

## EXECUTIVE SUMMARY

The purpose of this document is to address the requirements of the Federal Endangered Species Act (Federal ESA), the Oregon State Endangered Species Act (SESA), the Magnuson-Stevens Fishery Conservation and Management Act (MSA), the Migratory Bird Treaty Act (MBTA), the Fish and Wildlife Coordination Act (F&WCA), and the Marine Mammal Protection Act (MMPA) as they relate to the repair and replacement of 430 highway bridges funded by the Oregon Transportation Investment Act (OTIA) III: Statewide Bridge Delivery Program (Bridge Program). The Oregon Department of Transportation (ODOT) will administer the Bridge Program with Federal Highway Administration (FHWA) funds. FHWA will serve as the lead Federal agency, although both FHWA and the United States Army Corps of Engineers (providing a Regional General Permit for the Program), constitute a Federal nexus for the Program.

ODOT and FHWA began working with a number of Federal and State regulatory and resource agencies in late 2002 to develop permitting strategies that meet the dual goals of providing timely review of individual project permit applications and protecting or enhancing the natural and built environments. In cooperation with the USFWS and NOAA Fisheries, it was decided that a batched consultation with programmatic elements (batched-programmatic) would be appropriate since the *proximity, distribution, duration, and disturbance frequency* of the proposed action were known (these are the batched elements) and the *timing, nature of the effect, and disturbance intensity and severity* are controlled through measures administered throughout the program (these are the programmatic elements). This consultation approach has been used in previous Section 7 consultations, such as the Wildland Urban Interface Fuel Treatment batched-programmatic BA prepared by the Southwestern Region of the USDA Forest Service (USFS 2001).

The main body of this document is structured as a Biological Assessment (BA), which addresses the proposed action in compliance with Section 7(c) of the Federal ESA, as amended, and the SESA (for fish and wildlife species). This BA provides a discussion of evaluation methods; of the proposed action, including minimization and avoidance measures developed for the Program; of statewide environmental baseline conditions; of species-specific effects analyses; and of cumulative effects. Subsequent chapters rely on the information and analyses provided in the BA to address the MSA (Section 7) and the MMPA (Section 8). Mandatory and recommended measures to avoid and minimize effects to species and habitats protected by the MBTA and F&WCA are included in Section 3.

This document utilized Service-approved or Service-drafted reports and Biological Opinions as often as possible to ensure consistency of the BA with previous successful ESA consultation processes. Existing Biological Opinions were used to collect relevant information, such as the status of the species, the most up-to-date effects analyses, and the most appropriate conservation measures. Existing programmatic consultations, such as the Corps' Standard Local Operating Procedures for Endangered Species (SLOPES II) (NOAA Fisheries 2003a), were used as the basis for the consultation approach. The outline of this BA follows previous batched-programmatics, such as the Wildland Urban Interface Fuel Treatment batched-programmatic BA

prepared by the Southwestern Region of the USDA Forest Service. The MSA portion of this document relies heavily on the recent ODOT Maintenance Activities Programmatic, which received high praise from NOAA Fisheries.

A key product of the May 30, 2003 workshop involving national and State representatives from FHWA, USFWS, and NOAA Fisheries was the identification and staffing of three groups with specific roles and responsibilities for this project. The Level 1 Working Group, including representatives from USFWS, NOAA Fisheries, ODFW, and ODOT, was established to meet on a weekly basis through the submittal of the BA. The purpose of this effort was to introduce the Bridge Program to these agencies and to develop the content of the BA. The Level 2 Reviewing Group was identified to meet on an as-needed basis to resolve conflicts and receive progress reports and updates on important issues. The Level 2 Reviewing Group effort also provided feedback and approval of the consultation direction. The Level 3 Executive Group met at significant project milestones to provide approval of the consultation process.

Environmental performance standards were developed with the goal of improving habitat conditions within the action area and avoiding or minimizing adverse effects on habitat. Environmental performance standards (Section 3) are essentially barriers to, or constrictions of, effects pathways with regard to their ability to deliver effects of proposed actions to Federally listed species. These standards also increase the predictability of effects associated with the proposed action.

The analysis of effects of the proposed action included in this BA considers both the short-term and long-term beneficial and adverse effects on the baseline conditions necessary to sustain a Threatened, Endangered, or Proposed Species (TEPS) species and ultimately lead to recovery. Effects analysis was performed using a GIS database to screen, describe, and estimate the effects of the proposed action on TEPS species and their habitats. The database was populated with existing data, while the processes to interpret the data were developed with the Level 1 Working Group participants and other resource and regulatory agency staff.

Program bridges are located in 33 of Oregon's 36 counties, and within every ecoregion in the State. Fifty two percent of the program bridges occur along the I-5 and I-84 corridors, resulting in a heavy skew of program bridges to the western half of the State. As a result, the Willamette Valley, Klamath Mountains, and Coast Range ecoregions have the greatest density of program bridges, and 62% of construction activity will occur within the Southern Oregon Coastal Basin and Willamette Basin (3<sup>rd</sup> field Hydrologic Unit Codes). The OTIA III State Bridge Delivery Program has the potential to affect the following species:

## NOAA Fisheries Species Effect Determinations

NOAA Fisheries Species Common Name	Scientific Name	Federal Status	Effect Determination*
<b>Marine Mammals</b>			
Steller sea lion (Eastern population)	<i>Eumetopias jubatus</i>	Threatened	NLAA
Sei whale	<i>Balaenoptera borealis</i>	Endangered	NE
Blue whale	<i>Balaenoptera musculus</i>	Endangered	NE
Finback whale	<i>Balaenoptera physalus</i>	Endangered	NE
Right whale	<i>Eubalaena jubatus</i>	Endangered	NE
Humpback whale	<i>Megaptera novaeangliae</i>	Endangered	NE
Sperm whale	<i>Physeter macrocephalus</i>	Endangered	NE
<b>Anadromous Fish</b>			
Chum salmon (Columbia River ESU)	<i>Oncorhynchus keta</i>	Threatened	LAA
Coho salmon (Southern Oregon/Northern California Coasts ESU)	<i>Oncorhynchus kisutch</i>	Threatened	LAA
Coho salmon (Oregon Coast ESU)	<i>Oncorhynchus kisutch</i>	Threatened	LAA
Coho salmon (Lower Columbia River ESU)	<i>Oncorhynchus kisutch</i>	N/A	LAA
Steelhead (Upper Columbia River ESU)	<i>Oncorhynchus mykiss</i>	Endangered	NLAA
Steelhead (Lower Columbia River ESU)	<i>Oncorhynchus mykiss</i>	Threatened	LAA
Steelhead (Middle Columbia River ESU)	<i>Oncorhynchus mykiss</i>	Threatened	LAA
Steelhead (Snake River Basin ESU)	<i>Oncorhynchus mykiss</i>	Threatened	LAA
Steelhead (Upper Willamette River ESU)	<i>Oncorhynchus mykiss</i>	Threatened	LAA
Sockeye salmon	<i>Oncorhynchus nerka</i>	Endangered	NLAA

NOAA Fisheries Species Common Name	Scientific Name	Federal Status	Effect Determination*
(Snake River ESU)			
Chinook salmon (Snake River Spring/Summer-run ESU)	<i>Oncorhynchus tshawytscha</i>	Threatened	LAA
Chinook salmon (Snake River Fall-run ESU)	<i>Oncorhynchus tshawytscha</i>	Threatened	NLAA
Chinook salmon (Upper Willamette ESU)	<i>Oncorhynchus tshawytscha</i>	Threatened	LAA
Chinook salmon (Upper Columbia River Spring-run ESU)	<i>Oncorhynchus tshawytscha</i>	Endangered	NLAA
Chinook salmon (Lower Columbia River ESU)	<i>Oncorhynchus tshawytscha</i>	Threatened	LAA

### USFWS Species Effect Determinations

USFWS Species Common Name	Scientific Name	Federal Status	Effect Determination*
<b>Terrestrial Mammals</b>			
Canada lynx	<i>Lynx canadensis</i>	Threatened	NLAA
Columbian white-tailed deer (Columbia River DPS)	<i>Odocoileus virginianus leucurus</i>	Endangered	NLAA
Kit fox	<i>Vulpes macrotis</i>	N/A	NE
Wolverine	<i>Gulo gulo</i>	N/A	NE
Washington ground squirrel	<i>Spermophilus washingtoni</i>	N/A	NE
<b>Birds</b>			
Marbled murrelet	<i>Brachyramphus marmoratus marmoratus</i>	Threatened	LAA
Western snowy plover (Pacific Coast population)	<i>Charadrius alexandrinus nivosus</i>	Threatened	NE
Bald eagle	<i>Haliaeetus leucocephalus</i>	Threatened	LAA
Northern spotted owl	<i>Strix occidentalis caurina</i>	Threatened	LAA
Western snowy plover (Interior population)	<i>Charadrius alexandrinus nivosus</i>	N/A	NE

USFWS Species Common Name	Scientific Name	Federal Status	Effect Determination*
Peregrine falcon	<i>Falco peregrinus anatum</i>	N/A	MA
Short-tailed albatross	<i>Phoebastria albatrus</i>	Endangered	NE
Brown pelican	<i>Pelecanus occidentalis californicus</i>	Endangered	NLAA
<b>Reptiles and Amphibians</b>			
Loggerhead sea turtle	<i>Caretta caretta</i>	Threatened	NE
Green sea turtle	<i>Chelonia mydas</i>	Threatened	NE
Leatherback sea turtle	<i>Dermochelys coriacea</i>	Endangered	NE
Olive (Pacific) Ridley sea turtle	<i>Lepidochelys olivacea</i>	Threatened	NE
<b>Resident Fish</b>			
Foskett speckled dace	<i>Rhinichthys osculus</i>	Threatened	NE
Shortnose sucker	<i>Chasmistes brevirostris</i>	Endangered	LAA
Lost River sucker	<i>Deltistes luxatus</i>	Endangered	LAA
Warner sucker	<i>Catostomus warnerensis</i>	Threatened	NE
Oregon chub	<i>Oregonichthys crameri</i>	Endangered	LAA
Hutton tui chub	<i>Gila bicolor</i>	Threatened	NE
Borax Lake chub	<i>Gila boraxobius</i>	Endangered	NE
Lahontan cutthroat trout	<i>Oncorhynchus clarki henshawi</i>	Threatened	NE
Bull trout	<i>Salvelinus confluentus</i>	Threatened	LAA
Cutthroat trout (SW Washington/Columbia River DPS)	<i>Oncorhynchus clarki clarki</i>	Not Warranted	LAA
Pacific lamprey	<i>Lampetra tridentata</i>	Petitioned	LAA
River lamprey	<i>Lampetra ayresi</i>	Petitioned	LAA
Western brook lamprey	<i>Lampetra richardsoni</i>	Petitioned	LAA
<b>Invertebrates</b>			
Vernal pool fairy shrimp	<i>Branchinecta lynchi</i>	Threatened	NLAA

<b>USFWS Species Common Name</b>	<b>Scientific Name</b>	<b>Federal Status</b>	<b>Effect Determination*</b>
Fender's blue butterfly	<i>Icaricia icariodes fenderi</i>	Endangered	LAA
Oregon silverspot butterfly	<i>Speyeria zerene hippolyta</i>	Threatened	NE
<b>Plants</b>			
McDonald's rock-cress	<i>Arabis mcdonaldiana</i>	Endangered	NE
Applegate's milk-vetch	<i>Astragalus applegatei</i>	Endangered	NE
Golden paintbrush	<i>Castilleja levisecta</i>	Threatened	NLAA
Willamette daisy	<i>Erigeron decumbens var. decumbens</i>	Endangered	NLAA
Gentner's fritillary	<i>Fritillaria gentneri</i>	Endangered	NLAA
Water howellia	<i>Howellia aquatilis</i>	Threatened	NLAA
Western lily	<i>Lilium occidentale</i>	Endangered	NE
Large-flowered wooly meadowfoam	<i>Limnanthes floccosa ssp. grandiflora</i>	Endangered	NLAA
Bradshaw's Lomatium	<i>Lomatium bradshawii</i>	Endangered	NLAA
Cook's Lomatium	<i>Lomatium cookii</i>	Endangered	NLAA
Kincaid's lupine	<i>Lupinus sulphureus ssp. kincaidii</i>	Threatened	NLAA
MacFarlane's four-o'clock	<i>Mirabilis macfarlanei</i>	Threatened	NE
Rough popcornflower	<i>Plagiobothrys hirtus</i>	Endangered	NLAA
Nelson's checker-mallow	<i>Sidalcea nelsoniana</i>	Threatened	NLAA
Spalding's catchfly	<i>Silene spaldingii</i>	Threatened	NE
Malheur wire-lettuce	<i>Stephanomeria malheurensis</i>	Endangered	NE
Howell's spectacular thelypody	<i>Thelypodium howellii ssp. spectabilis</i>	Threatened	NE
Marsh sandwort	<i>Arenaria paludicola</i>	Endangered	NE

\* **NE= No Effect**  
**MA= May Affect**  
**NLAA= May Affect, Not Likely to Adversely Affect**  
**LAA= Likely to Adversely Affect**