UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL MARINE FISHERIES SERVICE
Northwest Region
7600 Sand Point Way N.E., Bldg. 1
Seattle, WA 98115

Refer to NMFS No:
2009/04465

October 20, 2009

Phillip Ditzler
FHWA Division Administrator
Federal Highway Administration, Oregon Division
530 Center Street NE
Salem, Oregon 97301

Re: Endangered Species Act Section 7 Informal Consultation and Magnuson-Stevens Fishery Conservation and Management Act Essential Fish Habitat Consultation for the Port of Siuslaw Interpretive Wayside, Siuslaw River (HUC: 171002060804 Bernhardt Creek), Lane County, Oregon

Dear Mr. Ditzler:

On August 17, 2009, the National Marine Fisheries Service (NMFS) received your request for written concurrence that the effects of the Federal Highway Administration's funding of the Port of Siuslaw Interpretive Wayside, as proposed, are not likely to adversely affect (NLAA) species listed as threatened or endangered under the Endangered Species Act (ESA) or their critical habitat. The request included the information necessary to complete an essential fish habitat (EFH) assessment under the Magnuson-Steven Fishery Conservation and Management Act (MSA).

This response to your letter was prepared by NMFS pursuant to section 7(a)(2) of the ESA, implementing regulations at 50 CFR 402, and agency guidance for preparation of letters of concurrence,[1] and concludes that the action, as proposed, is NLAA Oregon Coast (OC) coho salmon *(Oncorhynchus kisutch*) and their designated critical habitat. The NMFS also concludes the proposed action is NLAA the southern distinct population segment (SDPS) of green sturgeon (*Acipenser medirostris*) (Table 1).

This letter also transmits the results of our analysis of the effects of the proposed action on EFH pursuant to section 305(b) of the MSA, implementing regulations at 50 CFR 600.920, and agency guidance for use of the ESA consultation process to complete EFH consultation,[2] and concludes that the action, as proposed, will not adversely affect EFH designated for Chinook salmon (*O. tshawytscha*), coho salmon, and coastal pelagic species. Therefore, no conservation measures are provided at this time and no further response is necessary.

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[1] Memorandum from D. Robert Lohn, Regional Administrator, to ESA Consultation Biologists (guidance on informal consultation and preparation of letters of concurrence) (January 30, 2006).

[2] Memorandum from William T. Hogarth, Acting Administrator for Fisheries, to Regional Administrators (national finding for use of Endangered Species Act Section 7 consultation process to complete essential fish habitat consultations) (February 28, 2001).

Table 1. Federal Register notices for final rules that list threatened and endangered species, designate critical habitats, or apply protective regulations to listed species considered in this consultation. Listing status: 'T' means listed as threatened under the ESA; 'E' means listed as endangered.

Species	Listing Status	Critical Habitat	Protective Regulations
Coho salmon (*O. kisutch*)			
Oregon Coast	T 2/11/08; 73 FR 7816	2/11/08; 73 FR 7816	2/11/08; 73 FR 7816
Green sturgeon (*A. medirostris*)			
Southern	T 4/07/06; 71 FR 17757	10/09/09; 74 FR 52300	Not applicable

DESCRIPTION OF THE PROPOSED ACTION

The Siuslaw River Bridge Interpretive Wayside will develop two sites along the Siuslaw River Estuary near the Siuslaw River Bridge. One site will be an interpretive wayside and the other will be a parking area. The parking area site is approximately 0.14 acre and is under the north end of the Siuslaw River Bridge. The parking area will lie primarily between two bridge bents that are south of Bay Street. At the wayside site, an observation deck and paver walkway will be constructed on the east side of the site. To improve the water quality of runoff currently entering the site from Bay Street, the project will retrofit the existing catch basins along Bay Street and will construct a stormwater treatment swale and a constructed wetland. A winding bark pathway will be constructed on site north of the existing tidal wetland. Project activities proposed at the wayside site will include: (1) Clearing; (2) grading; (3) pile driving for the observation deck and pathway bridge; (4) construction of the paver walkway, observation deck, pathway, pathway bridge, and picnic area; (6) installation of a double-chambered water quality curb inlet along Bay Street; (7) construction of the stormwater swale and constructed wetland; (8) railing and signage installation; and (9) planting and seeding.

The parking area will be constructed under the north end of the Siuslaw River Bridge to support access to the wayside site and the Old Town District. The parking area will include two overlooks with interpretive signage. Construction at the parking area will involve the following activities: (1) Clearing and grading to prepare the site; (2) installation of a retaining wall; (3) placement of fill behind the retaining wall to elevate the parking area; (4) installation of a two-chamber catch basin with associated piping and outfall to the Siuslaw River; (5) sidewalk construction; and (6) paving, railing and signage installation. At the parking area, utilities will be relocated as part of construction. The community access television lines and the overhead power lines will be reconfigured to support the parking area site design.

Construction Access and Staging

A single upland staging area at the wayside site will be created and used during construction. If necessary, the staging area will be restored after construction is completed. At the parking area, staging will occur in the upland portion within the parking area and will be paved as part of construction. Best management practices (BMPs) (identified below) will be installed around the staging areas at both sites to minimize any risk of contamination in the event of a fuel or oil leak.

Clearing and Grubbing

All clearing and grubbing activities will be restricted to areas above mean high water (MHW). This work will likely be done with a trackhoe.

At the wayside site, herbaceous and woody upland vegetation will be cleared, where needed, to allow for construction. Areas not within the footprint of the paths and picnic area will be replanted with native species following construction. As part of the Corps of Engineers' (Corps) permit, this native vegetation will be protected and maintained until it is established. All invasive species will be removed from the site.

At the parking area, herbaceous and woody vegetation will be cleared for construction of the parking area and associated structures. Vegetation in the area to be cleared is dominated by non-native species. All invasive species will be removed from the site.

Grading

After clearing and grubbing are completed at the wayside site, grading will occur. The eastern edge of the project area will be graded for construction of the walkway. The northern half of the project area will be graded for construction of the stormwater treatment swale, the constructed wetland area, and the interpretive path. Grading will be accomplished using a trackhoe and compactor, and may include the use of fill to reach the desired final elevation and design.

Grading will occur at the parking area after clearing and grubbing is completed and the retaining wall has been installed. To reach final grade, fill will be placed on 0.024 acres of the project area below highest measured tide (HMT). Equipment to perform the work may include a trackhoe, bulldozer, skid steer loader, compactor, and dump truck.

Pile Driving

Pile driving will occur at the wayside site only. Pile driving will be limited to three days in November or December. Approximately six to eight hollow steel piles, each 12 inches in diameter, will be installed for construction of the observation deck. Two additional piles may be installed to support the path bridge over the stormwater swale. Each pile will be driven to a depth of 30 feet. Pile driving will be done with a vibratory hammer mounted on a crane operating from land. The piles will not need to be proofed with an impact hammer. All piles will be located above the elevation of MHHW but below HMT. Piles will be driven only when the work area is dry.

Observation Deck and Walkway

An observation deck will be constructed on piles on the southeast corner of the wayside site. The observation deck platform will be elevated above the HMT elevation. The observation deck will be constructed out of a wood/polymer lumber and will be supported by concrete, steel girders, and/or cedar, as necessary. No pressure-treated or chemically-treated wood will be used. A walkway will be installed along the eastern edge of the site, connecting the observation deck

to an existing sidewalk along Bay Street. Construction of the walkway will include minor grading, so that the walkway can be installed at an acceptable slope. A trackhoe, skid steer, and roller or plate compactor will likely be used for this work.

Interpretive Path

At the wayside site, an interpretive path will be constructed along the western side of the stormwater treatment swale that will wind east across the site to the paver walkway. The path will be constructed with either bark or gravel. A small bridge will carry the path over the stormwater treatment swale. A trackhoe and skid steer will likely be used for this work.

In-Water Work

No work at the parking area will occur below this MHHW elevation. At the wayside site, only the removal of metal debris in the intertidal area will occur below the MHHW elevation.

At the parking area, the retaining wall, two overlooks, and a portion of the parking lot will all be installed below the HMT elevation. The concrete retaining wall will be constructed at the southern and eastern edge of the parking area. It will elevate the completed parking area above the HMT. The work area at the parking area is above the normal tidal range, and there are no high tides predicted in 2009 to reach the lower limit of the work area according to the NOAA 2009 tide predictions for Florence, Oregon. Therefore, it is expected that this portion of the project will be constructed in dry conditions. Following construction, water will not contact the retaining wall on a regular basis.

At the wayside site, construction of the observation deck, interpretive pathway, constructed wetland, and stormwater treatment swale will all occur in the area between the MHHW elevation and the HMT elevation. Based on the 2009 NOAA tide predictions for Florence, Oregon, the highest tide of the year will reach only 8.2 feet (2.36 vertical feet below the HMT). The work area for the constructed wetland and the observation deck may be inundated on a few occasions during the in-water work window. There are only five days during November and December 2009 with a high tide predicted to exceed 8 feet. During construction, as well as in the final design, care will be taken to grade areas to slope to the water so that no depressions will be created where fish could become stranded if they access the construction area during the highest tides or flood flows.

Following construction, inundation of the constructed wetland and stormwater treatment swale will occur very infrequently.

Metal debris found at the sites will be removed as part of the project. This metal is below MHW and will be removed by hand or by trackhoe during low water conditions.

All work below HMT will be conducted during the in-water work window (November 1, 2009 – February 15, 2010) for the Siuslaw River Estuary.

New Impervious Surface

No new impervious surface area will be added at the wayside site. At the parking area, 0.14 acre of impervious surface will be created (the total area of the site). After grading is complete at the parking area, the concrete sidewalks and overlooks, pavers, and asphalt will be installed.

Stormwater Treatment

Wayside Site. At the wayside site, the project will construct a stormwater treatment train to improve the water quality of runoff from Bay Street that currently enters the estuary untreated. This treatment train will filter out pollutants, attenuate flows, cool runoff, and increase stormwater infiltration over existing conditions. Currently, runoff from 0.9 acre of Bay Street flows untreated through the wayside site to the river. Following construction, that runoff will be treated to reduce pollutants (including removal of suspended solids and total and dissolved copper and zinc) prior to being discharged to the estuary.

The project proposes to capture the currently untreated stormwater runoff from Bay Street in two, double-chambered, oil/water separating, water quality curb inlets. This partially treated stormwater will discharge to a constructed stormwater treatment swale, then travel through a constructed wetland before flowing through a natural wetland and tidal mudflat to the river.

The project will replace an existing 6-inch-diameter stormwater pipe that crosses under Bay Street north of the wayside site with a 12-inch-diameter pipe. This new pipe will be connected to two, double-chambered, water quality curb inlets replacing the existing catch basins along Bay Street above the northwestern corner of the site. The curb inlets will serve to settle out oil and grease and particulates from the roadway runoff. The outfall from the catch basin may be enhanced with a rock or concrete drop structure. This construction activity will require cutting the asphalt with a concrete saw, and then using a backhoe to dig up and remove the existing pipe. Once the new pipe is laid, a backhoe, asphalt truck, and plate compactor will be used to replace the subgrade and asphalt. As necessary, debris will be swept by hand or machine to prevent material from washing off-site into the river.

A stormwater treatment swale will be installed downgrade from the outfall. The swale will have a flat bottom, will be 4 feet wide, with 4:1 sloping sides a minimum of 2 feet wide. The swale will meander for a length of approximately 100 feet. It will slope from north to south and will have a maximum depth of 3 feet. The design will include soil amendments or compost, to enhance pollutant removal (particularly dissolved copper). Following construction, the swale will be seeded and planted with native vegetation. Soils will be reinforced using coir fabric. Once the native plants become established, they will serve to cool and filter the stormwater before it is discharged.

Downgrade of the stormwater treatment swale, a wetland area will be constructed just north of the existing tidal wetland. Wetland construction will include minor grading and installation of native wetland emergent plant species that can tolerate periodic inundation. Stormwater will be pretreated prior to reaching this wetland. The constructed wetland area will be graded so that treated stormwater can flow into the existing wetland at an appropriate rate to sustain its existing

hydrologic conditions. It will be graded so that it does not include depressions where fish could become stranded during high tides.

Parking Area Site. Stormwater generated from new impervious surfaces at the parking area will be collected and treated on-site. The project will install a two-cartridge StormFilter® catch basin with filter media (a mixture of zeolite, perlite, and granular-activated carbon) to treat the runoff. The StormFilter® is designed to remove sediments, metals (including dissolved copper), and other roadway pollutants from stormwater. The proposed StormFilter® was designed to treat stormwater with a maximum flow of 0.067 cubic feet per second (cfs). Stormwater will exit the catch basin though a 10-inch-diameter pipe that will connect to the existing 15-inch stormwater pipe that outfalls to the Siuslaw River below the proposed parking area. The expected reductions in concentration from pre-project conditions to post-project conditions is as follows: total suspended solids 87 mg/L, zinc 134 mg/L, dissolved zinc 35 mg/L, copper 24 mg/L, dissolved copper 2.6 mg/L.

Project Elements Resulting in Beneficial Effects

As a whole, the project will retrofit an area 6.4 times the size of the new impervious area created; thereby reducing the loads and concentrations of harmful pollutants (including TSS and total and dissolved copper and zinc) relative to existing conditions. The area that will be treated is the contributing impervious area. The annual TSS load will be reduced from pre-project conditions by approximately 460 pounds, while annual dissolved copper and zinc loads will be reduced by 0.01 and 0.15 pounds, respectively. Concentrations of TSS, dissolved copper, and dissolved zinc will be reduced by approximately 86.6 mg/L, 35.0 µg/L, and 2.6 µg/L, respectively. Following construction of the project, there will be a net improvement to the water quality of stormwater discharged to the Siuslaw River Estuary. A complete analysis of the expected efficacy and pollutant reduction for each of the proposed stormwater BMPs is provided in Section 5.2 of the biological assessment.

BMPs for the Project

1. No work will occur below the MHW elevation.

2. No impervious surface will be created at the wayside site. Pavers allowing infiltration will be used for the walkway and bark or gravel will be used for the interpretive path.

3. Work below the Highest Measured Tide elevation will occur during the ODFW-recommended in-water work window (November 1 to February 15).

4. There will be no impacts to existing wetlands.

5. Existing invasive plants on both sites will be removed; desirable native plants will be preserved to the greatest extent practicable; and site restoration will include the installation of a variety of suitable native vegetation (including wetland emergent, forb, grass, tree, and shrub species).

6. Erosion and sediment control BMPs will be designed for the project area and installed before ground disturbance commences. During construction, BMPs will be maintained and adjusted to site conditions to ensure that there are no sediment releases during construction activities.

7. Construction impacts will be confined to the minimum area necessary to complete theproject.

8. All excavated materials will be removed to an upland location where they cannot enter any waterbody, unless designated as fill or directed by the Engineer.

9. All fueling and maintenance of equipment will occur more than 150 feet from the nearest wetland, waterbody, or unprotected catchbasin, except cranes, pile drivers, drill rigs, large trackhoes, and stationary equipment (*e.g.*, generators and pumps) will be excluded from this requirement. If fueling of equipment is not possible more than 150 feet from the river, then fueling shall be done within a spill containment area, approved by the Engineer. Stationary equipment shall include full-time containment systems. Containment measures shall be implemented when fueling and maintaining cranes, pile drivers, drill rigs, and other large less-mobile equipment.

10. Vehicles and equipment stored within 150 feet of the river and associated wetlands shall be located within an area designated to prevent fuel and other potentially hazardous materials from entering any waterway, wetland, or restricted work area.

11. All equipment to be used for construction activities shall be cleaned and inspected prior to arriving at the project site, to ensure no potentially hazardous materials are exposed, no leaks are present, and the equipment is functioning properly.

12. Construction equipment will be inspected daily to ensure there are no leaks of hydraulic fluids, fuel, lubricants, or other petroleum products.

13. Project operations shall cease under high-flow conditions that may result in inundation of the project area, except for efforts to avoid or minimize resource damage. The contractor shall evacuate any areas used for staging or storage and all materials (including any temporary road materials), equipment and fuel shall be removed if flooding of the area is expected to occur within 24 hours.

14. Two existing catch basins along Bay Street will be replaced with double-chambered water quality curb inlets, which will remove particulates, oil, and grease before the stormwater is discharged onto the wayside site.

15. A stormwater treatment swale and wetland area will be constructed at the wayside site below the stormwater pipe outfall to filter and cool the water before it is discharged into the existing tidal wetlands. The stormwater treatment swale will meander for a length of 100 feet.

16. Stormwater generated from new impervious surfaces at the parking area will be captured and treated with a StormFilter®.

17. All disturbed soils at the project areas will be stabilized by seeding, planting, or paving.

18. Project structures will be designed to deter piscivorous birds from perching on them.

19. The observation deck will be constructed of "Trex" decking and steel piles to reduce chemical contamination of the waterway and sediment.

20. Washing of concrete-mixer trucks will not be permitted on-site, and concrete will not be spilled or dumped on the site.

21. The staging area for the parking area site will be created in the upland construction area to prevent additional disturbance of habitat.

22. Interpretive signage will be installed at the wayside site to educate the public on the ecological value of the estuarine habitat to aquatic and terrestrial organisms as well as the value of stormwater treatment. Signage will be provided at the parking area site that educates the public on the history of the area, including information about the cannery and bridge. Signage will also be installed to deter littering and to encourage visitors to stay on trails, in order to prevent future impacts to the site.

ACTION AREA

'Action area' means all areas to be affected directly or indirectly by the Federal action and not merely the immediate area involved in the action (50 CFR 402.02). The action area is defined as the physical work area at the wayside location within a tidally-influenced area beginning 1,000 feet upstream from the project site and extending downstream approximately 2,000 feet.

The project is on the north bank of the Siuslaw River near Bay Street in Old Town, Florence, Oregon, in the NE/NE 1/4, of Section 34, Township 18S, Range 12W.

The NMFS listed OC coho salmon as threatened under the ESA, protective regulations were issued and critical habitat was designated on February 4, 2008 (70 FR 7816). The OC coho salmon occur within the affected section of the Siuslaw River, which is designated OC coho salmon critical habitat. This portion of the river is also designated as EFH for Chinook salmon, (*O. tshawytscha*), coho salmon, and coastal pelagic species and is in an area where environmental effects of the proposed action may affect EFH for those species.

The NMFS defined two distinct population segments of green sturgeon: a northern DPS (NDPS) with spawning populations in the Klamath and Rogue rivers and a SDPS that spawns in the Sacramento River. The SDPS was listed as threatened in 2006 (71 FR 17757), and includes all spawning populations south of the Eel River in California. The NDPS remains a species of

concern. The Siuslaw River is outside of designated critical habitat for the SDPS of green sturgeon (50 CFR part 226).

ENDANGERED SPECIES ACT

In the request for concurrence, the FHWA determined that the action, as proposed, is "not likely to adversely affect" OC coho salmon, OC coho salmon designated critical habitat, and the SDPS of green sturgeon.

For purposes of the ESA, "effects of the action" means the direct and indirect effects of an action on the listed species or critical habitat, together with the effects of other activities that are interrelated or interdependent with that action (50 CFR 402.02). The applicable standard to find that a proposed action is NLAA ESA-listed species or critical habitat is that all of the effects of the action are expected to be discountable, insignificant or completely beneficial. Discountable effects cannot be reasonably expected to occur. Insignificant effects are so mild that the effect cannot be meaningfully measured, detected or evaluated as take. Beneficial effects are contemporaneous positive effects without any adverse effect to the listed species or critical habitat, even if the long-term effects are beneficial.

The NMFS concludes that all effects of the action, as proposed, are discountable and insignificant and are therefore NLAA the SDPS of green sturgeon or OC coho salmon and their designated critical habitat. There will be no impact hammer pile driving (vibratory hammer will be used) or riparian impacts associated with this project. The effects of the action, as proposed, may include potential sediment disturbance and turbidity generation. This would be due to small, short-term pulses of turbidity as the tide inundates the work area. The effects of these small pulses will be discountable due to quick dispersal and the low likelihood of ESA-listed fish in the vicinity of the site restoration. Also, after pile driving with the vibratory hammer, there may be a small amount of sediment disturbed as the pile is entering the mud and sand. The effects of the sediment disturbance will be insignificant due to the minimal amount of disturbance directly around the piles. This pile driving will also be completed in the dry. Construction will take place during the in-water work window, when the majority of the adults have migrated upstream and most of the juvenile OC coho salmon are still rearing in tributaries upstream of the estuary. The likelihood that green sturgeon will be present within the action area is extremely low.

The Oregon Department of Fish and Wildlife in-water work period is November 1 to February 15. This time period also coincides with the time of year that we expect the fewest OC coho salmon to be in the action area. The construction period for the proposed action is November 15, 2009 through February 1, 2010, and green sturgeon are present in estuaries only during the summer and early fall. The use and activity associated with this interpretive wayside will not increase as a result of this project. Effects will be insignificant to ESA-listed fish species and their critical habitat due to: (1) Full containment of all construction debris; (2) pile driving accomplished with the use of a vibratory hammer; (3) stormwater will be fully treated for the contributing impervious area; and (3) OC coho salmon and the SDPS of green sturgeon are not likely to be in the action area and exposed to the pulses of sediment.

The specific critical habitat that will be affected by the proposed action is the designated critical habitat for OC coho salmon within the Lower Siuslaw River 5th field watershed (HUC #1710020608). OC coho salmon adults and juveniles migrate through the action area and juveniles use it for rearing. Thus, the affected primary constituent elements (PCEs) in the action area are those that are essential for conservation of adult and juvenile coho salmon for migration and juveniles for rearing (Table 2).

Table 2. PCEs of critical habitat designated for OC coho salmon and corresponding species life history events.

Primary Constituent Elements		**Species Life History Event**
Site	**Site Attribute**	
Estuarine Areas	Free of obstruction with water quality, water quantity, and salinity conditions supporting juvenile and adult physiological transitions between fresh and salt water; natural cover[a]; and forage[b].	Juvenile and adult mobility and survival

[a] Natural cover includes submerged and overhanging large wood, aquatic vegetation, large rocks and boulders, and side channels.
[b] Forage includes aquatic invertebrate fish species that support growth and maturation.

The potential negative effects to water quality and habitat will be small, localized, and short term. None of the effects to PCEs are likely to disrupt normal behavioral patterns of OC coho salmon, nor will they result in functional changes to the affected PCEs. Because all effects are small, localized and short-term, the proposed action is not likely to meaningfully change the conservation value of the PCEs and is NLAA designated OC coho salmon critical habitat.

Reinitiation of consultation is required and shall be requested by the FHWA, or by the NMFS, where discretionary Federal involvement or control over the action has been retained or is authorized by law if (1) new information reveals effects of the action that may affect listed species or critical habitat in a manner or to an extent not previously considered; (2) the identified action is subsequently modified in a manner that causes an effect to the listed species or critical habitat that was not considered in this concurrence letter; or if (3) a new species is listed or critical habitat designated that may be affected by the identified action (50 CFR 402.16). This concludes the ESA portion of this consultation.

MAGNUSON-STEVENS FISHERY CONSERVATION AND MANAGEMENT ACT

As part of the information provided in the request for ESA concurrence, the FHWA determined that the action, as proposed, will not have adverse effects on EFH designated for coho salmon, Chinook salmon, or coastal pelagic species.[3]

For purposes of MSA, "adverse effect" means any impact which reduces quality and/or quantity of EFH. Adverse effects may include direct (*e.g.*, contamination, physical disruption), indirect (*e.g.*, loss of prey, reduction in species' fecundity), site-specific or habitat-wide impacts, including individual, cumulative or synergistic consequences of actions [50 CFR 600.910(a)]. Avoidance and minimization measures are analyzed by NMFS as part of the action, as proposed.

The effects of the action, as proposed, on EFH are the same as those described above in the ESA portion of this document and NMFS concurs with the findings in the EFH assessment.

EFH Conservation Recommendations

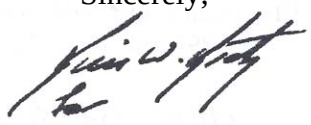
Because the properties of EFH that are necessary for the spawning, breeding, feeding or growth to maturity of managed species in the action area are the same or similar to the biological requirements of ESA-listed species as analyzed above, and because the conservation measures on pages 29 through 31 of the biological assessment that the FHWA included as part of the proposed action are adequate to avoid, minimize or otherwise offset those adverse effects to designated EFH, NMFS has no conservation recommendations to make at this time and no reporting is necessary. This concludes the EFH portion of this consultation.

The FHWA is required to complete a supplemental EFH consultation with NMFS if it substantially revises its plans for this action in a manner that may adversely affect EFH or if new information becomes available that affects the basis for NMFS' EFH conservation recommendations [50 CFR 600.920(k)].

[3] Pacific Fishery Management Council, 1999, Amendment 14 to the Pacific Coast Salmon Plan. Appendix A: Description and Identification of Essential Fish Habitat, Adverse Impacts and Recommended Conservation Measures for Salmon. Pacific Fishery Management Council, Portland, Oregon (March 1999). http://www.pcouncil.org/salmon/salfmp/a14.html.

Please direct questions regarding this letter to Tom Loynes, fisheries biologist in the Oregon Coast/Lower Columbia River Habitat Branch of the Oregon State Habitat Office, at 541.957.3380.

Sincerely,



Barry A. Thom
Acting Regional Administrator

cc: Frannie Brindle – ODOT
Ken Cannon – ODOT
Molly Cary - ODOT
Michelle Eraut – FHWA
Steve Gisler – ODOT
Donna Hinze – ODOT

Oregon
John A. Kitzhaber, MD, Governor

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Salem, OR 97301-1279
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December 27, 2011

City of Florence
Attn: Mike Miller, Florence Public Works Director
250 Highway 101 North
Florence, Oregon 97439

Re: Wetland Delineation Report for Florence, Lane County; T18S R12W Sec. 34, Tax Lot (not numbered, below Hwy 101 bridge) and Part of Tax Lot 90000; WD #2011-0310

Dear Mr. Miller:

The Department of State Lands has reviewed the wetland delineation report prepared by PBS Engineering and Environmental for the site referenced above. Please note that the study area is mostly within an unnumbered tax lot and part of a numbered tax lot as described above (please see the attached map). Based upon the information presented in the report and additional information submitted upon request, we concur with the wetland and waterway boundaries as mapped in Figure 5 of the report. Please replace all copies of the preliminary wetland map with this final Department-approved map. Within the study area, the Siuslaw River estuary, 0.038 acres of wetlands, and an undetermined area of estuarine habitat were identified. The estuary and the associated wetlands/estuarine habitat are subject to the permit requirements of the state Removal-Fill Law. The Siuslaw River estuary and all hydrologically-connected wetlands are designated essential salmonid habitat; therefore, fill or removal of any amount of material within the wetland or within Highest Measured Tide (HMT) may require a state permit. The elevation of HMT along the Siuslaw River estuary in Florence is 10.5 feet above MLLW (10.4 feet above NAVD88 or 6.94 feet above NGVD29).

This area of Siuslaw River is a state-owned waterway; any activity encroaching within the submerged and submersible land below the line of ordinary high water may require a lease, registration, or easement to occupy state-owned land. Please contact Jim Grimes at 503-986-5233 for more information.

This concurrence is for purposes of the state Removal-Fill Law only. Federal or local permit requirements may apply as well. The Army Corps of Engineers will review the report and make a determination of jurisdiction for purposes of the Clean Water Act at the time that a permit application is submitted. We recommend that you attach a copy of this concurrence letter to both copies of any subsequent joint permit application to speed application review.

Please be advised that state law establishes a preference for avoidance of wetland impacts. Because measures to avoid and minimize wetland impacts may include reconfiguring parcel layout and size or development design, we recommend that you work with Department staff on appropriate site design before completing the city or county land use approval process.

This concurrence is based on information provided to the agency. Because of the age of the submitted report, the jurisdictional determination is valid for one year from the date of this letter, unless new information necessitates a revision. Circumstances under which the Department may change a determination are found in OAR 141-090-0045 (available on our web site or upon request). In addition, laws enacted by the legislature and/or rules adopted by the Department may result in a change in jurisdiction; individuals and applicants are subject to the regulations that are in effect at the time of the removal-fill activity, or complete permit application. The applicant, landowner, or agent may submit a request for reconsideration of this determination in writing within six months of the date of this letter.

Thank you for having the site evaluated. Please phone me at 503-986-5297 if you have any questions.

Sincerely,

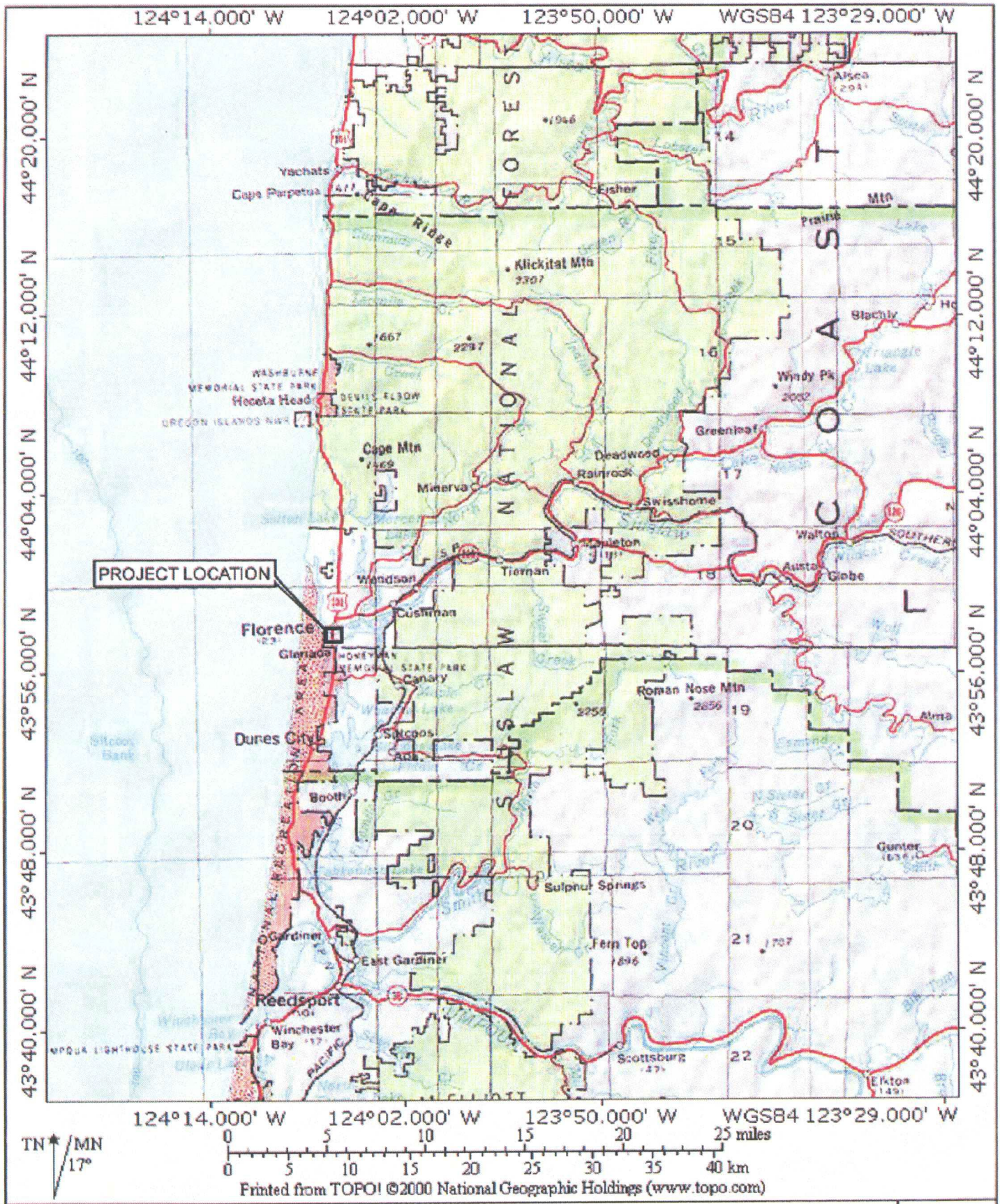
Jevra Brown
Wetland Specialist

Approved by

Anna Buckley
Acting Wetlands Program Manager

Enclosures

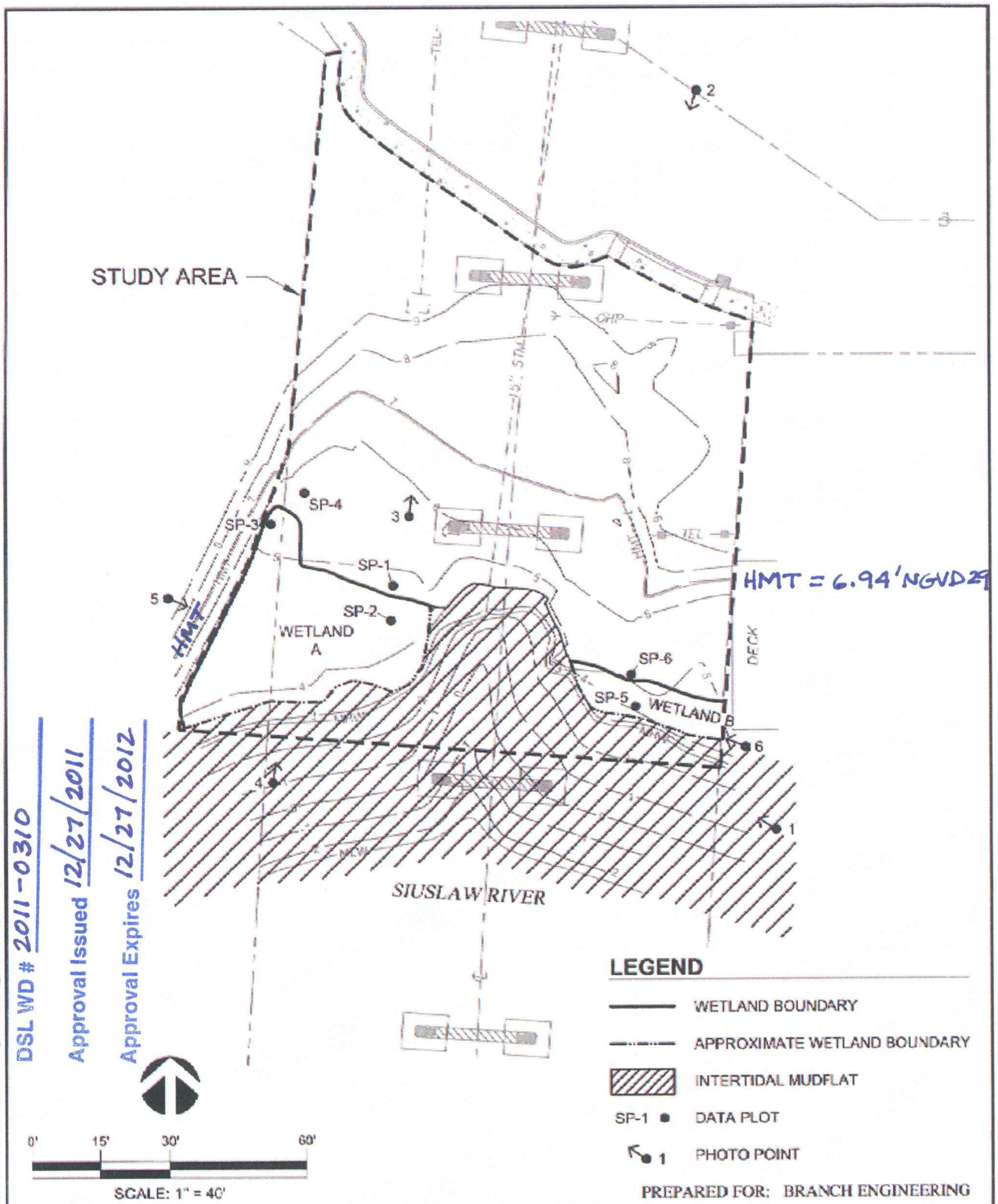
ec: Skip Haak, PBS Engineering and Environmental
City of Florence Planning Department (Maps enclosed for updating LWI)
Brian Wilson, Corps of Engineers, Eugene office
Gloria Kiryuta, DSL



PBS	Project # 75032.000 Date: AUGUST 2007	PROJECT LOCATION Siuslaw River Bridge Interpretive Wayside Florence, Oregon	FIGURE 1

DSL
WD2011-0310

Exhibit O



PBS

PROJECT #: 75032.000

DATE: SEPT. 2007

WETLAND DELINEATION MAP

SIUSLAW RIVER BRIDGE INTERPRETIVE WAYSIDE
FLORENCE, OREGON

FIGURE 5

Exhibit O

Exhibit O

WETLAND DELINEATION / DETERMINATION REPORT COVER FORM

This form must be included with any wetland delineation report submitted to the Department of State Lands for review and approval. A wetland delineation report submittal is not "complete" unless the fully completed and signed report cover form and the required fee are submitted. Attach the form to the front of an unbound report and submit to: **Oregon Department of State Lands, 775 Summer Street NE, Suite 100, Salem, OR 97301-1279.**
Mail a copy of the completed form with payment of the required report review fee to: **Oregon Department of State Lands, P.O. Box 4395, Unit 18, Portland, OR 97208-4395.**
For new credit card payment option, see DSL web site.

RECEIVED
SEP 23 2011
DEPARTMENT OF STATE LANDS

☒ Applicant ☐ Owner Name, Firm and Address: **Mike Miller, Florence Public Works Director** **Florence, OR 97439** City Hall, 250 Hwy 101 N.	Business phone # **(541) 997-4106** Mobile phone # (optional) FAX # E-mail: **mike.miller@ci.florence.or.us**
☒ Authorized Legal Agent, Name and Address: **Chris Irvin PE** **BRANCH ENGINEERING** **310 Fifth Street, Springfield OR 97477**	Business phone # **541-746-0637** FAX # Mobile phone # E-mail: **chris@branchengineering.com**

I either own the property described below or I have legal authority to allow access to the property. I authorize the Department to access the property for the purpose of confirming the information in the report, after prior notification to the primary contact.
Typed/Printed Name: Chris Irvin P.E. Signature:
Date: Special instructions regarding site access:

Project and Site Information (for latitude & longitude, use centroid of site or start & end points of linear project)

Project Name: **Siuslaw River Bridge Interpretive Wayside**	Latitude: **43 57' 57.04"** 43.965844 Longitude: **124 06' 28.64** -124.107955
Proposed Use: **Parking and interpretive wayside**	Tax Map # **18123414**
Project Street Address (or other descriptive location): **Highway 101 ROW immediately south of Bay Street in Florence** City: **Florence** County: **Lane**	Township **18S** Range **12W** Section **34** QQ Tax Lot (s) **n/a** Waterway: **Siuslaw** River Mile: **4.3** NWI Quad(s): **Florence**

Wetland Delineation Information

Wetland Consultant Name, Firm and Address: **PBS Engineering + Environmental**	Phone # **5416868484** Mobile phone # FAX # **5416864602** E-mail: **Skip_Haak@pbsenv.com**

The information and conclusions on this form and in the attached report are true and correct to the best of my knowledge.
Consultant Signature: Skip Haak Date: 9/21/11

Primary Contact for report review and site access is ☐ Consultant ☐ Applicant/Owner ☒ Authorized Agent

Wetland/Waters Present? ☒ Yes ☐ No	Study Area size: **10,300 sf** Total Wetland Acreage: **1,120 sf**

Check Box Below if Applicable:	**Fees:**
☐ R-F permit application submitted	☒ Fee payment submitted **$ 369.00**
☐ Mitigation bank site	☐ Fee ($100) for resubmittal of rejected report
☐ Wetland restoration/enhancement project (not mitigation)	Name of Payor: **Branch Engineering**
☐ Industrial Land Certification Program Site	

Other Information:	Y	N	
Has previous delineation/application been made on parcel?	☐	☒	If known, previous DSL #
Does LWI, if any, show wetland or waters on parcel?	☒	☐	

For Office Use Only AAB

DSL Reviewer: JB	Fee Paid Date: 9 / 28 / 11	DSL WD # 2011-0310
Date Delineation Received: 9 / 23 / 11	DSL Project #	DSL Site #
Scanned: ☒ Final Scan: ☐	DSL WN #	DSL App. #

Oregon
Theodore R. Kulongoski, Governor

Department of Transportation
Transportation Building
355 Capitol St. NE, Rm. 301
Salem, OR 97301-3871

FILE CODE:

DATE: July 13, 2009

TO: Arrow Coyote, Cultural Resource Protection Coordinator, Confederated Tribes of Coos, Lower Umpqua & Siuslaw Indians
Don Day, Cultural Resource Site Protection Monitor, Confederated Tribes of the Grand Ronde Community of Oregon
Robert Kentta, Cultural Resources Director, Confederated Tribes of Siletz Indians
Eirik Thorsgard, Cultural Protection Coordinator, Confederated Tribes of the Grand Ronde Community of Oregon
Donna Hinze, Region 2 Environmental Coordinator, ODOT
Ted Keasey, Region 2 Project Leader, ODOT
Kurt Roedel, Archaeologist, ODOT
Chris Woods, Planning and Program Development Team Leader, FHWA
Key Number 13228, File Type C

FROM: Cindy Orendorff, Geo-Environmental Section

SUBJECT: **Request for Concurrence**
Finding of No Historic Properties Affected (Archaeology)
Siuslaw River Bridge Interpretive Waysides (Florence) Project
Lane County, Oregon
Key Number 13228, Federal Aid Number S009(190)PE

Attached is the signed concurrence from State Historic Preservation Office for the above-referenced project, **signed by SHPO on 7/8/09.**

Oregon
Theodore R. Kulongoski, Governor

Department of Transportation
Transportation Building
355 Capitol St. NE
Salem, Oregon 97301

FILE CODE:

Florence Quadrangle

T18S, R12W, Sec. 34

June 10, 2009

Roger Roper
Deputy State Historic Preservation Officer
Oregon State Historic Preservation Office
725 Summer Street NE, Suite C
Salem, OR 97310-1271

SHPO CASE# 09-1275

Subject: **Request for Concurrence**
Finding of No Historic Properties Affected (Archaeology)
Siuslaw River Bridge Interpretive Waysides (Florence) Project
Lane County, Oregon
Key Number 13228, Federal Aid Number S009(190)PE

Dear Mr. Roper:

The City of Florence and the Oregon Department of Transportation (ODOT) propose to construct a wayside to provide interpretation on the history of Florence and the Siuslaw River Bridge. The wayside would include a parking area under the bridge, adjacent to existing street parking, and a walkway over the Siuslaw River.

In 2007, Minor (2007) conducted a pedestrian survey and placed shovel probes near the north bank of the Siuslaw River, under the Siuslaw River Bridge, which was the initial location for the proposed parking area and walkway. Minor (2007) identified falsework and formwork associated with the construction of the historic bridge. Subsequently, a new location for the proposed walkway over the Siuslaw River was identified about 200 feet east of the bridge. In 2009, Carlisle and Hart (2009) conducted a pedestrian survey and placed shovel probes in the new location and did not identify any significant archaeological resources. No impacts would occur to the falsework and formwork.

Preliminary application of Section 106 Criteria for Identification and Evaluation of Historic Properties [36 CFR 800.4(d)] indicates a finding of "No Historic Properties Affected" for the Siuslaw River Bridge Interpretive Wayside (Florence) Project, based on the findings outlined above. ODOT, acting as an agent of the Federal Highway Administration (FHWA), requests your concurrence with a FINDING OF NO HISTORIC PROPERTIES AFFECTED (Archaeology) for the project.

Please contact Chris Woods, Planning and Program Development Team Leader, FHWA, at 503-587-4703, or James Norman, Environmental Planning Unit Manager, ODOT, 503-986-3514, if you have any questions.

Sincerely,

James B. Norman
Environmental Planning Unit Manager

The State Historic Preservation Office concurs that the Siuslaw River Bridge Interpretive Wayside (Florence) Project will have **No Effect on Historic Properties (Archaeology)**.

SHPO Official **Date** 7/8/09

Copies with attachments:

Arrow Coyote, Cultural Resource Protection Coordinator, Confederated Tribes of Coos, Lower Umpqua & Siuslaw Indians
Don Day, Cultural Resource Site Protection Monitor, Confederated Tribes of the Grand Ronde Community of Oregon
Robert Kentta, Cultural Resources Director, Confederated Tribes of Siletz Indians
Eirik Thorsgard, Cultural Protection Coordinator, Confederated Tribes of the Grand Ronde Community of Oregon
Key Number 13228, File Type C

Copies without attachments:

Donna Hinze, Region 2 Environmental Coordinator, ODOT
Ted Keasey, Region 2 Project Leader, ODOT
Kurt Roedel, Archaeologist, ODOT
Chris Woods, Planning and Program Development Team Leader, FHWA

City of Florence
Community Development Department

250 Highway 101 PH: (541) 997-8237
Florence, OR 97439-7623 FAX: (541) 997-4109

January 20, 2012

Jacque Betz, City Manager
Mike Miller, Public Works Director
250 Highway 101
Florence, OR 97439

Dear Ms. Betz and Mr. Miller,

This letter is submitted as part of the Community Development Department's review of your application for a conditional use permit and design review for the Siuslaw Interpretive Wayside located under the Siuslaw Bridge and at 1250 Bay Street, Map # 18-12-34-14 T/L 700, 101, and 107. Specifically, staff looked at the submitted documents and reviewed them for completeness in order to process the land use application. Staff also looked at the application to help you prepare for the public hearing as the Planning Commissioners have been emphasizing the need for complete applications. During the review, staff found that there are some items that are needed to make the application complete. The following text includes items to make the application complete, items which will clarify submitted information, and a discrepancy list.

Complete: The following are needed to make the application complete:

1. Off-Site Conditions: Florence City Code (FCC) 10-1-1-4-B-3 states, "3. Shall identify off-site conditions including property lines, utility locations and sizes, existing and future streets, land uses, significant grade changes and natural features such as streams, wetlands and sand dunes for an area not less than three hundred (300) feet from the proposed application site that is one (1) acre or larger and within 100 feet from the proposed application site that is less than one (1) acre in size. (Amd. By Ord. No. 4, Series 2011)."

The drawings do not show the off-site conditions within 100 feet of the west and east waysides. This information is helpful for the reviewing body to locate the site. Keep in mind that the Planning Commission will be in the Council Chambers, not on site, during the public hearing. The drawings need to provide sufficient context for an informed discussion. Please note that a survey is not needed for the off-site information, but may be collected from public documents such as the local wetlands inventory and aerial photography. This information may be shown on an aerial photograph or on the site plan.

2. Riprap Elevations: The narrative states that riprap will be added to the Wayside West. Sheet C6 (sheet 6 of 13) shows where the outfall protection will be on the Wayside East and

provides an elevation of how the rocks will be placed. The drawings do not include riprap for Wayside West. Provide a similar drawing of sheet C6 (sheet 6 of 13) for Wayside West riprap.

3. Phase 1: Site Investigation Report. (FCC 10-7-4) Phase I Site Investigation report checklist was not included in the application but is referred to in the Phase II report. Please include the Phase I Site Investigation Report.

4. Estuarine Impact Assessment: It is staff's understanding that a Environmental Impact Statement (EIS) will be required through the Corps of Engineers for the joint permit. If that is true, then the Environmental Impact Statement is needed to make findings for the Estuarine Impact Assessment as directed by FCC 10-19-1-C. Staff found that the submitted Biological Assessment addresses majority of the criteria in reviewing the Estuarine Impact Assessment with exception of the following criteria:

c. Water quality, including information on: increases in sedimentation and turbidity, decreases in dissolved oxygen concentration, changes in biological and chemical oxygen demand, contaminated sediments, alteration of salinity regime, disruption of naturally occurring water temperatures, changes due to reduction, diversion or impoundment of water.

d. Hydraulic characteristics, including information on: changes in water circulation patterns, shoaling patterns, potential of erosion or accretion in adjacent areas, changes in the floodplain, decreases in flushing capacity or decreases in rate of water flow from reduction, diversion or impoundment of water sources.

e. Air quality, including information on: quantities of emissions of particulates, expected inorganic and organic airborne pollutants.

Does the EIS which will be submitted to the Corps of Engineers address the above criteria? If the above criterion is addressed in the application and was missed, please direct staff to where the information is found.

<u>Additional Information</u>: The following additional information will be helpful to clarify the application:

5. Surrounding Parking: The Old Town Area A allows developments to count on-street parking as well as off-street parking. Please include the marked parking spaces in the Bay Street right-of-way on the site plan. It would also be helpful to show the ingress/egress for the alley parking lot area on the north side of Bay Street.

6. Landscaping Plan: The landscape plan states that irrigation will be provided for the overlook and rain garden area plantings and that the irrigation system will be designed and documented as part of construction drawings. FCC 10-34-3-2-F requires that a landscaping plan show the specification of irrigation. The type of irrigation provided may change the utility plans.

7. Bike Rack: The drawings and narrative indicated that bike racks will be placed at each wayside. How many bicycles will each bike rack hold?

<u>Discrepancies</u>: In working with the Planning Commission, staff has gained a better grasp of what the Planning Commission requires in drawings. The Planning Commission finds it difficult to interpret the drawings when there are internal discrepancies and discrepancies between the site conditions and the drawings. Staff found discrepancies between the submitted

application and what exists on the site or in the code. The following are recommended to be amended:

8. The Lighting Plan: In the narrative, on page 88, the findings state, "as shown in the lighting plan, the parking area will have lighting to provide two (0.2) foot-candles, which is an industry standard, of illumination at any point in the entire lot with a maximum of five (5) foot-candles over parking spaces and walkways." Drawing ST2 (sheet 10 of 13) shows the lighting on the waysides to be .2 to 1.8 foot candles. This does not meet the 2-5 foot-candles required. The plan shows that the walkway on Wayside East will have no lighting as it gets closer to the river. Furthermore, the ADA space will have 0.5 foot-candles. The site will need more lighting to meet the 2-5 foot-candles requirement (FCC 10-3-8-G) or the narrative will need to be revised to justify why the Planning Commission should approve a lower range of lighting.

9. Bathroom. Drawing ST2 (sheet 10 of 13) shows a bathroom located on the northwest corner. Is this bathroom still proposed? If so, the architectural elevations of the bathroom are required. It would be helpful to include the bathroom in the narrative description.

10. Lot Size. Page 8 of the narrative and drawing C1 (sheet 1 of 13) conflict on the lot size. The drawing shows the Wayside East area to be 0.4 acres, with 0.2 acres of disturbance area and 0.06 acres of new impervious area, while the narrative indicates the Wayside East is 0.29 acres. The drawing states that the Wayside West is 0.4 acres with 0.13 acres of new impervious area, while the narrative states that the Wayside West is .15 acres. The breakdown of the impervious area, disturbed area and site area is very useful, but would be helpful to have the actual square footages.

11. Bridge piers: The drawing shows the bridge piers to be a large rectangle, however, the bridge piers meet the ground as a pair of rectangles. Redrawing the piers will reduce conflict with what is on the site and reduce any confusion. Furthermore, drawing C2 (sheet 2 of 13) state "protect existing bridge support". Please explain how this will be accomplished.

12. Sidewalks: Sheet C3 (sheet 3 of 13) shows the sidewalk south of the parking spaces to be 4.5'. FCC 10-35-3-2-C requires sidewalks to be at least five feet wide, without curb. Note that FCC 10-3-9-E requires a minimum aisle width of 23 feet, so there is room to increase the sidewalk width.

13. Visual Aids: The narrative has indicated that visual aids (as defied by FCC 10-17-2) are not needed because structures are not proposed. If the bathroom is proposed as shown on sheet ST2, then visual aids are required. If the bathroom is not proposed, the Community Development Director agrees with the narrative that visual aids are not required at this time. However, if there are concerns from the public or Planning Commission about the how the project relates to the surroundings, the Planning Commission may require visual aids may become necessary.

The additional/revised information may be emailed to me at michelle.pezley@ci.florence.or.us. These clarifications will help staff in preparing the staff report and providing the clearest information for the public record, and reduce conflict between documents. Since this is a city project, Planning Staff would like to see the application meet the minimum requirements and become an example of what to include in a land use application.

You do have the right to deem the application complete at any time during this process, but please be aware that you have the burden of proof to meet the applicable criteria as stated in Florence City Code (FCC) 2-10-6. Furthermore, you have up to 180 days from the original submittal date to provide the needed information or the application will be voided. Thus, you have until July 3, 2012 to provide additional information. We are making the Siuslaw Interpretive Wayside a priority project and will schedule a public hearing as soon as we are able to deem the application complete.

Please note that in reviewing the application for completeness, we did not complete an analysis as whether or not the project meets the code. We will do that analysis as we prepare the staff report and make sure you are aware of any issues in a timely manner so you can address them prior to the public hearing.

If you have any questions, please feel free to contact me at michelle.pezley@ci.florence.or.us or at 541-997-8237.

Sincerely,

Michelle K. Pezley
Assistant Planner

cc: Carol Heinkel
Land Use File PC 12 02 CUP 01

TECHNICAL MEMORANDUM

Branch ENGINEERING Inc
Since 1977
civil · transportation
structural · geotechnical
SURVEYING

DATE: January 26, 2012

PROJECT: Siuslaw River Bridge Interpretive Wayside
Branch Project #11-001B

TO: Ms. Michelle K. Prezley, Assistant Planner

CC: Jacque Betz, Mike Miller, Carol Heinkel

FROM: Damien Gilbert, P.E.; Chris Irvin, P.E.

RE: Completeness Review for Design Review & Conditional Use Permit applications.

REGISTERED PROFESSIONAL ENGINEER
#62780PE
OREGON
JULY 13, 2004
DAMIEN GILBERT

EXPIRES: 6/30/2013

Thank you for the thorough review of the subject project land use applications. The purpose of this memorandum is to respond to the completeness review letter dated January 20, 2012 from the Community Development Department, for the subject land use application on behalf of the City of Florence City Manager's office and the Department of Public Works (applicants). As you have discussed with Carol Heinkel, we have limited our response to the four completeness related items in the interest of keeping the application timeline moving forward. In summary, the completeness and clarification items raised were minor and no substantive changes resulted to the development proposal as a result. The following lists each item in the letter and is followed by the respective response (**in bold text**):

Complete: The following are needed to make the application complete:
1. Off-Site Conditions: Florence City Code (FCC) 10-1-1-4-B-3 states, "3. Shall identify offsite conditions including property lines, utility locations and sizes, existing and future streets, land uses, significant grade changes and natural features such as streams, wetlands and sand dunes for an area not less than three hundred (300) feet from the proposed application site that is one (1) acre or larger and within 100 feet from the proposed application site that is less than one (1) acre in size. (Amd. By Ord. No. 4, Series 2011)."

The drawings do not show the off-site conditions within 100 feet of the west and east waysides. This information is helpful for the reviewing body to locate the site. Keep in mind that the Planning Commission will be in the Council Chambers, not on site, during the public hearing. The drawings need to provide sufficient context for an informed discussion. Please note that a survey is not needed for the off-site information, but may be collected from public documents

such as the local wetlands inventory and aerial photography. This information may be shown on an aerial photograph or on the site plan.

Please see the attached plan (sheet C2.1) showing schematic off-site information and all known features from the above list. The parking striping was already shown in the existing conditions plan, and text has been added to clarify.

2. Riprap Elevations: The narrative states that riprap will be added to the Wayside West. Sheet C6 (sheet 6 of 13) shows where the outfall protection will be on the Wayside East and provides an elevation of how the rocks will be placed. The drawings do not include riprap for Wayside West. Provide a similar drawing of sheet C6 (sheet 6 of 13) for Wayside West riprap.

There is no Riprap included with the proposed development.

3. Phase 1: Site Investigation Report. (FCC 10-7-4) Phase I Site Investigation report checklist was not included in the application but is referred to in the Phase II report. Please include the Phase I Site Investigation Report.

See attached.

4. Estuarine Impact Assessment: It is staff's understanding that a Environmental Impact Statement (EIS) will be required through the Corps of Engineers for the joint permit. If that is true, then the Environmental Impact Statement is needed to make findings for the Estuarine Impact Assessment as directed by FCC 10-19-1-C. Staff found that the submitted Biological Assessment addresses majority of the criteria in reviewing the Estuarine Impact Assessment with exception of the following criteria:

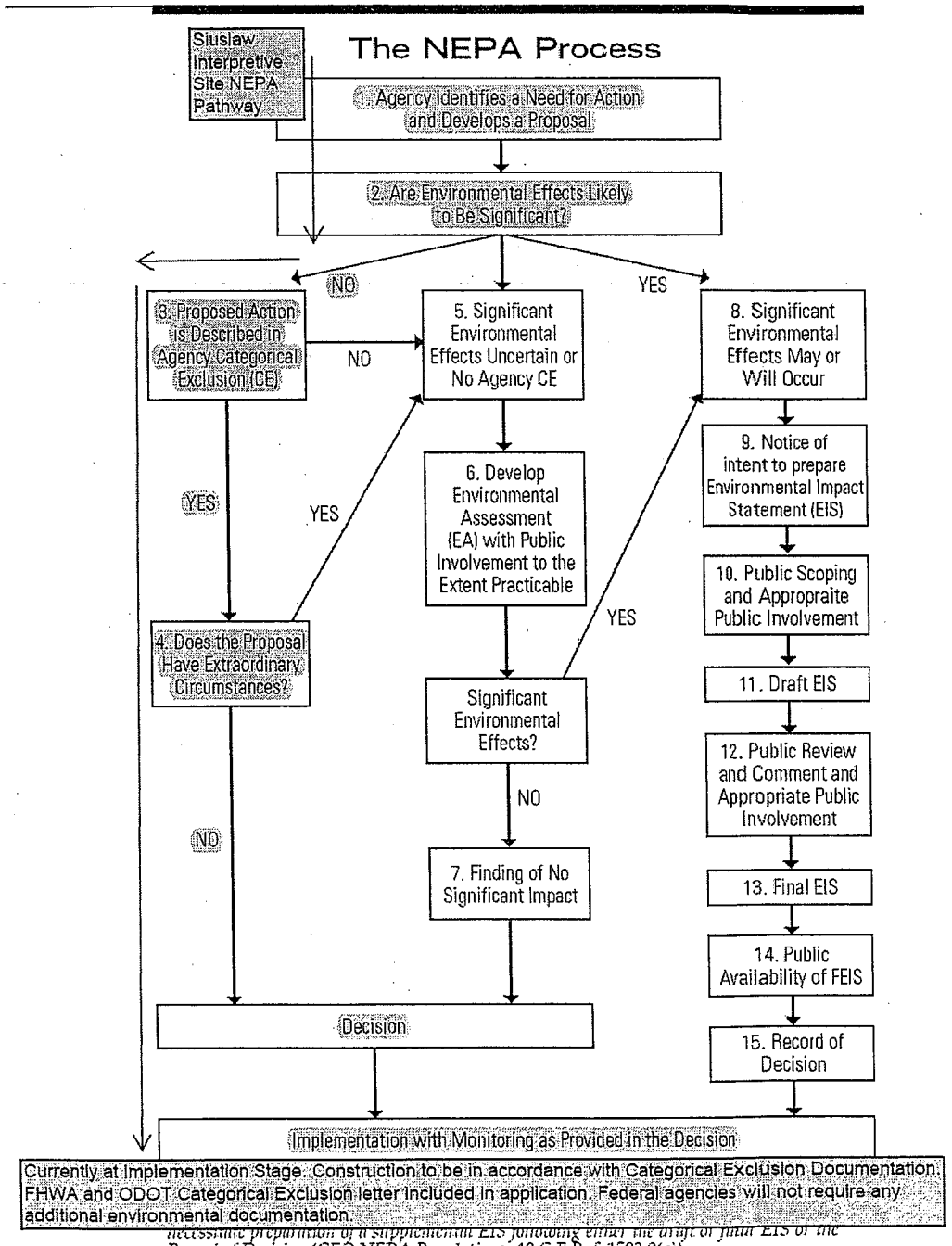
c. Water quality, including information on: increases in sedimentation and turbidity, decreases in dissolved oxygen concentration, changes in biological and chemical oxygen demand, contaminated sediments, alteration of salinity regime, disruption of naturally occurring water temperatures, changes due to reduction, diversion or impoundment of water.

d. Hydraulic characteristics, including information on: changes in water circulation patterns, shoaling patterns, potential of erosion or accretion in adjacent areas, changes in the floodplain, decreases in flushing capacity or decreases in rate of water flow from reduction, diversion or impoundment of water sources.

e. Air quality, including information on: quantities of emissions of particulates, expected inorganic and organic airborne pollutants.

Does the EIS which will be submitted to the Corps of Engineers address the above criteria? If the above criterion is addressed in the application and was missed, please direct staff to where the information is found.

Staff's understanding that an EIS will be required is incorrect. An Environmental Impact Statement (EIS) is a NEPA document, was not required for this project, and is not relevant to the Joint Permit process. An EIS is related to federal funding and will not be required since a Categorical Exclusion has already been obtained. A copy of the CE document is attached to this memorandum and below is an overview of the NEPA pathway used on this project for informational purposes.



necessitate preparation of a supplemental EIS following either the draft or final EIS or the Record of Decision (CEQ NEPA Regulations, 40 C.F.R. § 1502.9(c)).

8 A CITIZEN'S GUIDE TO THE NEPA

A Biological Assessment was prepared and reviewed by National Marine Fisheries Service (NMFS) and they determined that the project has "no significant impacts". All State and Federal environmental clearances were obtained in order to secure the project funding and the Categorical Exclusion. NMFS October 2009 concurrence letter and Biological Assessment provide more than adequate documentation to show the project complies with the city's Estuarine Impact Assessment requirements and will not negatively impact the estuary. In fact, the project will improve the health of the estuary by treating previously untreated stormwater, removing trash, eradicating invasive species on site, providing public education, and stabilizing eroding soils.

End of response to Completeness Review

Although unrelated to completeness, I offer the following clarification items for staff's information:

Bathroom: The bathroom shown on the lighting photometric plan is not included in the site plans and not proposed.

Illumination: It is my opinion that the development code required lighting levels are unreasonably high (10-times typical levels). Based on over 15 years of illumination engineering experience, the code listed range appears to be intended to represent "lux", not "footcandles". In referencing RP-20-98 Lighting for Parking Facilities, published by the Illumination Engineering Society of North America (IESNA), the recommended maintained illuminance values for parking lots suggests minimum horizontal illuminance levels of 0.2 (basic) to 0.5 (enhanced security) footcandles. Another measure of horizontal illuminance is lux, which is ten-times footcandle values, resulting in the recommended minimum range of 2 (basic) to 5 (enhanced security).

The applicant is also considering adding low wattage LED lighting for the interpretive signs and deck railing at the southeast portion of the site.

Sidewalk width: The development code has changed since this project was originally conceived, and the applicant respectfully requests that the planning commission make the added 6-inches of sidewalk a condition of approval.

Bridge Piers: The note "Protect existing bridge support" is construction related and not intended to meet or address development code. It is intended to make the prospective contractor responsible for not damaging the pier during construction. The intent of that note is the same as the intent of the note, "protect existing wetlands" on the same sheet. Both notes can be interpreted as saying, "do not disturb bridge pier (or wetland)".

Bicycle Parking: As illustrated on the landscape plans, two-bicycle parking spaces are proposed at each part of the site, or a total of 4 spaces.

Site area: The site area in question is 0.4 acres (rounded).

Again, the applicant appreciates the thorough and timely review of this application. I trust the above responses as well as the attached materials adequately address the completeness review comments, and we respectfully request that you deem the application complete at your earliest convenience and schedule the public hearing.

Please do not hesitate to contact me with any questions or concerns, or if the planning department does not agree that the application is complete. Thank you.

Michelle Pezley

From: Damien Gilbert [damien@branchengineering.com]
Sent: Friday, February 17, 2012 3:30 PM
To: Michelle Pezley
Cc: Mike Miller; Jacque Betz; 'Chris I.'
Subject: RE: a small snag, with a way out

Hi Michelle,

Thank you for asking about this, and offering a potential solution. I checked the written statement and agree this was not addressed with the initial submittal. It never occurred to me that a reverse buffer situation would need to be addressed to buffer land uses from the adjacent right of way. I was surprised to hear of the issue because the adjacent zoning is the same. As I indicated in our phone conversation, regardless of how this is being reviewed, the logic that the right of way must have buffering to protect adjacent properties suggests that public streets and sidewalks cannot be constructed at the edge of a right of way with on-street parking in residential zones and that all rights of way would need to get about 35 feet wider on each side of the street in low density residential zones to provide that buffer. This is a very unusual precedence to set. In my 15 years of designing improvements in the right of way and on private properties, I have never been required to adhere to lot standards in the right of way or provide added buffering to buffer a private parking area from parking in the right of way. It would be simplest to say the standards do not apply given this appears quite subjective.

Now to the buffer criteria if it must be applied to this project. I hope you are agreeable to the following thoughts:

> Assuming for the moment that the parking area is not in the right of way and that lot standards apply, it is my opinion that the intent of the buffer criteria is met due to the configuration of the neighboring developed site. The residential condos are roughly 25 feet away from the right of way (not surveyed). The mixed use commercial building is northerly of the proposed parking in the right of way. The southerly (residential) building is south of the proposed improvements. As you noted, it was constructed without windows facing the right of way. I assume this was due to the existing State Highway already occupying the right of way that the City is proposing to park in, and the lack of windows was their way of buffering themselves from the highway that they front. Most importantly, the area proposed for development of the interpretive site parking in the right of way primarily abuts the mixed use commercial and residential parking lot and refuse dumpster. There is no need to have added buffering of a parking area from a parking area.

I hope this information is useful and helps your staff report support this criterion as being met, or non-applicable. I prefer this not become an issue at the planning commission hearing. Losing a parking space (or likely two) is not the only impact that this would have, and I imagine not an option for the applicant. The viewing area would be reduced and the ADA space would

need to be relocated, as well.

Having said all of that, we easily meet lot standards for front yard setback (Washington) and the rear yard setback (California). ☺ Let me know if there is anything else we can clarify. I look forward to reviewing a draft staff report and recommended conditions prior to issuance.

I hope you have a nice weekend!

DAMIEN GILBERT, P.E.
Principal

BRANCH ENGINEERING, INC.
310 5th Street, Springfield, OR 97477
p: 541.746.0637
f: 541.746.0389
www.branchengineering.com

Springfield OR | Salem OR

From: Michelle Pezley [mailto:michelle.pezley@ci.florence.or.us]
Sent: Thursday, February 16, 2012 5:14 PM
To: Damien Gilbert; 'Chris I.'
Cc: Mike Miller
Subject: a small snag, with a way out

Hi Damien,

There is one code requirement that I came across and want your input to.

The code requires a buffer between a non-residential use and a residential use in FCC 10-34-3-7. As indicated in the current condition map, the wayside west is next to the Stillwater Condos. Below is the buffer requirements.

Adjoining Land Use / Zoning	**Landscaped Buffer and/or Fence or Wall**
Abutting single family Zoning or use	15 foot buffer with 6' solid wood fence or block wall or 35 foot landscaped buffer
Abutting Duplex, triplex or townhouse zoning or use	15 foot buffer with 6' solid wood fence or block wall or 25 foot landscaped buffer
Abutting multiple family or condominiums	15 foot buffer with 6' solid wood fence or block wall or 15 foot landscaped buffer

As shown in the table above, that there needs to be at least a 15 foot buffer. There is good news: the Planning Commission can reduce the buffer strip. The code states, "In no case shall the buffer strip be less than 15 feet in width unless reduced by the Planning Commission where a lesser distance will provide adequate buffering. The buffer strip may include existing vegetation, landscape plantings, evergreen hedge, berm, fence, and/or wall components. Fence and wall structures shall be not less than 6 feet and no more than 8 feet in height (see also

Section 10-34-5). The landscaped buffer shall effectively screen at least 70 percent of the view between districts within five (5) years. Significant vegetation in these buffer strips may be preserved in accordance with Section 10-34-2, and replanting of local native vegetation is encouraged."

As I am writing this, I came up with a reason the buffer should be reduced. The buffer would interfere with the viewshed of the bridge. However, the Planning Commission may disagree with that. Would it a huge loss if the parking lot is reduced by one parking space and landscaping added along the west boundary line? Thoughts?

Michelle

Michelle Pezley

From: Chris I. [chris@branchengineering.com]
Sent: Tuesday, February 21, 2012 4:37 PM
To: Michelle Pezley
Cc: 'Damien Gilbert'; Mike Miller; 'Scott Olson'
Subject: RE: another question

Michelle,

There a number of reasons we left the sidewalk in front of the east site at 5' and not widened to 8'. First there isn't 3 feet of clearance to the bridge pier or the proposed handicapped space. An 8' sidewalk would therefore require a couple awkward transitions to 6' to 7' in width or relocation of the curb and on street parking. To get a full 8' sidewalk the length of the east site the curb, gutter, sidewalk, and possibly driveway would have to be removed and replaced. The city paid for and installed this existing curb, sidewalk, and driveway in coordination with this project about 10 years ago meeting the standards at the time not realizing it would take so many years to get where we are today. The other reason the 5' sidewalk was left was to leave room for an adequate vegetative buffer from the parking area and the sidewalk. Earlier concepts had pavers between the sidewalk and the parking area but acting on advice from our landscape architect we removed the pavers and added a landscaped area. The extra 3' would really reduce the landscaping and buffering effect. Because the existing sidewalk improvements are so new and the value of a vegetated buffer high we thought it prudent to leave the sidewalk alone. You will note that we in essence added a new pedestrian loop most of the length of the street frontage from the west side of the west site, down to the overlook, and looped back to the east side of the west site. Since it is all right of way it is basically parallel 5' separated walks which I think fulfills similar intent as the 8' sidewalk.

Thanks. Let me know if you have any additional questions.

CHRIS IRVIN, P.E.
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From: Michelle Pezley [mailto:michelle.pezley@ci.florence.or.us]
Sent: Tuesday, February 21, 2012 11:08 AM
To: Damien Gilbert; 'Chris I.'; Mike Miller
Subject: another question

Damien, another question for you. In Carol's findings she states, "The public sidewalk will exceed eight feet (8') in width at the east portion of the site, while the existing public sidewalk at the west portion of the site is five feet (5'). Widening of the sidewalk is proposed for the central 25 feet of the frontage where feasible and the remaining frontages include landscape treatments." (page 92). The drawing for the landscaping is the only drawing that

Why can't the city widen the sidewalk 8 feet wide in front of Wayside West?

Michelle