

Environmental Assessment

OR18 Spur: South Yamhill River Br #06758

12/13/2019

Prepared by the Oregon Department of Transportation

Prepared for the Natural Resources Conservation Service (Lead Agency)



Contents

Section 1) Statement of Need and Purpose of the Proposed Action	4
Proposed Action.....	4
Need.....	4
Purpose	4
Section 2) Alternatives, Including the Proposed Action and No Action	5
Proposed Action Alternative.....	5
No Action Alternative.....	7
Section 3) Affected/Existing Environment & Environmental Impacts.....	10
Soil.....	11
Water	13
Air.....	13
Cultural Resources – Archaeology	14
Cultural Resources – The Built Environment	15
Environmental Justice.....	16
FEMA Floodway and Floodplain Management.....	17
Native Migratory Fish.....	19
Invasive Plant Species	19
Land Use.....	21
Public Health and Safety	21
Natural Areas, Parks, Riparian Areas, and Scenic Beauty	23
Wetlands & Waters of the U.S.....	24
Plants and Wildlife	25
Public Involvement Summary	26
Section 4) List of Persons and Agencies Consulted.....	26
Finding of No Significant Impact for the Environmental Assessment on OR18 Spur: South Yamhill River Br #06758	28
I. AGENCY ROLE AND RESPONSIBILITY	28
II. NRCS DECISION TO BE MADE.....	28
III. PURPOSE AND NEED FOR ACTION	28
IV. ALTERNATIVES CONSIDERED IN THE EA	29
V. NRCS’S DECISION AND FACTORS CONSIDERED IN THE DECISIONS	30

VI. PUBLIC INVOLVEMENT..... 30

VII. FINDING OF NO SIGNIFICANT IMPACT 30

Section 1) Statement of Need and Purpose of the Proposed Action

Proposed Action

The proposed action is to temporarily subordinate the rights granted to the United States by the existing Wetland Reserve Program (WRP) easement #660436980019N¹ (hereafter referred to as “the easement”) in a portion of the easement in order to facilitate construction of the Oregon Department of Transportation (ODOT)-sponsored OR18 Spur: South Yamhill River Br #06758 project.

This Environmental Assessment (EA) will discuss and analyze the ODOT-sponsored construction project (hereafter referred to as the “project”) as it relates to the proposed action.

Need

The proposed action is necessary because it maintains and provides for ready access to a public emergency medical facility while construction occurs by providing the space necessary for project implementation to address long-term public health and safety deficiencies of bridge #06758. The need for the project is based on two primary factors:

- 1) The bridge has a low sufficiency rating.

A bridge inspection report dated 6/24/2015 identifies the Sufficiency Rating as 6 (out of a possible 100). Further, the 2016 Bridge Condition Report identifies the seismic stability rating as vulnerable². Despite ongoing maintenance repairs, the bridge continues to deteriorate. A full description of the bridge’s deficiencies is included in the bridge inspection report (see Appendix 2).

- 2) A bridge at this location is necessary to ensure public health and safety.

The existing bridge is a critical link between the City of McMinnville and the Willamette Valley Medical Center (Figure 1, next page). The community depends on the bridge for efficient emergency ambulance services. No other hospitals serve the City of McMinnville, and the nearest bridges over the South Yamhill River do not provide efficient hospital access. Bridge replacement activities will maintain and protect access to a public emergency medical facility in the event of a Cascadia Subduction Zone (CSZ) earthquake, increasing the resilience of the local community to a natural disaster.

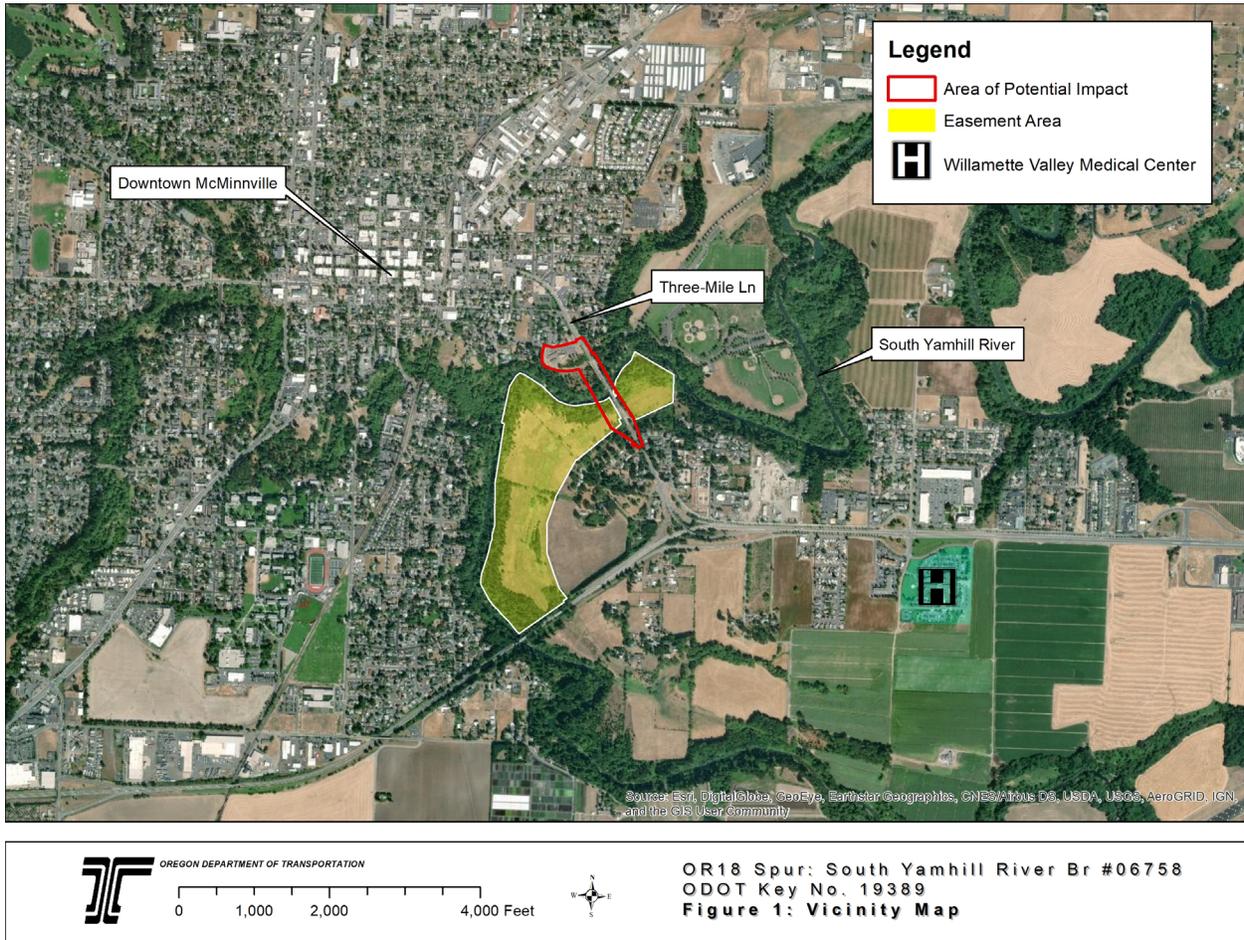
Purpose

The purpose of the proposed action is to maintain access to an emergency medical facility while providing for the long-term protection of the health and safety of the community while also 1)

¹ The warranty easement deed for WRP easement #660436980019N is included in Appendix 1.

² A “vulnerable” rating means that the structure is subject to moderate to severe damage that renders the structure unusable during an earthquake of magnitude 8.0 or greater.

protecting wetland functions and values of the easement lands, and 2) maintaining the existing acreage of the easement.



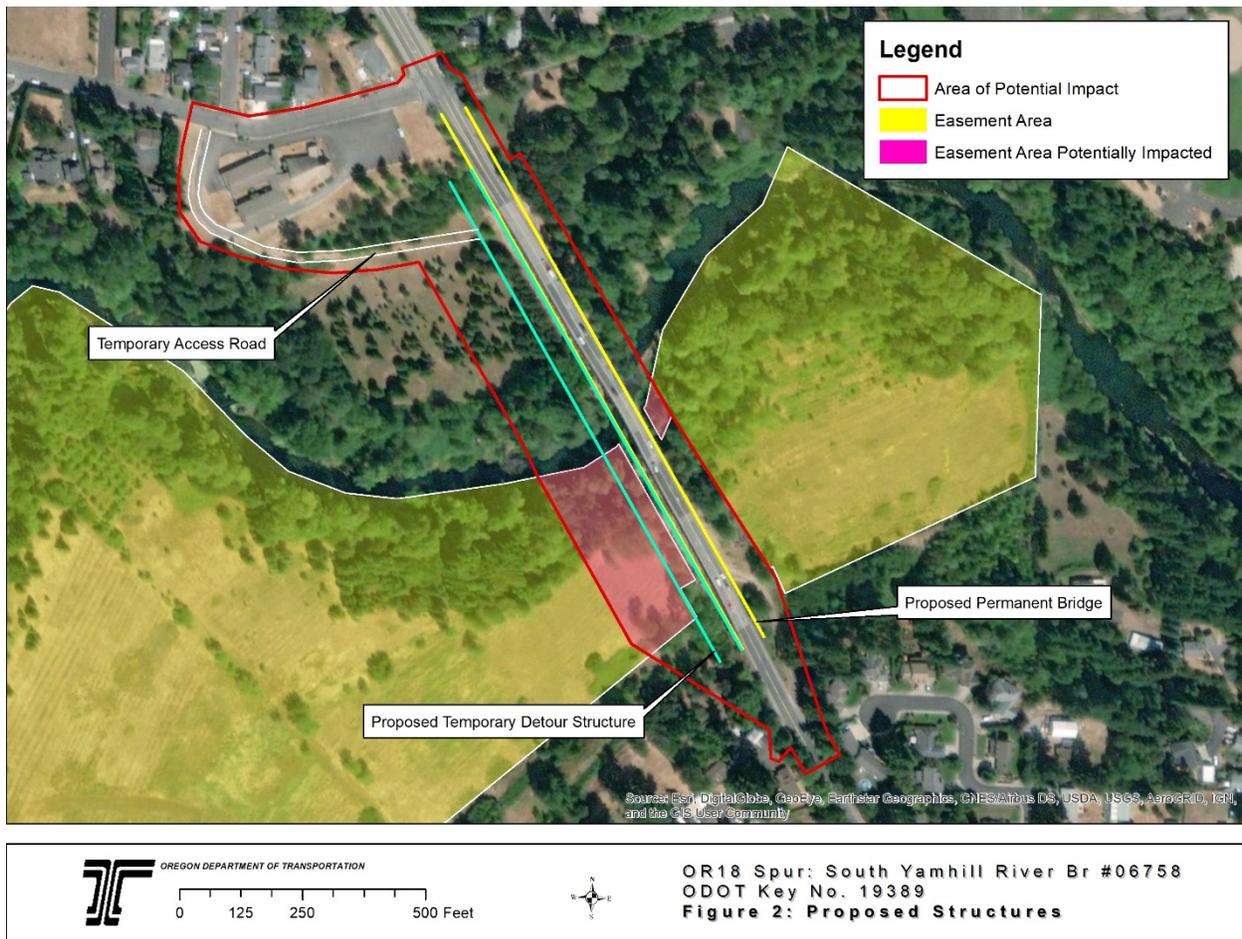
Section 2) Alternatives, Including the Proposed Action and No Action

Proposed Action Alternative

The Proposed Action alternative – which would temporarily subordinate the rights granted to the United States by the easement – would provide the space necessary for the replacement of bridge #06758 to use staged construction methods. These methods involve construction of a temporary detour structure adjacent to the existing bridge, within the easement. The detour structure would consist of a superstructure (i.e. the deck and girders that support traffic) and a substructure (i.e. supports that transfer the load from the superstructure to the foundations). After the detour structure is in-place and open to traffic, the existing bridge would be removed. The new bridge would then be constructed on the same alignment as the existing bridge. Once the new bridge is open to traffic, the detour structure would be removed.

The Proposed Action alternative would allow ODOT to keep traffic flowing across the bridge for the vast majority of construction, which is expected to last three years. This would allow emergency vehicles to use the bridge during construction and would maintain efficient access to the Willamette Valley Medical Center for the general populace.

The proposed bridge would be approximately 54 ft wide to meet current design standards, which is 18.75 ft wider than the existing 35.25 ft wide bridge. Despite this increase in width, the proposed permanent bridge would not encroach into the easement. The proposed temporary alignment would be constructed as close to the existing structure as practical and is expected to extend approximately 45 ft into the WRP easement to the west of the bridge (Figure 2).



The proposed bridge would be built to current seismic standards. These standards require the structure to be built to remain operational during a CSZ earthquake. The structure would likely sustain damage during such an event, but it would remain useable for emergency vehicles.

According to a 2013 Oregon Department of Geology and Mineral Industries (DOGAMI) report,³ “the chances that an earthquake as large as magnitude 9.0 will occur along the zone within the next 50 years

³ The 2013 DOGAMI report is included in Appendix 3.

are about one in ten. While the timing cannot be forecast very precisely, great subduction zone earthquakes are inevitable...the odds that a large, damaging earthquake will occur in the near future are very high. The more steps our communities take now to prepare, the more resilient we will be.”

Under this alternative, the United States would subordinate their rights to the affected area of the easement for the three years that the bridge is under construction. Restoration for temporary impacts to the easement would be undertaken by ODOT. Restoration activities are expected to take place during the five years after construction, as is typically required by the Oregon Department of State Lands (DSL). Restoration activities would primarily consist of weed control and replanting native species as described in the Restoration Agreement (Appendix 4). Any restoration activities undertaken by the project will be consistent with the allowed uses of the warranty easement deed.

The Proposed Action alternative would fully address the need by providing for ready access to a public emergency medical facility while construction occurs, and by providing space necessary for project implementation to address long-term public health and safety deficiencies of bridge #06758. The Proposed Action alternative would also address the purpose by restoring the easement lands after construction, thereby protecting the wetland functions and values of the easement lands and maintaining the existing acreage of the easement.

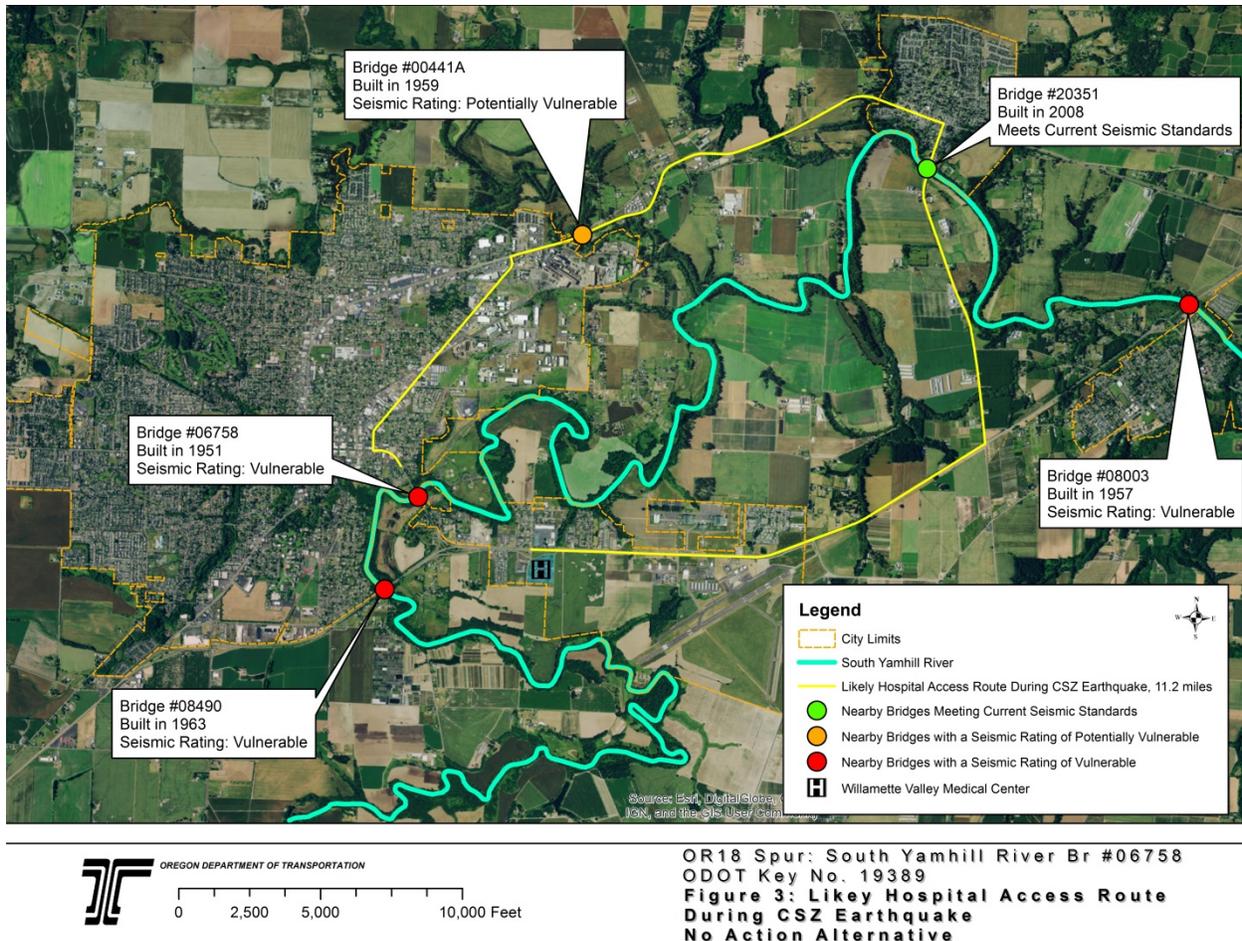
No Action Alternative

The No Action alternative would not involve subordinating the rights granted to the United States by the easement for any period of time, and construction on the easement lands would temporarily impede the ability of the United States to exercise these rights; therefore, the project could not enter the easement lands under the No Action alternative. This would result in one of two options, described below.

Option 1

Under Option 1 of the No Action alternative, the project would not proceed. Small maintenance projects to address structural deficiencies would continue to take place into the future either indefinitely or until a time when another project replaces the bridge for the purpose of increasing capacity or as an emergency action. This option would address some – but not all – of the need; it would address the bridge’s structural deficiencies, but it would not address the substandard bridge elements identified in the bridge inspection report dated 6/24/2015.

Option 1 addresses two elements of the project purpose, including 1) protection of the wetland functions and values of the easement lands, and 2) maintenance of the existing acreage of the easement. However, this option would not sufficiently address the long-term health and safety of the community because it would not address the seismic stability rating of ‘vulnerable.’ The existing bridge is not expected to remain operational during a CSZ earthquake, leaving City residences with limited hospital access. The nearest bridge crossing the South Yamhill River is Bridge #08490, which was built in 1963 and is also seismically vulnerable. The likely hospital access route during a CSZ earthquake is 11.2 miles long, and would add 16 minutes of travel time to an emergency trip to the hospital when compared to the 2-minute trip from the intersection of SE 1st St and NE Three Mile Ln to the hospital entrance (Figure 3).



Option 2

Under Option 2 of the No Action alternative, the project would proceed without impacting the easement lands. The timber construction of the existing bridge does not allow for one lane of the bridge to be removed while the other lane is open to traffic, and sufficient space for a single-lane detour between the existing bridge and the easement is not available; therefore, traffic would not be able to flow in either the northbound or the southbound direction for the duration of construction. Two detour routes are shown in Figures 4 and 5, the shortest of which is 4.1 miles out-of-direction.

OR18 Spur: South Yamhill River Br #06758



OREGON DEPARTMENT OF TRANSPORTATION

0 1,000 2,000 4,000 Feet

OR18 Spur: South Yamhill River Br #06758
 ODOT Key No. 19389
 Figure 4: No Action Alternative, Option 2, detour route, west



OREGON DEPARTMENT OF TRANSPORTATION

0 1,500 3,000 6,000 Feet

OR18 Spur: South Yamhill River Br #06758
 ODOT Key No. 19389
 Figure 5: No Action Alternative, Option 2, detour route, east

Option 2 of the No Action alternative would address the need to eliminate structural deficiencies and substandard bridge elements after construction is completed. However, the need to provide efficient ambulance services between the City of McMinnville and the hospital would not be met during the three-year construction period.

Option 2 address two elements of the project purpose, including 1) protection of the wetland functions and values of the easement lands, and 2) maintenance of the existing acreage of the easement. However, this option would impact the short-term health and safety of the community by blocking emergency ambulance traffic during construction. Ambulances would need to travel approximately 4.1 miles out-of-direction in order to reach the hospital from the downtown area, which would add up to 7 minutes of time to the trip. This disruption in ambulance service would last for the duration of construction, which is estimated to be three years. A 7-minute increase in travel time to the hospital from the downtown area has the potential to result in loss-of-life due to delayed medical treatment. For that reason, Option 2 poses a risk to public safety.

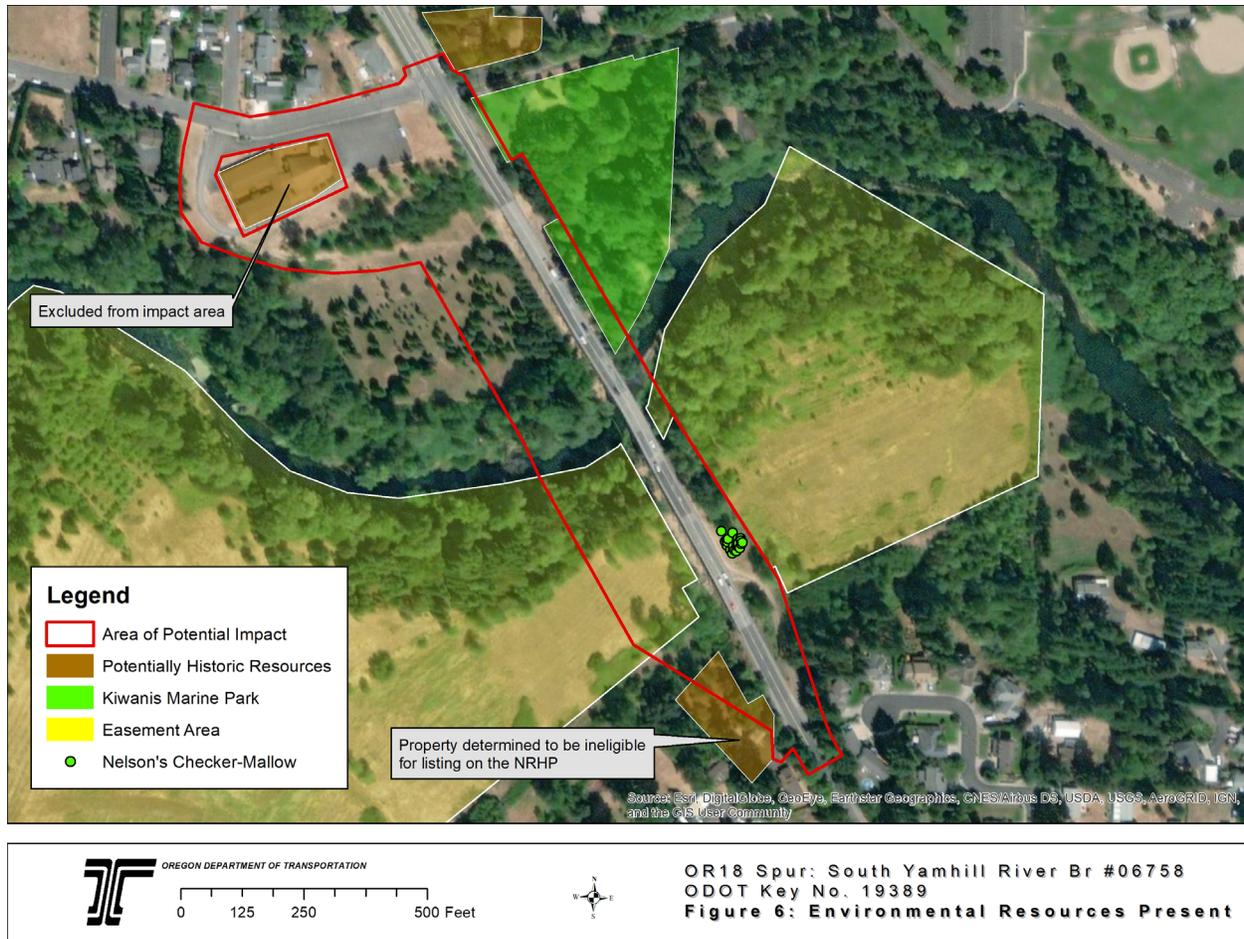
Section 3) Affected/Existing Environment & Environmental Impacts

The following subsections discuss the existing environment as well as any effects associated with the proposed action. In order to provide context for the effects associated with the proposed action, the effects discussed in the paragraphs below include those of the project as well as the proposed action.

Resource Concerns and Special Environmental Concerns included in this section are those present in the project area of potential impact (API) that have the potential to be affected based on the nature of the proposed action and the project. The following resource and special environmental concerns, identified through scoping, have been determined not relevant to this planning effort and removed from further analysis. Resource and special environmental concerns that do not occur in the API and/or would not be affected by the proposed action include Coastal Zone Management Areas, Coral Reefs, Energy, Prime and Unique Farmlands, Wild and Scenic Rivers. Effects considered include direct, indirect, and cumulative effects⁴. Direct effects are caused by the action and occur at the same time and place. Indirect effects are caused by the action, but occur later in time or some distance away from the action. Indirect effects must also be reasonably foreseeable. Cumulative impacts result from the incremental impact of the action when added to other past, present, and reasonably foreseeable future actions.

Sufficient detail is included to evaluate the context and intensity of effects. Figure 6 provides an overview of the environmental resources present.

⁴ Direct and indirect effects are defined in 40 CFR Part 1508.8. Cumulative impacts are defined in 40 CFR Part 1508.7.



Soil

Affected Environment

A soils report is included in Appendix 5.

Soil Erosion

Soil erosion is present along the banks of the South Yamhill River. This river system drains a highly urbanized area, which contributes to flashy hydrology. The river can rise and fall quickly, resulting in bank erosion. The existing Three-Mile Lane Bridge encroaches on the river channel, resulting in scour around the bridge bents. Soils in remainder of the project area are stable.

Soil Quality

The Oregon Department of Environmental Quality (DEQ) Facility Profiler did not identify any hazardous materials sites in the immediate vicinity of the project; however, paint on the bridge is likely to contain heavy metals such as lead and cadmium, as well as polychlorinated biphenyls (PCBs). Bridge joints may contain asbestos, electrical equipment may contain mercury, and substructure timbers contain creosote. Heavy metal contamination of the soil surrounding the bridge is likely.

Proposed Action Alternative

Soil Erosion

The project would result in a temporary increase in soil erosion due to construction. Soil erosion during construction will be minimal, however, due to the minimization measures required by the National Pollutant Discharge Elimination System (NPDES) 1200-CA permit issued to ODOT. These minimization measures include a requirement for an Erosion & Sediment Control Plan with best management practices to control erosion. Typical best management practices include check dams, slope matting, channel liner matting, straw wattle, compost berm & sock, compost erosion blanket, temporary mulching, and temporary & permanent seeding.

The project would reduce soil erosion after construction by removing bridge bents from the channel and placing them outside the ordinary high water line. This would reduce scour at the bridge bents. The project would also stabilize and vegetate slopes adjacent to the river, protecting them from future erosion.

Soil Quality

The Proposed Action alternative would provide full containment during demolition of the existing bridge to ensure that hazardous materials are captured and properly disposed of. Excavated material that does not meet DEQ clean fill standards, determined through sampling, would be disposed of in a landfill or capped with clean fill as required. Clean fill still must be managed so that, when placed or disposed, it will not create an adverse impact on groundwater, surface water, or public health or safety. No direct, indirect, or cumulative impacts to the WRP easement or surrounding areas are expected to result from hazardous materials.

No Action Alternative

Soil Erosion

Under Option 1 of the No Action alternative, temporary increases in soil erosion would take place during small maintenance projects that would address immediate bridge deficiencies. These temporary increases in soil erosion would be minor due to the small scope of these projects, but they would continue for the life of the structure. Bank erosion near the South Yamhill River would continue at current levels into the future.

Under Option 2 of the No Action alternative, the temporary increase in soil erosion would be the same as that of the proposed action alternative. The permanent decrease in soil erosion would be the same as well.

Soil Quality

Option 1 of the No Action alternative would have no effect on hazardous materials. Option 2 of the No Action alternative would have the same effect on hazardous materials as the proposed action alternative.

Water

Affected Environment

The Oregon Department of Environmental Quality identifies this section of the South Yamhill River as water quality limited, 303(d)-listed, for the following criteria pollutants: copper (year-round), iron (year-round), lead (year-round), phosphorus (May 1 – October 31), and temperature (summer). Of these, both copper and lead are associated with past or present transportation use. Copper is found in vehicle braking systems and is deposited on roadways as brake pads wear down during use. Lead was once an additive in gasoline, and was deposited on roadways from vehicle exhaust. These pollutants wash from roadways into nearby waterways unless water quality treatment is provided. No water quality treatment is provided within the project area. No water quantity issues have been identified

Proposed Action Alternative

The project would increase the total quantity of impervious surface by widening the bridge; however, this alternative would provide water quality treatment for all impervious areas within, and draining into, the project area. As required by NMFS, treatment facilities⁵ would be designed to target dissolved metals, and would be sized to treat runoff from the 2-year, 24-hour storm event. The result would be to improve water quality in the South Yamhill River.

The project would contribute to the cumulative impacts of stormwater discharge from past projects and reasonably foreseeable future projects identified in the McMinnville and Yamhill County Transportation System Plans. The contribution of stormwater pollutants such as dissolved copper and hydrocarbons from the project area to an already polluted South Yamhill River would be minimized by providing water quality treatment as required by the FAHP programmatic biological opinion. The opinion requires the project to treat 100% of the contributing impervious area for the design storm, which is 50% of the 2-year, 24-hour event. This level of treatment is expected to reduce the quantity of target pollutants entering the South Yamhill River from pre-construction levels because the existing contributing impervious area receives no treatment prior to discharging into the South Yamhill River. This will ultimately benefit fisheries.

No Action Alternative

Option 1 of the No Action alternative would not alter water quality. Under Option 2 of the No Action alternative, the impact to water quality would be the same as that of the proposed action alternative.

Air

Affected Environment

Environmental Protection Agency (EPA) regulations for vehicle engines and fuels will cause overall Mobile Source Air Toxics (MSAT) emissions to decline significantly over the next several decades. Based on regulations now in effect, an analysis of national trends with EPA's MOVES2014 model forecasts a

⁵ Best management practices identified in the FAHP biological opinion as acceptable for use include: bioretention cells, bioslopes, bioswales, constructed wetlands, infiltration ponds, media filter devices with demonstrated effectiveness, and porous pavement.

combined reduction of over 90 percent in the total annual emissions rate for the priority MSAT from 2010 to 2050 while vehicle-miles of travel are projected to increase by over 45 percent (Updated Interim Guidance on Mobile Source Air Toxic Analysis in NEPA Documents, Federal Highway Administration, October 12, 2016). This will both reduce the background level of MSAT as well as the possibility of even minor MSAT emissions from this project.

The project area is in attainment for all National Ambient Air Quality Standards; therefore, transportation conformity, which is a federal requirement in nonattainment areas to conduct air quality analysis on projects, does not apply.

Proposed Action Alternative

The project would not increase capacity or idling times after construction. During construction, there may be times when only one lane is open to traffic. In that case, temporary signals would be installed to direct traffic across the bridge. This is expected to result in a temporary increase in air emissions. Any temporary direct effect to air quality is expected to be negligible.

Based on the FHWA interim MSAT guidance, the project has been determined to generate minimal air quality impacts for Clean Air Act criteria pollutants and has not been linked with any special MSAT concerns. As such, this project would not result in changes in traffic volumes, vehicle mix, basic project location, or any other factor that would cause a meaningful increase in MSAT emissions.

No Action Alternative

Option 1 of the No Action alternative would not alter air quality. Under Option 2, however, construction would require traffic to be rerouted. The annual average daily traffic (AADT) on the bridge is 14,500 vehicles; each of these vehicles would be required to travel up to an additional 4.1 miles per trip. Over the three-year construction period, this would result in a minor increase in air emissions along the detour route. This temporary increase in air emissions is an insignificant increase within the basin.

MSAT emissions under Option 2 of the No Action alternative would be the same as those of the proposed action alternative.

Cultural Resources – Archaeology

Affected Environment

The project is located on a flat floodplain; several small drainages enter the South Yamhill River near the project area. Additionally, several rows of old apple trees were identified onsite, which is indicative of old farmsteads. These features indicate a potential for archaeological resources, but a records query did not identify any known archaeological sites. Archaeological shovel probes were conducted and did not identify any archaeologically important material within the API.

Proposed Action Alternative

The Proposed Action alternative is not expected to impact archaeological resources because due diligence indicates that these resources are not present. An inadvertent discovery plan would be produced to ensure that any archaeologically important material encountered during construction would be handled appropriately.

No Action Alternative

Options 1 & 2 of the No Action alternative are not expected to impact archaeological resources because due diligence indicates that these resources are not present. Under Option 2, an inadvertent discovery plan would be produced to ensure that any archaeologically important material encountered during construction would be handled appropriately.

Cultural Resources – The Built Environment

Affected Environment

A query of the State Historic Preservation Office database identified several potentially historic properties within the immediate vicinity of the project. The First Christian Church is located in the northwest quadrant of the project area. It was constructed circa 1960 in the Mid-Century Modern style. It is eligible under National Register of Historic Places Criterion C for embodying the distinctive characteristics of the Modern Style and maintains integrity in the aspects of location, setting, design, materials, workmanship, feeling and association. The grounds do not contribute to the historic nature of the building. The properties located at 1409 SE Brooks St and 1417 SE Brooks St are identified in the SHPO database as eligible/contributing. The former property is also identified on the City of McMinnville Historic Inventory.

A property located at 101 SE Mountain View Ln is identified as a “contributory” resource on the City of McMinnville Historic Inventory. Contributory resources are afforded some protection by City ordinance, although the level of protection is less than resources identified as “distinctive” or “significant” as defined by City of McMinnville Ordinance 4401, which establishes requirements for protection of properties identified on the historic inventory. ODOT Historian Sarah Jalving evaluated the property and determined that it is not eligible for listing on the National Register of Historic Places because it lacks integrity.

Proposed Action Alternative

The First Christian Church is set back from the roadway enough that the structure would be avoided under the proposed action alternative. A row of four planted maple trees in the church lawn area would be removed for roadway widening and a temporary access road would be constructed on the property, but these are not historic impacts because the grounds do not contribute to the historic nature of the structure. The properties at 1409 SE Brooks St and 1417 SE Brooks St would be identified as no work areas to be avoided, and structures (i.e. a house and a detached garage) located at 101 SE Mountain View Ln would also be avoided.

No Action Alternative

Option 1 of the No Action alternative would not impact on historic resources. Under Option 2, a row of four planted maple trees in the church lawn area would be removed for roadway widening and a temporary access road would be constructed on the property, but these are not historic impacts because the grounds do not contribute to the historic nature of the structure. The properties at 1409 SE Brooks St and 1417 SE Brooks St would be identified as no work areas to be avoided, and structures (i.e. a house and a detached garage) located at 101 SE Mountain View Ln would also be avoided.

Environmental Justice

Affected Environment

The term “environmental justice” means that, to the greatest extent practicable and permitted by law, all populations are provided the opportunity to comment before decisions are rendered on proposed Federal actions. Furthermore, the principles of environmental justice require that populations are allowed to share in the benefits of, are not excluded from, and are not affected in a disproportionately high and adverse manner by, Government programs and activities affecting human health or the environment.

According to 2010 Census Bureau data, the project area does not have a substantially higher percentage of minorities than the rest of the state or the City of McMinnville (Figure 7). The 2010 Census Bureau data also indicate that the area west of the bridge is a concentrated low-income population as compared to the rest of the State and the City of McMinnville (Figure 8).

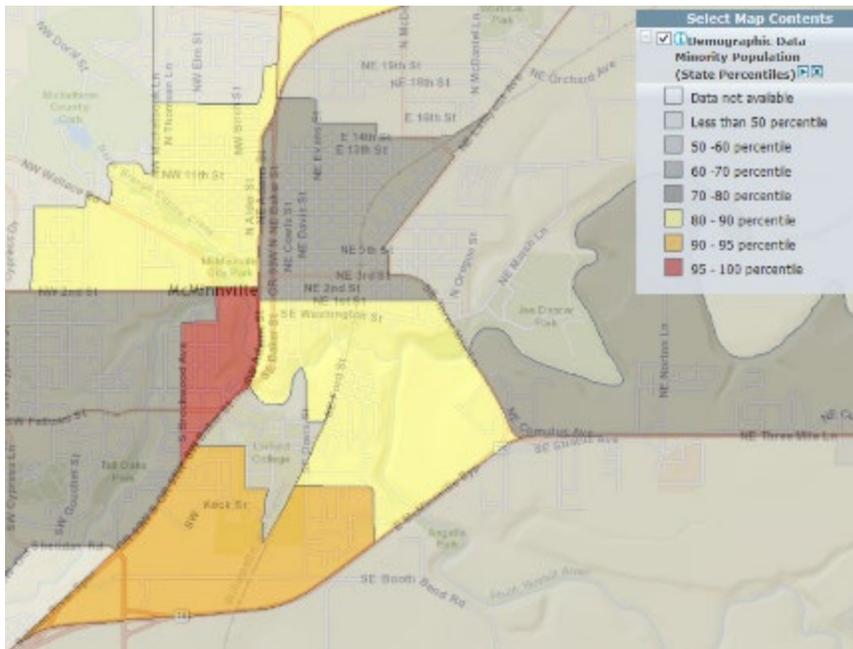


Figure 7. Minority populations in the vicinity of the API. Source: 2010 Census Bureau Data accessed through EJ Screen.

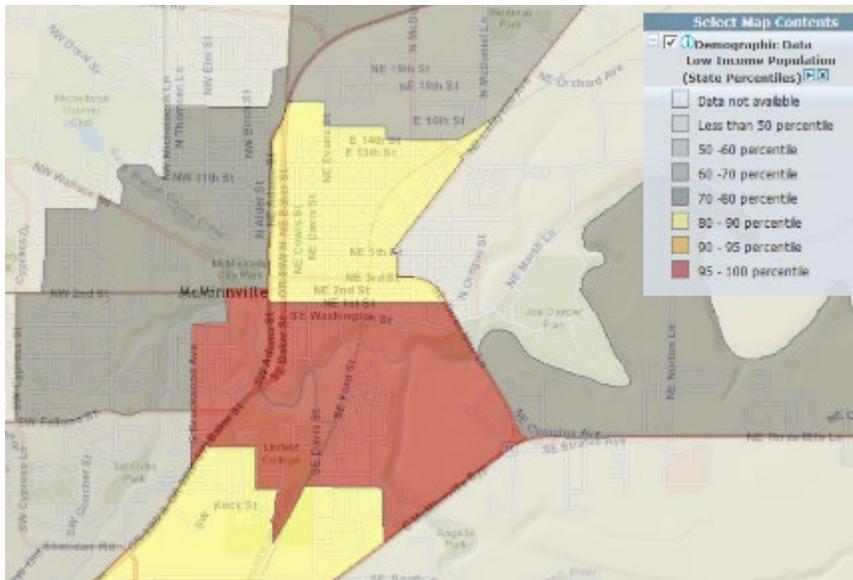


Figure 8. Low-income populations in the vicinity of the API. Source: 2010 Census Bureau Data accessed through EJ Screen.

Proposed Action Alternative

The Proposed Action alternative would not result in any disproportionate and adverse impacts to EJ populations. No residential or business displacements would be required. All populations would share in the public health and safety benefits of the Proposed Action.

No Action Alternative

Options 1 & 2 of the No Action alternative will not result in any disproportionate and adverse impacts to EJ populations. No residential or business displacements would be required under either Option.

FEMA Floodway and Floodplain Management

Affected Environment

The existing bridge crosses an expansive floodplain, the majority of which is a designated FEMA floodway (Figure 9). This includes the channel of the South Yamhill River and the adjacent land areas that must be reserved in order to discharge the base (100 year) flood without cumulatively increasing the water surface elevation more than a designated height. Communities must regulate development in these floodways to ensure that there are no increases in upstream flood elevations.

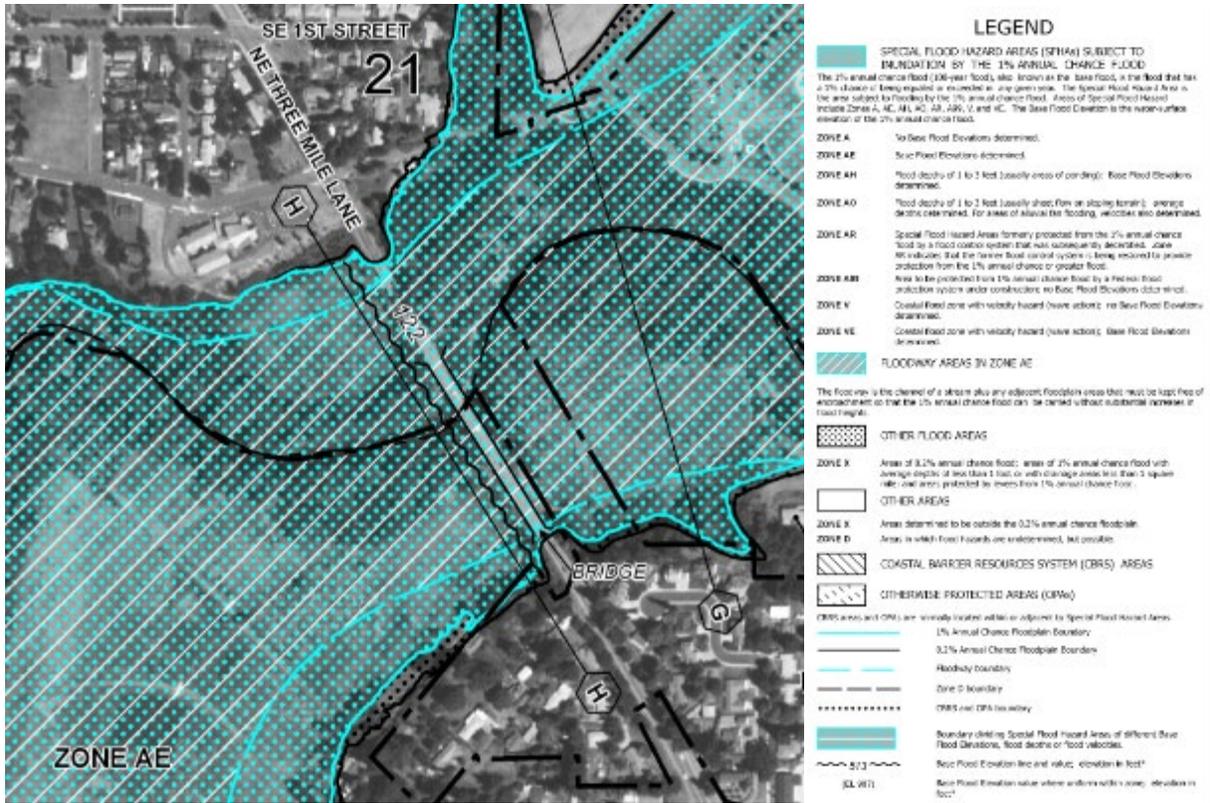


Figure 9. FEMA Flood Map.

Proposed Action Alternative

The Proposed Action alternative would require ODOT to obtain no rise and no net fill certifications from the City of McMinnville and Yamhill County. According to ODOT Hydraulics Engineer Chris Carman, the tree removal required to construct the temporary detour structure would offset the artificial fill created by structures in-place during the flood season. These structures include the existing bridge, the temporary detour structure, and a work bridge. The tree removal will decrease floodway roughness, allowing water to pass efficiently and avoiding short-term adverse impacts to the floodway that otherwise could result during project construction. Over the long-term, the project would not result in an increased flood hazard, incompatible development, or other adverse effects to the existing natural and beneficial values of the floodplain or lands adjacent or downstream.

No Action Alternative

Option 1 of the No Action alternative would have no impact on the existing FEMA floodway and floodplain. Option 2 would require ODOT to obtain no rise and no net fill certifications from the City of McMinnville and Yamhill County, but tree removal to maintain the floodway would either not be required, or would be substantially smaller than that required for the proposed action alternative. Over the long-term, the project would not result in an increased flood hazard, incompatible development, or other adverse effects to the existing natural and beneficial values of the floodplain or lands adjacent or downstream.

Native Migratory Fish

Affected Environment

The South Yamhill River contains Endangered Species Act (ESA) listed salmonids including Upper Willamette River (UWR) steelhead and UWR Chinook salmon. Cutthroat trout, Pacific lamprey, and several other native migratory fish (NMF) species are also present. The river constitutes ESA designated Critical Habitat for UWR steelhead, as well as Magnuson–Stevens Act designated Essential Fish Habitat for west coast salmon. The ODFW in-water work period, established to minimize effects to identified native migratory fish species, for the South Yamhill River is July 15 – September 30.

Proposed Action Alternative

The project would affect ESA-listed salmonids, NMF, Critical Habitat, and EFH directly through bridge construction activities such as pile driving, as well as indirectly through operational activities (i.e. stormwater management). In order to minimize these impacts, the project would adhere to all design criteria outlined in the Endangered Species Act Programmatic Biological Opinion and Magnuson-Stevens Act Essential Fish Habitat Response for the Federal Aid Highway Program (FAHP), or NMFS approval would be obtained prior to construction as required by the opinion. Individual ESA Section 7 consultation would not be required. The existing bridge is within a FEMA floodway that is approximately 900 ft wide – too wide to fully span. The new bridge would be expected to span a length that is 2.2 times the active channel width, excluding interior piers or bents, as required under the FAHP programmatic biological opinion. The project would aim to complete all in-water work between July 15 and September 30, but it is possible that an extension would be needed if there are delays during construction.

NMFS confirmed via letter dated 11/30/2016 (Appendix 6) that NRCS' proposed action to temporarily subordinate its rights under the easement to allow ODOT's bridge replacement project to proceed would have no additional adverse impacts to ESA-listed species or EFH and therefore, NRCS' consultation responsibilities under ESA Section 7 and the Magnuson-Stevens Fishery Conservation and Management Act are covered under the FAHP programmatic.

No Action Alternative

Option 1 of the No Action alternative would have no effect on ESA-listed salmonids, NMF, critical habitat, or EFH. Option 2 of the No Action alternative would have the same impact to these resources as the proposed action alternative.

Invasive Plant Species

Affected Environment

Invasive plant species are those that are included on the Oregon Department of Agriculture (ODA) Noxious Weed Lists. These lists include weeds that have been designated as a public menace by the State Weed Board under ORS 569.615. The ODA has categorized these weeds into A-listed, B-listed, or T-designated weeds:

A-listed weeds are of known economic importance and occur in the state in small enough infestations to make eradication or containment possible; or are not known to occur, but its presence in neighboring states make future occurrence in Oregon seem imminent.

B-listed weeds are of economic importance and are regionally abundant but may have limited distribution in some counties.

T-designated weeds have been selected from the A or B lists to be the focus for prevention and control by the ODA Noxious Weed Control Program. Action against these weeds receives priority.

ODOT Biologist Daniel Ohrn conducted a botanical survey in May 2016, and identified seven B-listed weeds and one T-designated weed (Table 1). No A-listed weeds were identified.

Table 1. Invasive plant species identified within the API.

Scientific Name	Common Name	ODA Designation
Cirsium vulgare	bull thistle	B
Conium maculatum	poison hemlock	B
Convolvulus arvensis	field bindweed	B, T (2016)
Geranium robertianum	herb Robert	B
Hedera helix	English ivy	B
Lathyrus latifolius	perennial peavine	B
Rubus armeniacus	Himalayan blackberry	B

Proposed Action Alternative

The Proposed Action alternative would facilitate the ODOT construction project, which would disturb ground and have the potential to spread noxious weed seeds. The API consists of 8.65 acres that could be disturbed. In order to avoid the spread of noxious weeds during construction, ODOT would require the construction contractor to manage noxious weeds throughout construction by identifying and removing noxious weeds. Broadcast and spot-spraying of herbicide may be used, as well as mechanical techniques such as hand-removal and soil grubbing.

After construction, the work area, including the easement area, would be restored by planting native species. During the 5-year plant establishment period, noxious weeds would be controlled through primarily by spot-spraying with herbicide. The Proposed Action alternative would not result in the spread of noxious weeds.

No Action Alternative

Option 1 of the No Action alternative would require frequent ingress and egress from the area under the bridge. This may result in the spread of noxious weeds, but to a negligible degree. Any large concentrations of noxious weeds would be broadcast sprayed with herbicide as a part of ODOT's roadside maintenance program.

Option 2 of the No Action alternative would disturb ground and have the potential to spread noxious weed seeds. Option 2 would not include the easement area, which accounts for 1.56 acres of the API under the proposed action alternative; therefore, Option 2 would disturb up to 7.09 acres. Techniques to control noxious weeds during and after construction would be the same as those required under the proposed action alternative.

The No Action alternative would not result in the spread of noxious weeds on easement lands.

Land Use

Affected Environment

The north half of the bridge is within the City of McMinnville, and the south half is within Yamhill County. City zoning designations adjacent to the project are: F-P (Floodplain), R-1/R-2 (Single Family Residential), and PD (Planned Development Overlay). Section 17.48.060 of the Municipal Code states that within the F-P zone “no encroachment will be allowed which causes any increase in the flood height⁶.” The purpose of the Planned Development Overlay is to encourage mixed uses, but any uses that are not within the zone’s requirements must be specifically allowed by the Planning Commission. The property at 1907 NE Springer Ct is subject to the Planned Development Overlay. No affect to this overlay is anticipated.

Property under the jurisdiction of Yamhill County within the project area is zoned EF-80 (Exclusive Farm Use District). Section 402.02 of the County Code describes permitted uses within this zone. Listed conditional uses include “reconstruction or modification of public roads and highways involving the removal or displacement of buildings not resulting in the creation of new land parcels.”

Proposed Action Alternative

The Proposed Action alternative would require a conditional use permit from Yamhill County, but would not result in any land use actions.

No Action Alternative

Option 1 of the No Action alternative would not result in any land use actions. Option 2 would require a conditional use permit from Yamhill County, but would not result in any land use actions.

Public Health and Safety

Affected Environment

Noise

The project is located along a highway section with an AADT of 14,500 vehicles and a posted speed of 35 miles-per-hour (mph). Noise levels are higher than a typical 25 mph city street, but lower than a typical 55 mph highway.

Public Health and Safety

The primary deficiency noted in the bridge inspection report is rotting and splitting wood in the substructure, but other deficiencies were also noted. These include deck delamination, exposed rebar in the deck and piers, soffit cracking and spalling, moderate to heavy corrosion of the steel girders and stringers, rail damage due to a collision, sidewalk buckling, and substandard bridge elements. A full description of the bridge’s deficiencies is included in the bridge inspection report (see Appendix 2).

⁶ FEMA requirements are discussed further in the FEMA Floodway Section of this assessment.

Further, the 2016 Bridge Condition Report identifies the seismic stability rating as vulnerable⁷. Despite ongoing maintenance repairs, the bridge continues to deteriorate.

The existing bridge is a critical link between the City of McMinnville and the Willamette Valley Medical Center. The community depends on the bridge for efficient emergency ambulance services. No other hospitals serve the City of McMinnville, and the nearest bridges over the South Yamhill River do not provide efficient hospital access.

For hazardous materials see the Soil Quality analysis within the Soil Section of this assessment.

Proposed Action Alternative

Noise

The proposed action would not result in a permanent alignment shift and does not require a traffic noise study, but it would result in a temporary alignment shift. This would increase traffic noise during construction to the west of Three-mile Lane. Construction would involve noisy activities such as pile driving, jack hammering, and saw-cutting. Night work would be required to adhere to decibel-level restrictions included in City of McMinnville and Yamhill County noise ordinances or obtain a variance. These direct noise impacts are short-term and typical of large construction projects. Long-term noise levels will not increase as a result of the project. No indirect or cumulative impacts would occur.

Public Health and Safety

The Proposed Action alternative would allow ODOT to keep traffic flowing across the bridge for the vast majority of construction, which is expected to last three years. This would allow emergency vehicles to use the bridge during construction and would maintain efficient access to the Willamette Valley Medical Center for the general populace.

The proposed bridge would be built to current seismic standards. These standards require the structure to be built to remain operational during a CSZ earthquake. The structure would likely sustain damage during such an event, but it would remain useable for emergency vehicles.

No Action Alternative

Noise

Option 1 of the No Action alternative would result in minor noise increases during maintenance activities; however, these activities would primarily be below the deck, which would decrease noise transmission to residences that are higher in elevation.

Option 2 would not result in a permanent alignment shift and does not require a traffic noise study, and it would also not result in a temporary alignment shift. Therefore, traffic noise would not increase at the project site during construction; however, traffic noise would increase along the detour route shown in Figure 4. This temporary noise increase would be very small. Construction noise at the project site would be the same as for the proposed action alternative.

⁷ A “vulnerable” rating means that the structure is subject to moderate to severe damage that renders the structure unusable during an earthquake of magnitude 8.0 or greater.

Public Health and Safety

Option 1 of the No Action alternative would not result in any change to maintenance projects. These projects would continue to take place into the future either indefinitely or until a time when another project replaces the bridge for the purpose of increasing capacity or as an emergency action. This option would not address the substandard bridge elements or the long-term health and safety of the community.

Option 2 of the No Action alternative would result in the project would proceed without impacting the easement lands. This would result in a three-year traffic closure while construction occurs impacting ambulance services between the City of McMinnville and the hospital potentially resulting in loss-of-life due to delayed medical treatment.

Natural Areas, Parks, Riparian Areas, and Scenic Beauty

Affected Environment

Natural areas are defined as land or water units where natural conditions are maintained insofar as possible. The Oregon Natural Areas geodatabase contains all registered and dedicated sites and those natural areas included in the Oregon Natural Areas Plan as conserving rare species, habitats, or geological features. No Natural Areas are contained within the API. The nearest Natural Area is The Nature Conservancy's Yamhill Oaks Preserve located west of McMinnville, in rural Yamhill County.

Two parks are present in the immediate vicinity of the project. Kiwanis Marine Park abuts the northeast quadrant of the project area. East of Kiwanis Marine Park is Joe Dancer Park. The City of McMinnville received LWCF funds to develop an irrigation system within Joe Dancer Park in 1991. The City of McMinnville received Land and Water Conservation Fund Act (LWCF) funds to develop Kiwanis Marine Park in 1985. Both parks are accessed from SE Brooks St, which can be accessed from NE Three Mile Ln or NE Riverside Dr.

The South Yamhill River is lined by riparian corridors of approximately 100 ft in width on each side of the river. This area is characterized by typical riparian tree and shrub species such as Oregon ash, Pacific willow, red osier dogwood, and black cottonwood.

The project is not within a designated scenic byway or all-American road. A natural area is present below the bridge; it has remained undeveloped because it is within a FEMA floodway. The verdant nature of the FEMA floodway provides some scenic beauty to the otherwise built environment.

Proposed Action Alternative

The proposed action would avoid permanent direct impacts to Kiwanis Marine Park, but temporary direct impacts would occur. Construction vehicles would need to stage under the bridge to construct a work platform. The impact would be limited to a sliver of the west end of the park and would be less than 180 days in duration. The park would be restored to the preconstruction condition after construction. Access to the park would be maintained during construction via NE Riverside Dr. or SE Brooks St. at all times. No indirect or cumulative impact to Kiwanis Marine Park is anticipated. No direct, indirect, or cumulative impact to Joe Dancer Park is anticipated. Access to the park would be maintained during construction via NE Riverside Dr.

Riparian areas, primarily to the west of the bridge, would be impacted by the project. Approximately 1.20 acres of riparian forest would be cleared in order to construct the work bridge. This impact would be temporary because the area would be restored after construction by planting native riparian species.

The scenic beauty of the project area would be unchanged after restoration.

No Action Alternative

Option 1 of the No Action alternative would have no impact to natural areas, parks, riparian areas, or scenic beauty. Option 2 would avoid impacts to natural areas and parks. The riparian impact described in the Proposed Action alternative would be reduced to approximately 0.20 acres. This impact would be temporary because the area would be restored after construction by planting native riparian species.

The scenic beauty of the project area would be unchanged after restoration.

Wetlands & Waters of the U.S.

Affected Environment

The national wetlands inventory database did not identify any known wetlands within the project area; however, ODOT Wetlands Specialist Ron Francis identified wetlands within the API, including within the easement on both the east and west sides of the Three Mile Ln bridge. The only large waterway onsite is the South Yamhill River, which is spanned by the existing bridge. Other small ephemeral drainages are present to the east and west of the project area but are outside of the API.

Proposed Action Alternative

The Proposed Action alternative would result in temporary and permanent impacts to wetlands and waters. Wetlands and waters within the easement would be temporarily impacted by the detour structure, and would be restored after construction. A Clean Water Act Section 404 permit and DSL Fill/Removal permit would be required. The project would likely qualify for a Nationwide permit (#14 – Linear Transportation Projects), but that would need to be confirmed during the Preliminary Engineering Phase. If an Individual Permit were required, this EA may be supplemented by the U.S. Army Corps of Engineers (ACOE) to cover ACOE agency responsibilities under NEPA. The project is within the Mud Slough mitigation bank service area, but offsite mitigation will not replace the required onsite wetland restoration; therefore, onsite mitigation would be pursued, and offsite mitigation would not be pursued.

No Action Alternative

Option 1 of the No Action alternative would have no impact to wetlands and waters. Option 2 would avoid temporary impacts associated with the detour structure within the easement. A Clean Water Act Section 404 permit and DSL Fill/Removal permit would still be required for impacts to wetlands and waters outside the easement. The project would likely qualify for a Nationwide permit (#14 – Linear Transportation Projects), but that would need to be confirmed during the Preliminary Engineering Phase. The project is within the Mud Slough mitigation bank service area and would likely make use of the bank to provide the necessary mitigation.

Plants and Wildlife

Affected Environment

A query of the Oregon Biodiversity Information Center (ORBIC) database revealed a population of Nelson's checker mallow (ESA-listed as Threatened) adjacent to the bridge, outside the easement. This population was planted by U.S. Fish and Wildlife Service (USFWS) in 2001 and consisted of 100 individuals. The USFWS planted an additional 80 individuals in 2005. A botanical survey identified 25 individuals remaining within the API. No other special status species were identified during the botanical survey. It has been determined that no effects will occur to the following ESA listed species and/or their Critical Habitat based upon a lack of occurrence and habitat within or adjacent to the API: Kincaid's lupine, Willamette daisy, Fender's blue butterfly, marbled murrelet or northern spotted owl.

Several large, isolated large Douglas-fir trees are adjacent to the bridge. These trees, along with the riparian forested areas near the river banks, provide habitat for avian species protected by the Migratory Bird Treaty Act (MBTA). Evidence of swallows on the bridge substructure was identified during a field visit. Swallows are also protected by the MBTA.

Proposed Action Alternative

The Proposed Action alternative would avoid impacting the Nelson's checker mallow population to the east of the bridge. An ESA determination of No Effect would be required for species under the jurisdiction of USFWS.

Tree and brush removal would be required and would be scheduled for a time outside the critical nesting period (March 1 – September 1). Nests would be removed prior to the critical nesting period to prevent take. Continued monitoring for MBTA species would take place during construction as well. With the above avoidance measures in-place, there would be no direct effect to species protected under the MBTA. The project would result in an indirect effect due to an insignificant amount of habitat loss from tree and brush removal; however, this effect would be negligible because of the vast quantity of nesting habitat for these species in the surrounding area. It would also be temporary because the project area would be restored after construction. The cumulative impact of habitat removal is also expected to be negligible for the same reason.

No Action Alternative

Option 1 of the No Action alternative would not impact the Nelson's checker mallow population to the east of the bridge. Option 1 has the potential to impact swallows nesting on the bridge if maintenance activities are required during the critical nesting period (March 1 – September 1); however, ODOT maintenance crews adopt avoidance and minimization measures such as removing empty nests prior to the critical nesting period.

Option 2 would not impact the Nelson's checker mallow population to the east of the bridge. Option 2 would require minimal tree removal to the west of the bridge because a detour structure is not included in this Option. Impacts to swallows on the bridge would be avoided by removing empty nests prior to the critical nesting period.

Public Involvement Summary

NRCS' NEPA regulations at Title 7 CFR Part 650 encourage public involvement appropriate to the proposed action, especially when there will be potential effects on wetlands and floodplains from NRCS actions.

Public involvement in the proposed action began with ODOT in 2015. ODOT published the project in the 2015-2018 Statewide Transportation Improvement Program (STIP) on May 20, 2015 and made the document available on the Oregon.gov website. The Yamhill Valley *News Register* published an article about the project in its August 7, 2015 edition. ODOT maintains a web site with information about the project at: <https://www.oregon.gov/ODOT/HWY/REGION2/Pages/OR-18-Spur--South-Yamhill-River-Bridge.aspx>

ODOT has also been in contact with adjacent landowners. Right-of-entry requests were distributed to adjacent landowners on April 26, 2016. These requests included a statement of ODOT's intent to replace the bridge, and provided contact information for questions about the project. ODOT has continued to communicate with adjacent property owners and made note of their concerns about the project including the construction timeframe, night work, road closures, tree removal, and sidewalk ramp maintenance due to bridge movement. ODOT has committed to continue to communicate with community stakeholders prior to the start of construction and as needed until construction is complete.

ODOT also gave a presentation about the project at the September 14, 2016 meeting of the Yamhill Soil and Water Conservation District (SWCD) Board. The meeting was open to the public and notice was given on the SWCD's web site that the bridge replacement project would be discussed. Board members expressed concern that existing resources in the API be properly inventoried so they could be considered in project planning and wanted assurances from ODOT that the affected area would be properly restored following construction. Larry Ojua, SWCD Executive Director, circulated a draft letter of support for this project. There were questions asked, and clarified in November and December of 2016, and the Letter of support was signed in February of 2017.

Section 4) List of Persons and Agencies Consulted

The following agencies were consulted during the preparation of this Environmental Assessment:

USFWS

- Jeffrey Dillon, Endangered Species Division Manager
- Ann Gray, Biologist

NMFS

- Tom Loynes, ODOT/NMFS Liaison
- Eric Murray, Section 7 Coordinator, Oregon Washington Coastal Office
- Marc Liverman, Chief, NOAA Fisheries, Willamette Branch

ODFW

- Art Martin, ODOT/ODFW Liaison

NRCS

- Karen Fullen, Ecologist
- Gary Diridoni, State Environmental Compliance Liaison
- Bari Williams, Easement Program Specialist
- Thomas Hoskins, District Conservationist
- Chris Reidy, State Wetlands Biologist
- Kathy Pendergrass, State Plants Specialist

ODOT

- Mark Lusby, Bridge Engineer
- Daniel Ohrn, Environmental Project Manager / Biologist
- Ron Francis, Wetlands Specialist
- Bart Bretherton, Hazmat Specialist
- Sarah Jalving, Historian
- Kurt Roedel, Archaeologist
- Mike Tardif, Geologist
- Dustin Haas, Geotechnical Engineer
- Dillon Tannler, Noise Specialist
- Natalie Liljenwall, Air Quality Specialist
- Chris Carman, Hydraulic Engineer

Finding of No Significant Impact for the Environmental Assessment on OR18 Spur: South Yamhill River Br #06758

I. AGENCY ROLE AND RESPONSIBILITY

United States Department of Agriculture (USDA), Natural Resources Conservation Service (NRCS)

In accordance with the NRCS regulations (7 CFR Part 650) implementing the National Environmental Policy Act (NEPA), NRCS has completed an environmental review of the following proposed action.

The proposed action is to temporarily subordinate the rights granted to the United States by the existing Wetland Reserve Program to facilitate bridge construction.

II. NRCS DECISION TO BE MADE

As the delegated responsible Federal official for compliance with NEPA, I must make the following decision:

1. Temporarily subordinate the rights granted to the United States by the existing Wetland Reserve Program easement #660436980019N in a portion of the easement in order to facilitate construction of the Oregon Department of Transportation (ODOT)-sponsored OR18 Spur: South Yamhill River Br #06758 project.

I must also determine if the agency's Proposed Action alternative will or will not be a major Federal action significantly affecting the quality of the human environment. The Environmental Assessment (EA) incorporated by reference and accompanying this finding has provided the analysis needed to assess the significance of the potential impacts from the alternatives considered. The assessment was conducted in consultation with local, State and Tribal Governments; Federal agencies; and interested organizations and individuals. The decision on which alternative is to be implemented and the significance of that alternative's impacts are under part VII of this finding.

III. PURPOSE AND NEED FOR ACTION

The purpose of the proposed action is to maintain access to an emergency medical facility while providing for the long-term protection of the health and safety of the community while also 1) protecting wetland functions and values of the easement lands, and 2) maintaining the existing acreage of the easement.

The proposed action is necessary because it maintains and provides for ready access to a public emergency medical facility while construction occurs by providing the space necessary for project

implementation to address long-term public health and safety deficiencies of bridge #06758. The need for the project is based on two primary factors:

- 1) The bridge has a low sufficiency rating.

A bridge inspection report dated 6/24/2015 identifies the Sufficiency Rating as 6 (out of a possible 100). The primary deficiency noted in the report is rotting and splitting wood in the substructure, but other deficiencies were also noted. These include deck delamination, exposed rebar in the deck and piers, soffit cracking and spalling, moderate to heavy corrosion of the steel girders and stringers, rail damage due to a collision, sidewalk buckling, and substandard bridge elements. A full description of the bridge's deficiencies is included in the bridge inspection report (see Appendix 2). Further, the 2016 Bridge Condition Report identifies the seismic stability rating as vulnerable. Despite ongoing maintenance repairs, the bridge continues to deteriorate.

- 2) A bridge at this location is necessary to ensure public health and safety.

The existing bridge is a critical link between the City of McMinnville and the Willamette Valley Medical Center (Figure 1, next page). The community depends on the bridge for efficient emergency ambulance services. No other hospitals serve the City of McMinnville, and the nearest bridges over the South Yamhill River do not provide efficient hospital access. Bridge replacement activities will maintain and protect access to a public emergency medical facility in the event of a Cascadia Subduction Zone (CSZ) earthquake, increasing the resilience of the local community to a natural disaster.

IV. ALTERNATIVES CONSIDERED IN THE EA

Two alternatives were analyzed in the EA and are characterized as follows:

Proposed Action Alternative: The Proposed Action alternative – which would temporarily subordinate the rights granted to the United States by the easement – would provide the space necessary for the replacement of bridge #06758 to use staged construction methods.

This would allow ODOT to keep traffic flowing across the bridge for the vast majority of construction, allowing emergency vehicles to use the bridge during the three-year construction period, maintaining efficient access to the Willamette Valley Medical Center for the general populace.

Post construction, restoration for temporary impacts to the easement would be undertaken by ODOT. Restoration activities would primarily consist of weed control and replanting native species as described in the Restoration Agreement. Any restoration activities undertaken by the project will be consistent with the allowed uses of the WRP Warranty Easement Deed.

No Action Alternative: The No Action alternative would not involve subordinating the rights granted to the United States by the easement for any period of time. This would result in one of two options, described below.

Option 1

Under Option 1 of the No Action alternative, the project would not proceed. Small maintenance projects to address structural deficiencies would continue to take place into the future either indefinitely or until a time when another project replaces the bridge for the purpose of increasing capacity or as an emergency action. This option would not address the substandard bridge elements or the long-term health and safety of the community.

Option 2

Under Option 2 of the No Action alternative, the project would proceed without impacting the easement lands. Traffic however would not be able to flow in either the northbound or the southbound direction for the duration of construction impacting ambulance services between the City of McMinnville and the hospital potentially resulting in loss-of-life due to delayed medical treatment.

V. NRCS'S DECISION AND FACTORS CONSIDERED IN THE DECISIONS

Based on the evaluation in the EA, I have chosen to select the Proposed Action alternative as the agency's preferred alternative. I have taken into consideration all of the potential impacts of the proposed action, incorporated herein by reference from the EA and balanced those impacts with considerations of the agency's purpose and need for action.

In accordance with the Council on Environmental Quality's (CEQ) "40 Most Asked Questions" guidance on NEPA, Question 37(a), NRCS has considered "which factors were weighed most heavily in the determination" when choosing the agency Proposed Action alternative to implement. Specifically, I acknowledge that based on the EA, potential impacts to soil, water, air, plants, fish and wildlife, and human resources were heavily considered in the decision. As a result, the agency's Proposed Action alternative would result short and long term beneficial impacts to the environmental resources potentially impacted by the Proposed Action Alternative.

VI. PUBLIC INVOLVEMENT

The EA and FNSI have been made available for a 30-day public review period (December 20, 2019 – January 20, 2020) at the local NRCS Office in McMinnville, OR. Additionally, the EA and FNSI has been published in the daily newspaper, the News-Register and published to NRCS website at: https://www.nrcs.usda.gov/wps/portal/nrcs/detailfull/or/newsroom/pnotice/?cid=nrcs142p2_046060.

VII. FINDING OF NO SIGNIFICANT IMPACT

To determine the significance of the action analyzed in this EA, the agency is required by NEPA regulations at 40 CFR Section 1508.27 and NRCS regulations at 7 CFR Part 650 to consider the context and intensity of the proposed action. Based on the EA, review of the NEPA criteria for significant effects, and based on the analysis in the EA, I have determined that the action to be selected, the Proposed Action Alternative, would not have a significant effect upon the quality of the human environment. Therefore, preparation of an environmental impact statement (EIS) on the final action is not required under section 102(2)(c) of the NEPA, CEQ implementing regulations (40 CFR Part 1500- 1508, Section 1508.13), or NRCS environmental review procedures (7 CFR Part 650). This finding is based on the

following factors from CEQ's implementing regulations at 40 CFR Section 1508.27 and from NRCS regulations at 7 CFR Part 650:

- 1) The Proposed Action alternative does not significantly affect public health or safety rather the Proposed Action alternative ensures public health and safety resources are maintained. The Proposed Action and the indirect effects associated with the implementation of ODOT bridge construction activities and associated restoration of the easement are in fact anticipated to provide long term beneficial impacts to improve the human environment and natural ecosystem functions.
- 2) As analyzed in Section 3 of the EA, there are no anticipated significant effects to historic or cultural resources, park lands, prime farmlands, wetlands, wild and scenic rivers, or ecologically critical areas from the Proposed Action Alternative. NRCS regulations (7 CFR Part 650) and policy (Title 420, General Manual, Part 401), require that NRCS identify, assess, and avoid effects to historic or cultural resources, park lands, prime farmlands, wetlands, wild and scenic rivers, or ecologically critical areas. In accordance with these requirements, it is not anticipated that implementing the Proposed Action alternative would have adverse effects on these resources.
- 3) The effects on the human environment are not considered controversial for the Proposed Action alternative. There are no impacts associated with the proposed action that would be considered to be controversial.
- 4) The Proposed Action alternative is not considered highly uncertain and does not involve unique or unknown risks.
- 5) The Proposed Action alternative will not establish a precedent for future actions with significant effects, nor does it represent a decision in principle about future considerations.
- 6) The Proposed Action alternative does not result in significant adverse cumulative impacts to the human environment as discussed in Section 3 of the EA. The Proposed Action alternative is, however, anticipated to result in beneficial long-term impacts as a result of project implementation.
- 7) The EA evaluated both beneficial and adverse impacts of the Proposed Action. It is anticipated the Proposed Action alternative will result in long-term beneficial impacts for environmental resources (i.e., soil, air, water, animals, plants, and human resources) and Special Environmental Concerns. As a result of the analysis (discussed in detail in Section 3 and incorporated by reference), the Proposed Action alternative does not result in significant impacts to the human environment, particularly when focusing on the significant adverse impacts which NEPA is intended to help decisionmakers avoid, minimize, or mitigate.
- 8) The Proposed Action alternative will not cause the loss or destruction of significant cultural or historical resources as addressed in Section 3 of the EA. NRCS follows the procedures developed in

accordance with a nationwide programmatic agreement between NRCS, the Advisory Council on Historic Preservation, and the National Conference of State Historic Preservation officers, which called for NRCS to develop consultation agreements with State historic preservation officers and federally recognized Tribes (or their designated Tribal historic preservation officers). These consultation agreements focus historic preservation reviews on resources and location that are of special regional concern to these parties.

9) The Proposed Action alternative would affect ESA-listed salmonids, Critical Habitat, and EFH directly through bridge construction activities such as pile driving, as well as indirectly through operational activities (i.e. stormwater management). Established to minimize effects to listed fishery resources, the ODFW in-water work period for the South Yamhill River is July 15 – September 30 will be implemented. Restoration of the project area, consistent with the Restoration Agreement coupled with the implementation of the in-water work period will minimize effects to listed fishery resources and their designated fisheries habitat.

NMFS confirmed via letter dated 11/30/2016 (Appendix 6) that NRCS' proposed action to temporarily subordinate its rights under the easement to allow ODOT's bridge replacement project to proceed, which is a covered action under the FAHP programmatic, would have no additional adverse impacts to ESA-listed species, designated critical habitat or EFH. Therefore NRCS' consultation responsibilities under ESA Section 7 and the Magnuson-Stevens Fishery Conservation and Management Act are covered under the FAHP programmatic and no additional consultation is necessary.

10) The Proposed Action alternative does not violate Federal, State, or local law requirements imposed for protection of the environment as noted in Section 3 of the EA. The major laws identified with the selection of Proposed Action alternative include the Clean Water Act, Clean Air Act, Magnuson-Stevens Fishery Conservation and Management Act, Endangered Species Act, National Historic Preservation Act, Migratory Bird Treaty Act and the following Executive orders on Environmental Justice, Floodplain Management, Invasive Species, and Wetlands. The Proposed Action alternative is consistent with the requirements of these laws and Executive Orders.

Based on the information presented in the attached EA, I find in accordance with 40 CFR Section 1508.13 that the selection of the Proposed Action alternative is not a major Federal action significantly affecting the quality of the human environment requiring preparation of an EIS.

 (signature) 12/18/19 (date)
Jay Gibbs, Acting State Conservationist

Appendix 1

Warranty Easement Deed

Appendix 2

Bridge Inspection Report

Appendix 3

DOGAMI Earthquake Hazard Report

Appendix 4

Restoration Agreement

Appendix 5

NRCS Soils Report

Appendix 6

NOAA Letter & Federal Aid Highway Program Biological Opinion