Protection of Wetlands, 1977
- Compensatory Mitigation for Losses of Aquatic Resources Final Rule (33 CFR Parts 332)

[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.

- NEPA (42 U.S.C. 4321 et seq.), and associated regulations codified at 40 CFR §1500-1508
- Oregon's Removal-Fill Law (Oregon Revised Statutes [ORS] 196.795-990)
- Oregon's Statewide Planning Goal and Guidelines (OAR 660-015-0000) Goal 5: Natural Resources, Scenic and Historic Areas, and Open Spaces; Goal 15: Willamette River Greenway
- Clackamas County Zoning and Development Ordinance
- West Linn Community Development Code
- Oregon City Municipal Code

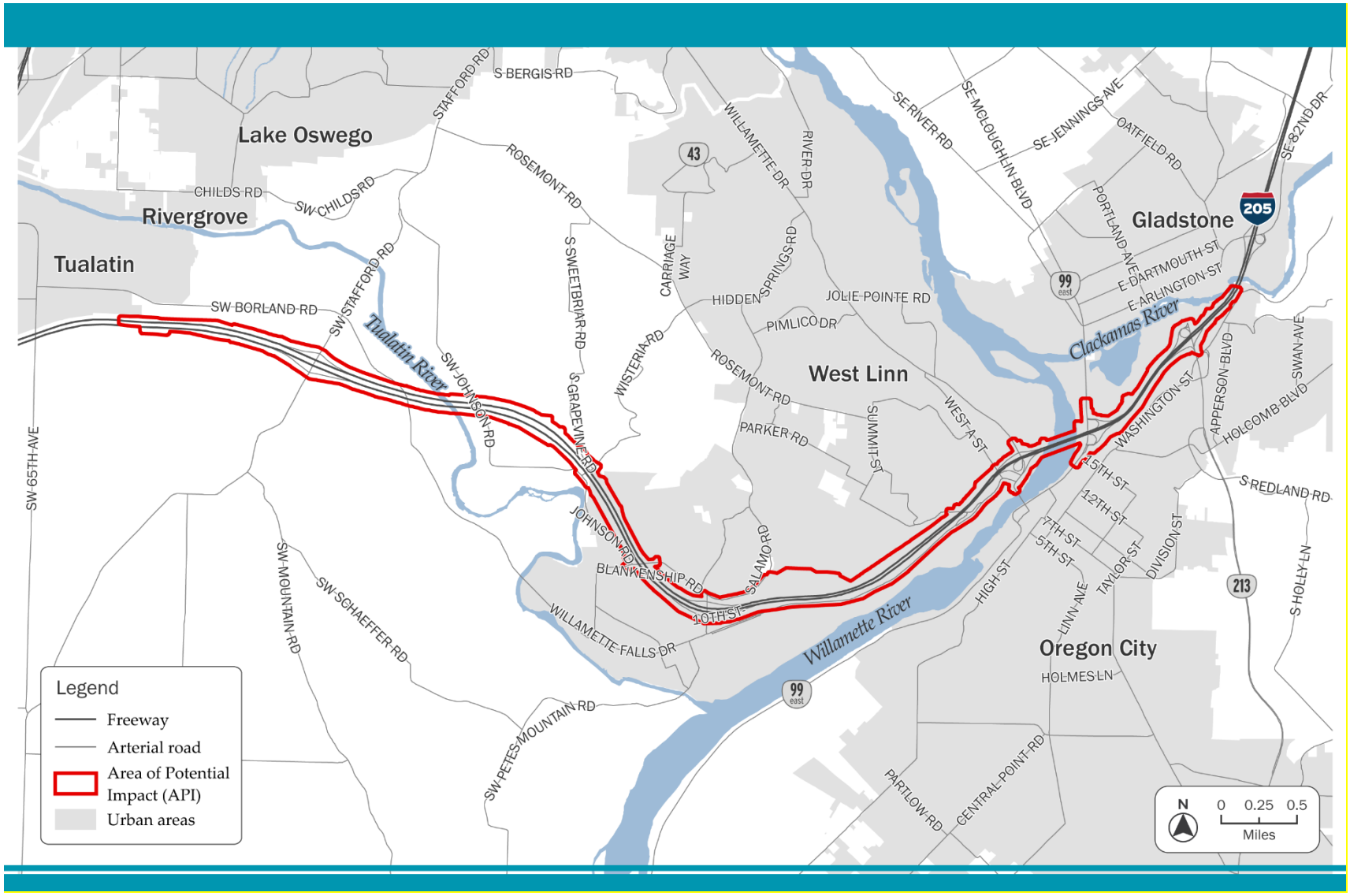
AREA OF POTENTIAL IMPACT

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 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 is shown in **Error! Not a valid bookmark self-reference.**.

The only effects anticipated to wetlands and water resources 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.

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

Figure 1. Preliminary Wetlands and Water Resources 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 sources that will be consulted to determine and describe the existing conditions of wetlands and water resources within the API:

- National Wetland Inventory (NWI) data from the U.S. Fish and Wildlife Service (USFWS)
- National Hydrography Dataset (NHD) from the U.S. Geographic Survey (USGS)
- Soil Survey Geographic Database (SSURGO) from the Natural Resources Conservation Service (NRCS)
- Local climate data from NRCS and the National Oceanic and Atmospheric Administration (NOAA)
- Willamette River Ordinary High Water (OHW) data from the U.S. Army Corps of Engineers (USACE)
- Aerial imagery from Google Earth™ and the U.S. Department of Agriculture
- Goal 5 wetland inventory mapping and documentation from the Cities of Oregon City and West Linn, Clackamas County, and Metro
- Wetland delineation report and DSL concurrence letter for I-205 Improvements Stafford Road to OR 213 Project (HDR 2019)

A desktop assessment will be conducted to document the presence, approximate extent, and condition of wetlands and water resources within the API. The desktop assessment will be based primarily upon existing NWI and NHD data but will be cross referenced against existing soil survey data, and USACE OHW data, and recent aerial imagery.

Contacts and Coordination

Additional information on wetlands and water resources located within the API will be obtained by contacting state and federal agencies with jurisdiction over these resources including the USACE and Oregon DSL. These agencies will also be consulted with for input concerning potential project impacts to wetlands and water resources (if any), 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 wetland or water resource inventory data that these agencies may maintain, including Goal 5 wetland inventory mapping and documentation.

Field Surveys or Testing

No wetland delineation, nor any other field surveys or testing will be conducted. The extent of wetlands and water resources within the API are expected to be limited, and their approximate location 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 field investigations 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 wetlands and water resources for each of the Project alternatives.

Long-Term Impact Assessment Methods

The analysis of direct long-term water resources impacts resulting from the Project will consider:

- Direct loss of wetlands or water resources due to fill placement
- The potential for impacts to hydrologic and geomorphic factors in wetlands and surface waters such as flow conveyance, sedimentation, and erosion
- The potential for impacts to water quality such as increases in increased delivery of suspended solids, limiting nutrients (phosphorus and nitrogen), and contaminants

Most potential long-term impacts to wetlands and water resources will result from the direct disturbance associated with the installation of toll gantries and utilities. It is anticipated that the final location of toll gantries and utilities would avoid direct impacts to wetlands and water resources 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 wetlands and water resources will be qualitative in nature and will rely on information collected during the initial desktop analysis.

Short-Term Impact Assessment Methods

The analysis of direct short-term water resources impacts that would occur during Project construction will consider:

- Temporary construction-related impacts to water quality and the potential effects on wetlands and surface waters
- Temporary construction-related vegetation and ground disturbance and potential effects on wetlands and surface waters

Potential short-term impacts to wetlands and water resources could result from temporary disturbance of these areas during installation of toll gantries and utilities. It is anticipated that the final location of toll gantries and utilities would avoid direct impacts to wetlands and water resources to the extent practicable, and that direct short-term impacts to these resources will 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 wetlands and water resources will be qualitative in nature and will rely on information collected during the initial 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 wetlands and water resources that may result 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 wetlands and water resources.

Cumulative Impacts Assessment Methods

The analysis of cumulative impacts to water resources is described in the I-205 Toll Project Cumulative Impacts Methodology Memorandum.

MITIGATION APPROACH

Potential mitigation measures will be identified for adverse impacts, if any, to wetlands and water resources. 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 e impacts to wetlands and water resources will be developed in coordination with USACE and DSL. The approach to mitigation may also incorporate measures developed for other environmental resources, including vegetation, wildlife, and aquatic species, that may also serve to avoid, minimize, or mitigate for impacts to wetlands and water resources.

PERFORMANCE MEASURES

1 presents a preliminary list of performance measures identified to evaluate how the alternatives compare in terms of impacts and benefits to wetlands and water resources.

Table 1. Wetlands and Water Quality Performance Measures

Performance Measure	Tool and/or Data Source used for Assessment of Measure
Area of wetlands/waters filled	The approximate project footprint (limits of cut/fill) will be established from the project drawings, and this footprint will be overlain on the wetlands/waters resource mapping to estimate an approximate quantity of direct wetland impact.
Area of wetlands/waters indirectly affected	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 wetlands/water resources.

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

REFERENCES

HDR. 2019. WD # 2018-0209 Wetland Delineation Report for K19786 I-205 Corridor Widening; Clackamas County; T2S R1W Sec. 25; T2S R1E Sec. 27, 28, 29, 30, 34, 35, and 36; T2S R2E Sec. 16, 20, 29, 30, and 31, in ROW and Many Tax Lots.