

# IPaC resource list

This report is an automatically generated list of species and other resources such as critical habitat (collectively referred to as *trust resources*) under the U.S. Fish and Wildlife Service's (USFWS) jurisdiction that are known or expected to be on or near the project area referenced below. The list may also include trust resources that occur outside of the project area, but that could potentially be directly or indirectly affected by activities in the project area. However, determining the likelihood and extent of effects a project may have on trust resources typically requires gathering additional site-specific (e.g., vegetation/species surveys) and project-specific (e.g., magnitude and timing of proposed activities) information.

Below is a summary of the project information you provided and contact information for the USFWS office(s) with jurisdiction in the defined project area. Please read the introduction to each section that follows (Endangered Species, Migratory Birds, USFWS Facilities, and NWI Wetlands) for additional information applicable to the trust resources addressed in that section.

## Location

Lane County, Oregon



## Local office

Oregon Fish And Wildlife Office

☎ (503) 231-6179

📠 (503) 231-6195

2600 Southeast 98th Avenue, Suite 100  
Portland, OR 97266-1398

<https://www.fws.gov/oregonfwo/articles.cfm?id=149489416>

# Endangered species

**This resource list is for informational purposes only and does not constitute an analysis of project level impacts.**

The primary information used to generate this list is the known or expected range of each species. Additional areas of influence (AOI) for species are also considered. An AOI includes areas outside of the species range if the species could be indirectly affected by activities in that area (e.g., placing a dam upstream of a fish population even if that fish does not occur at the dam site, may indirectly impact the species by reducing or eliminating water flow downstream). Because species can move, and site conditions can change, the species on this list are not guaranteed to be found on or near the project area. To fully determine any potential effects to species, additional site-specific and project-specific information is often required.

Section 7 of the Endangered Species Act **requires** Federal agencies to "request of the Secretary information whether any species which is listed or proposed to be listed may be present in the area of such proposed action" for any project that is conducted, permitted, funded, or licensed by any Federal agency. A letter from the local office and a species list which fulfills this requirement can **only** be obtained by requesting an official species list from either the Regulatory Review section in IPaC (see directions below) or from the local field office directly.

For project evaluations that require USFWS concurrence/review, please return to the IPaC website and request an official species list by doing the following:

1. Draw the project location and click CONTINUE.
2. Click DEFINE PROJECT.
3. Log in (if directed to do so).
4. Provide a name and description for your project.
5. Click REQUEST SPECIES LIST.

Listed species<sup>1</sup> and their critical habitats are managed by the [Ecological Services Program](#) of the U.S. Fish and Wildlife Service (USFWS) and the fisheries division of the National Oceanic and Atmospheric Administration (NOAA Fisheries<sup>2</sup>).

Species and critical habitats under the sole responsibility of NOAA Fisheries are **not** shown on this list. Please contact [NOAA Fisheries](#) for [species under their jurisdiction](#).

1. Species listed under the [Endangered Species Act](#) are threatened or endangered; IPaC also shows species that are candidates, or proposed, for listing. See the [listing status page](#) for more information. IPaC only shows species that are regulated by USFWS (see FAQ).
2. [NOAA Fisheries](#), also known as the National Marine Fisheries Service (NMFS), is an office of the National Oceanic and Atmospheric Administration within the Department of Commerce.

The following species are potentially affected by activities in this location:

## Mammals

NAME

STATUS



Pacific Marten, Coastal Distinct Population Segment *Martes caurina* Threatened  
Wherever found  
No critical habitat has been designated for this species.  
<http://ecos.fws.gov/ecp/species/9081>

## Birds

NAME	STATUS
Marbled Murrelet <i>Brachyramphus marmoratus</i> There is <b>final</b> critical habitat for this species. Your location overlaps the critical habitat. <a href="http://ecos.fws.gov/ecp/species/4467">http://ecos.fws.gov/ecp/species/4467</a>	Threatened
Northern Spotted Owl <i>Strix occidentalis caurina</i> Wherever found There is <b>final</b> critical habitat for this species. Your location overlaps the critical habitat. <a href="http://ecos.fws.gov/ecp/species/1123">http://ecos.fws.gov/ecp/species/1123</a>	Threatened
Short-tailed Albatross <i>Phoebastria (=Diomedea) albatrus</i> Wherever found No critical habitat has been designated for this species. <a href="http://ecos.fws.gov/ecp/species/433">http://ecos.fws.gov/ecp/species/433</a>	Endangered
Streaked Horned Lark <i>Eremophila alpestris strigata</i> Wherever found There is <b>final</b> critical habitat for this species. The location of the critical habitat is not available. <a href="http://ecos.fws.gov/ecp/species/7268">http://ecos.fws.gov/ecp/species/7268</a>	Threatened
Western Snowy Plover <i>Charadrius nivosus nivosus</i> There is <b>final</b> critical habitat for this species. Your location overlaps the critical habitat. <a href="http://ecos.fws.gov/ecp/species/8035">http://ecos.fws.gov/ecp/species/8035</a>	Threatened
Yellow-billed Cuckoo <i>Coccyzus americanus</i> There is <b>final</b> critical habitat for this species. The location of the critical habitat is not available. <a href="http://ecos.fws.gov/ecp/species/3911">http://ecos.fws.gov/ecp/species/3911</a>	Threatened

## Reptiles

NAME	STATUS
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Leatherback Sea Turtle *Dermochelys coriacea* Endangered

Wherever found

There is **final** critical habitat for this species. The location of the critical habitat is not available.

<http://ecos.fws.gov/ecp/species/1493>

Loggerhead Sea Turtle *Caretta caretta* Endangered

No critical habitat has been designated for this species.

<http://ecos.fws.gov/ecp/species/1110>

Olive Ridley Sea Turtle *Lepidochelys olivacea* Threatened

No critical habitat has been designated for this species.

<http://ecos.fws.gov/ecp/species/1513>

## Amphibians

NAME

STATUS

Oregon Spotted Frog *Rana pretiosa* Threatened

Wherever found

There is **final** critical habitat for this species. Your location overlaps the critical habitat.

<http://ecos.fws.gov/ecp/species/6633>

## Fishes

NAME

STATUS

Bull Trout *Salvelinus confluentus* Threatened

There is **final** critical habitat for this species. Your location overlaps the critical habitat.

<http://ecos.fws.gov/ecp/species/8212>

## Insects

NAME

STATUS

Fender's Blue Butterfly *Icaricia icarioides fenderi* Endangered

Wherever found

There is **final** critical habitat for this species. Your location overlaps the critical habitat.

<http://ecos.fws.gov/ecp/species/6659>

Monarch Butterfly *Danaus plexippus* Candidate

Wherever found

No critical habitat has been designated for this species.

<http://ecos.fws.gov/ecp/species/9743>



Oregon Silverspot Butterfly *Speyeria zerene hippolyta* Threatened  
 Wherever found  
 There is **final** critical habitat for this species. Your location overlaps the critical habitat.  
<http://ecos.fws.gov/ecp/species/6930>

## Flowering Plants

NAME	STATUS
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Golden Paintbrush <i>Castilleja levisecta</i> Wherever found No critical habitat has been designated for this species. <a href="http://ecos.fws.gov/ecp/species/7706">http://ecos.fws.gov/ecp/species/7706</a>	Threatened
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Kincaid's Lupine <i>Lupinus sulphureus</i> ssp. <i>kincaidii</i> Wherever found There is <b>final</b> critical habitat for this species. Your location overlaps the critical habitat. <a href="http://ecos.fws.gov/ecp/species/3747">http://ecos.fws.gov/ecp/species/3747</a>	Threatened
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Nelson's Checker-mallow <i>Sidalcea nelsoniana</i> Wherever found No critical habitat has been designated for this species. <a href="http://ecos.fws.gov/ecp/species/7340">http://ecos.fws.gov/ecp/species/7340</a>	Threatened
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Willamette Daisy <i>Erigeron decumbens</i> Wherever found There is <b>final</b> critical habitat for this species. Your location overlaps the critical habitat. <a href="http://ecos.fws.gov/ecp/species/6270">http://ecos.fws.gov/ecp/species/6270</a>	Endangered
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## Conifers and Cycads

NAME	STATUS
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Whitebark Pine <i>Pinus albicaulis</i> Wherever found No critical habitat has been designated for this species. <a href="http://ecos.fws.gov/ecp/species/1748">http://ecos.fws.gov/ecp/species/1748</a>	Proposed Threatened
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## Critical habitats

Potential effects to critical habitat(s) in this location must be analyzed along with the endangered species themselves.

This location overlaps the critical habitat for the following species:

NAME	TYPE
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Bull Trout <i>Salvelinus confluentus</i> <a href="http://ecos.fws.gov/ecp/species/8212#crithab">http://ecos.fws.gov/ecp/species/8212#crithab</a>	Final
Fender's Blue Butterfly <i>Icaricia icarioides fenderi</i> <a href="http://ecos.fws.gov/ecp/species/6659#crithab">http://ecos.fws.gov/ecp/species/6659#crithab</a>	Final
Kincaid's Lupine <i>Lupinus sulphureus</i> ssp. <i>kincaidii</i> <a href="http://ecos.fws.gov/ecp/species/3747#crithab">http://ecos.fws.gov/ecp/species/3747#crithab</a>	Final
Marbled Murrelet <i>Brachyramphus marmoratus</i> <a href="http://ecos.fws.gov/ecp/species/4467#crithab">http://ecos.fws.gov/ecp/species/4467#crithab</a>	Final
Northern Spotted Owl <i>Strix occidentalis caurina</i> <a href="http://ecos.fws.gov/ecp/species/1123#crithab">http://ecos.fws.gov/ecp/species/1123#crithab</a>	Final
Oregon Silverspot Butterfly <i>Speyeria zerene hippolyta</i> <a href="http://ecos.fws.gov/ecp/species/6930#crithab">http://ecos.fws.gov/ecp/species/6930#crithab</a>	Final
Oregon Spotted Frog <i>Rana pretiosa</i> <a href="http://ecos.fws.gov/ecp/species/6633#crithab">http://ecos.fws.gov/ecp/species/6633#crithab</a>	Final
Western Snowy Plover <i>Charadrius nivosus nivosus</i> <a href="http://ecos.fws.gov/ecp/species/8035#crithab">http://ecos.fws.gov/ecp/species/8035#crithab</a>	Final
Willamette Daisy <i>Erigeron decumbens</i> <a href="http://ecos.fws.gov/ecp/species/6270#crithab">http://ecos.fws.gov/ecp/species/6270#crithab</a>	Final

## Migratory birds

Certain birds are protected under the Migratory Bird Treaty Act<sup>1</sup> and the Bald and Golden Eagle Protection Act<sup>2</sup>.

Any person or organization who plans or conducts activities that may result in impacts to migratory birds, eagles, and their habitats should follow appropriate regulations and consider implementing appropriate conservation measures, as described [below](#).

1. The [Migratory Birds Treaty Act](#) of 1918.
2. The [Bald and Golden Eagle Protection Act](#) of 1940.

Additional information can be found using the following links:

- Birds of Conservation Concern <http://www.fws.gov/birds/management/managed-species/birds-of-conservation-concern.php>



- Measures for avoiding and minimizing impacts to birds  
<http://www.fws.gov/birds/management/project-assessment-tools-and-guidance/conservation-measures.php>
- Nationwide conservation measures for birds  
<http://www.fws.gov/migratorybirds/pdf/management/nationwidestandardconservationmeasures.pdf>

The birds listed below are birds of particular concern either because they occur on the [USFWS Birds of Conservation Concern](#) (BCC) list or warrant special attention in your project location. To learn more about the levels of concern for birds on your list and how this list is generated, see the FAQ [below](#). This is not a list of every bird you may find in this location, nor a guarantee that every bird on this list will be found in your project area. To see exact locations of where birders and the general public have sighted birds in and around your project area, visit the [E-bird data mapping tool](#) (Tip: enter your location, desired date range and a species on your list). For projects that occur off the Atlantic Coast, additional maps and models detailing the relative occurrence and abundance of bird species on your list are available. Links to additional information about Atlantic Coast birds, and other important information about your migratory bird list, including how to properly interpret and use your migratory bird report, can be found [below](#).

For guidance on when to schedule activities or implement avoidance and minimization measures to reduce impacts to migratory birds on your list, click on the PROBABILITY OF PRESENCE SUMMARY at the top of your list to see when these birds are most likely to be present and breeding in your project area.

NAME

BREEDING SEASON (IF A BREEDING SEASON IS INDICATED FOR A BIRD ON YOUR LIST, THE BIRD MAY BREED IN YOUR PROJECT AREA SOMETIME WITHIN THE TIMEFRAME SPECIFIED, WHICH IS A VERY LIBERAL ESTIMATE OF THE DATES INSIDE WHICH THE BIRD BREEDS ACROSS ITS ENTIRE RANGE. "BREEDS ELSEWHERE" INDICATES THAT THE BIRD DOES NOT LIKELY BREED IN YOUR PROJECT AREA.)

Bald Eagle *Haliaeetus leucocephalus*

This is not a Bird of Conservation Concern (BCC) in this area, but warrants attention because of the Eagle Act or for potential susceptibilities in offshore areas from certain types of development or activities.

<http://ecos.fws.gov/ecp/species/1626>

Breeds Jan 1 to Sep 30

Black Oystercatcher *Haematopus bachmani*

This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.

<http://ecos.fws.gov/ecp/species/9591>

Breeds Apr 15 to Oct 31

**Black Scoter** *Melanitta nigra*

This is not a Bird of Conservation Concern (BCC) in this area, but warrants attention because of the Eagle Act or for potential susceptibilities in offshore areas from certain types of development or activities.

Breeds elsewhere

**Black Swift** *Cypseloides niger*

This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.

<http://ecos.fws.gov/ecp/species/8878>

Breeds Jun 15 to Sep 10

**Black Turnstone** *Arenaria melanocephala*

This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.

Breeds elsewhere

**Black-legged Kittiwake** *Rissa tridactyla*

This is not a Bird of Conservation Concern (BCC) in this area, but warrants attention because of the Eagle Act or for potential susceptibilities in offshore areas from certain types of development or activities.

Breeds elsewhere

**Black-vented Shearwater** *Puffinus opisthomelas*

This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.

Breeds elsewhere

**Brown Pelican** *Pelecanus occidentalis*

This is not a Bird of Conservation Concern (BCC) in this area, but warrants attention because of the Eagle Act or for potential susceptibilities in offshore areas from certain types of development or activities.

Breeds Jan 15 to Sep 30

**Cassin's Finch** *Carpodacus cassinii*

This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.

<http://ecos.fws.gov/ecp/species/9462>

Breeds May 15 to Jul 15

**Clark's Grebe** *Aechmophorus clarkii*

This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.

Breeds Jun 1 to Aug 31

**Common Loon** *Gavia immer*

This is not a Bird of Conservation Concern (BCC) in this area, but warrants attention because of the Eagle Act or for potential susceptibilities in offshore areas from certain types of development or activities.

<http://ecos.fws.gov/ecp/species/4464>

Breeds Apr 15 to Oct 31



<p>Common Murre <i>Uria aalge</i>  This is not a Bird of Conservation Concern (BCC) in this area, but warrants attention because of the Eagle Act or for potential susceptibilities in offshore areas from certain types of development or activities.</p>	<p>Breeds Apr 15 to Aug 15</p>
<p>Double-crested Cormorant <i>phalacrocorax auritus</i>  This is not a Bird of Conservation Concern (BCC) in this area, but warrants attention because of the Eagle Act or for potential susceptibilities in offshore areas from certain types of development or activities.  <a href="http://ecos.fws.gov/ecp/species/3478">http://ecos.fws.gov/ecp/species/3478</a></p>	<p>Breeds Apr 20 to Aug 31</p>
<p>Evening Grosbeak <i>Coccothraustes vespertinus</i>  This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.</p>	<p>Breeds May 15 to Aug 10</p>
<p>Golden Eagle <i>Aquila chrysaetos</i>  This is not a Bird of Conservation Concern (BCC) in this area, but warrants attention because of the Eagle Act or for potential susceptibilities in offshore areas from certain types of development or activities.  <a href="http://ecos.fws.gov/ecp/species/1680">http://ecos.fws.gov/ecp/species/1680</a></p>	<p>Breeds Jan 1 to Aug 31</p>
<p>Lesser Yellowlegs <i>Tringa flavipes</i>  This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.  <a href="http://ecos.fws.gov/ecp/species/9679">http://ecos.fws.gov/ecp/species/9679</a></p>	<p>Breeds elsewhere</p>
<p>Long-tailed Duck <i>Clangula hyemalis</i>  This is not a Bird of Conservation Concern (BCC) in this area, but warrants attention because of the Eagle Act or for potential susceptibilities in offshore areas from certain types of development or activities.  <a href="http://ecos.fws.gov/ecp/species/7238">http://ecos.fws.gov/ecp/species/7238</a></p>	<p>Breeds elsewhere</p>
<p>Manx Shearwater <i>Puffinus puffinus</i>  This is not a Bird of Conservation Concern (BCC) in this area, but warrants attention because of the Eagle Act or for potential susceptibilities in offshore areas from certain types of development or activities.</p>	<p>Breeds Apr 15 to Oct 31</p>
<p>Marbled Godwit <i>Limosa fedoa</i>  This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.  <a href="http://ecos.fws.gov/ecp/species/9481">http://ecos.fws.gov/ecp/species/9481</a></p>	<p>Breeds elsewhere</p>

<p>Olive-sided Flycatcher <i>Contopus cooperi</i>  This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.  <a href="http://ecos.fws.gov/ecp/species/3914">http://ecos.fws.gov/ecp/species/3914</a></p>	Breeds May 20 to Aug 31
<p>Pink-footed Shearwater <i>Puffinus creatopus</i>  This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.</p>	Breeds elsewhere
<p>Pomarine Jaeger <i>Stercorarius pomarinus</i>  This is not a Bird of Conservation Concern (BCC) in this area, but warrants attention because of the Eagle Act or for potential susceptibilities in offshore areas from certain types of development or activities.</p>	Breeds elsewhere
<p>Red Phalarope <i>Phalaropus fulicarius</i>  This is not a Bird of Conservation Concern (BCC) in this area, but warrants attention because of the Eagle Act or for potential susceptibilities in offshore areas from certain types of development or activities.</p>	Breeds elsewhere
<p>Red-breasted Merganser <i>Mergus serrator</i>  This is not a Bird of Conservation Concern (BCC) in this area, but warrants attention because of the Eagle Act or for potential susceptibilities in offshore areas from certain types of development or activities.</p>	Breeds elsewhere
<p>Red-necked Phalarope <i>Phalaropus lobatus</i>  This is not a Bird of Conservation Concern (BCC) in this area, but warrants attention because of the Eagle Act or for potential susceptibilities in offshore areas from certain types of development or activities.</p>	Breeds elsewhere
<p>Red-throated Loon <i>Gavia stellata</i>  This is not a Bird of Conservation Concern (BCC) in this area, but warrants attention because of the Eagle Act or for potential susceptibilities in offshore areas from certain types of development or activities.</p>	Breeds elsewhere
<p>Ring-billed Gull <i>Larus delawarensis</i>  This is not a Bird of Conservation Concern (BCC) in this area, but warrants attention because of the Eagle Act or for potential susceptibilities in offshore areas from certain types of development or activities.</p>	Breeds elsewhere



Rufous Hummingbird *selasphorus rufus*

Breeds Apr 15 to Jul 15

This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.

<http://ecos.fws.gov/ecp/species/8002>

Short-billed Dowitcher *Limnodromus griseus*

Breeds Jun 1 to Aug 10

This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.

<http://ecos.fws.gov/ecp/species/9480>

Surf Scoter *Melanitta perspicillata*

Breeds elsewhere

This is not a Bird of Conservation Concern (BCC) in this area, but warrants attention because of the Eagle Act or for potential susceptibilities in offshore areas from certain types of development or activities.

White-winged Scoter *Melanitta fusca*

Breeds elsewhere

This is not a Bird of Conservation Concern (BCC) in this area, but warrants attention because of the Eagle Act or for potential susceptibilities in offshore areas from certain types of development or activities.

Willet *Tringa semipalmata*

Breeds elsewhere

This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.

Wrentit *Chamaea fasciata*

Breeds Mar 15 to Aug 10

This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.

## Probability of Presence Summary

The graphs below provide our best understanding of when birds of concern are most likely to be present in your project area. This information can be used to tailor and schedule your project activities to avoid or minimize impacts to birds. Please make sure you read and understand the FAQ "Proper Interpretation and Use of Your Migratory Bird Report" before using or attempting to interpret this report.

### Probability of Presence (■)

Each green bar represents the bird's relative probability of presence in the 10km grid cell(s) your project overlaps during a particular week of the year. (A year is represented as 12 4-week months.) A taller bar indicates a higher probability of species presence. The survey effort (see below) can be used to establish a level of confidence in the presence score. One can have higher confidence in the presence score if the corresponding survey effort is also high.

How is the probability of presence score calculated? The calculation is done in three steps:





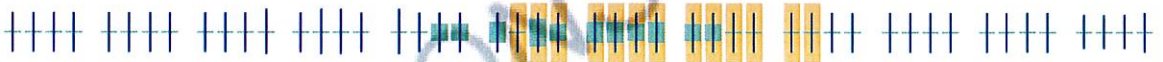
Black  
Oystercatcher  
BCC Rangewide  
(CON) (This is a  
Bird of  
Conservation  
Concern (BCC)  
throughout its  
range in the  
continental USA  
and Alaska.)



Black Scoter  
Non-BCC  
Vulnerable (This is  
not a Bird of  
Conservation  
Concern (BCC) in  
this area, but  
warrants attention  
because of the  
Eagle Act or for  
potential  
susceptibilities in  
offshore areas  
from certain types  
of development or  
activities.)



Black Swift  
BCC Rangewide  
(CON) (This is a  
Bird of  
Conservation  
Concern (BCC)  
throughout its  
range in the  
continental USA  
and Alaska.)



Black Turnstone  
BCC Rangewide  
(CON) (This is a  
Bird of  
Conservation  
Concern (BCC)  
throughout its  
range in the  
continental USA  
and Alaska.)



NOT FOR CONSULTATION

Black-legged Kittiwake  
Non-BCC  
Vulnerable (This is not a Bird of Conservation Concern (BCC) in this area, but warrants attention because of the Eagle Act or for potential susceptibilities in offshore areas from certain types of development or activities.)



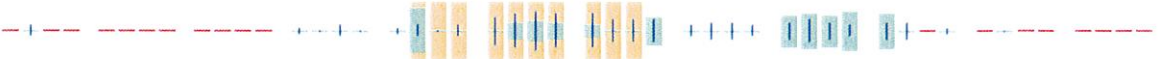
Black-vented Shearwater  
BCC Rangewide (CON) (This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.)



Brown Pelican  
Non-BCC  
Vulnerable (This is not a Bird of Conservation Concern (BCC) in this area, but warrants attention because of the Eagle Act or for potential susceptibilities in offshore areas from certain types of development or activities.)



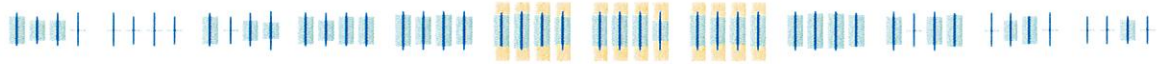
Cassin's Finch  
BCC Rangewide (CON) (This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.)



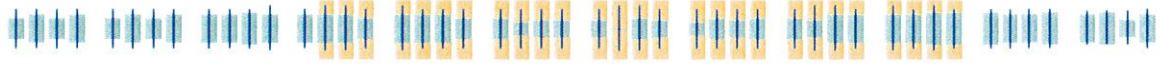
NOT FOR CONSULTATION



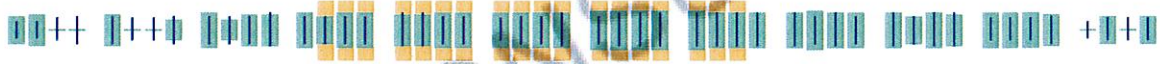
Clark's Grebe  
 BCC Rangewide  
 (CON) (This is a  
 Bird of  
 Conservation  
 Concern (BCC)  
 throughout its  
 range in the  
 continental USA  
 and Alaska.)



Common Loon  
 Non-BCC  
 Vulnerable (This is  
 not a Bird of  
 Conservation  
 Concern (BCC) in  
 this area, but  
 warrants attention  
 because of the  
 Eagle Act or for  
 potential  
 susceptibilities in  
 offshore areas  
 from certain types  
 of development or  
 activities.)



Common Murre  
 Non-BCC  
 Vulnerable (This is  
 not a Bird of  
 Conservation  
 Concern (BCC) in  
 this area, but  
 warrants attention  
 because of the  
 Eagle Act or for  
 potential  
 susceptibilities in  
 offshore areas  
 from certain types  
 of development or  
 activities.)

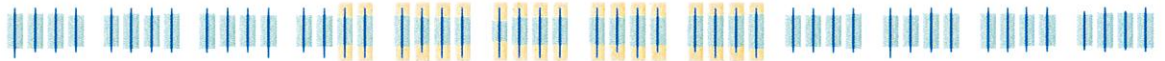


SPECIES

JAN FEB MAR APR MAY JUN JUL AUG SEP OCT NOV DEC

NOT FOR CONSULTATION

Double-crested  
Cormorant  
Non-BCC  
Vulnerable (This is  
not a Bird of  
Conservation  
Concern (BCC) in  
this area, but  
warrants attention  
because of the  
Eagle Act or for  
potential  
susceptibilities in  
offshore areas  
from certain types  
of development or  
activities.)



Evening Grosbeak  
BCC Rangewide  
(CON) (This is a  
Bird of  
Conservation  
Concern (BCC)  
throughout its  
range in the  
continental USA  
and Alaska.)



Golden Eagle  
Non-BCC  
Vulnerable (This is  
not a Bird of  
Conservation  
Concern (BCC) in  
this area, but  
warrants attention  
because of the  
Eagle Act or for  
potential  
susceptibilities in  
offshore areas  
from certain types  
of development or  
activities.)



Lesser Yellowlegs  
BCC Rangewide  
(CON) (This is a  
Bird of  
Conservation  
Concern (BCC)  
throughout its  
range in the  
continental USA  
and Alaska.)



NOT FOR CONSULTATION



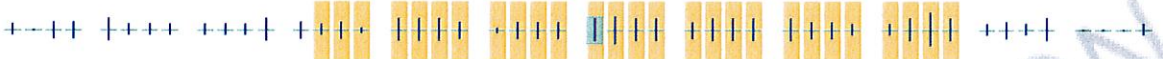
Long-tailed Duck  
Non-BCC

Vulnerable (This is not a Bird of Conservation Concern (BCC) in this area, but warrants attention because of the Eagle Act or for potential susceptibilities in offshore areas from certain types of development or activities.)



Manx Shearwater  
Non-BCC

Vulnerable (This is not a Bird of Conservation Concern (BCC) in this area, but warrants attention because of the Eagle Act or for potential susceptibilities in offshore areas from certain types of development or activities.)



Marbled Godwit  
BCC Rangewide  
(CON) (This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.)



Olive-sided  
Flycatcher  
BCC Rangewide  
(CON) (This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.)



NOT FOR CONSULTATION

Pink-footed Shearwater  
BCC Rangewide (CON) (This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.)



Pomarine Jaeger  
Non-BCC Vulnerable (This is not a Bird of Conservation Concern (BCC) in this area, but warrants attention because of the Eagle Act or for potential susceptibilities in offshore areas from certain types of development or activities.)



Red Phalarope  
Non-BCC Vulnerable (This is not a Bird of Conservation Concern (BCC) in this area, but warrants attention because of the Eagle Act or for potential susceptibilities in offshore areas from certain types of development or activities.)



NOT FOR CONSULTATION



Red-breasted Merganser  
 Non-BCC  
 Vulnerable (This is not a Bird of Conservation Concern (BCC) in this area, but warrants attention because of the Eagle Act or for potential susceptibilities in offshore areas from certain types of development or activities.)



SPECIES

JAN FEB MAR APR MAY JUN JUL AUG SEP OCT NOV DEC

Red-necked Phalarope  
 Non-BCC  
 Vulnerable (This is not a Bird of Conservation Concern (BCC) in this area, but warrants attention because of the Eagle Act or for potential susceptibilities in offshore areas from certain types of development or activities.)



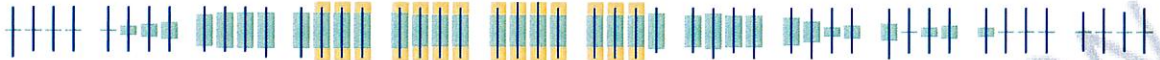
Red-throated Loon  
 Non-BCC  
 Vulnerable (This is not a Bird of Conservation Concern (BCC) in this area, but warrants attention because of the Eagle Act or for potential susceptibilities in offshore areas from certain types of development or activities.)



Ring-billed Gull  
Non-BCC  
Vulnerable (This is  
not a Bird of  
Conservation  
Concern (BCC) in  
this area, but  
warrants attention  
because of the  
Eagle Act or for  
potential  
susceptibilities in  
offshore areas  
from certain types  
of development or  
activities.)



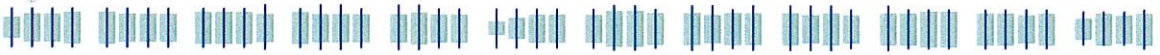
Rufous  
Hummingbird  
BCC Rangewide  
(CON) (This is a  
Bird of  
Conservation  
Concern (BCC)  
throughout its  
range in the  
continental USA  
and Alaska.)



Short-billed  
Dowitcher  
BCC Rangewide  
(CON) (This is a  
Bird of  
Conservation  
Concern (BCC)  
throughout its  
range in the  
continental USA  
and Alaska.)



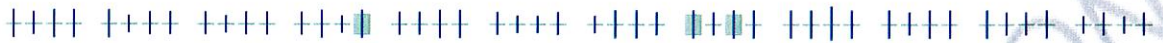
Surf Scoter  
Non-BCC  
Vulnerable (This is  
not a Bird of  
Conservation  
Concern (BCC) in  
this area, but  
warrants attention  
because of the  
Eagle Act or for  
potential  
susceptibilities in  
offshore areas  
from certain types  
of development or  
activities.)



White-winged  
Scoter  
Non-BCC  
Vulnerable (This is  
not a Bird of  
Conservation  
Concern (BCC) in  
this area, but  
warrants attention  
because of the  
Eagle Act or for  
potential  
susceptibilities in  
offshore areas  
from certain types  
of development or  
activities.)



Willet  
BCC Rangewide  
(CON) (This is a  
Bird of  
Conservation  
Concern (BCC)  
throughout its  
range in the  
continental USA  
and Alaska.)



Wrentit  
BCC Rangewide  
(CON) (This is a  
Bird of  
Conservation  
Concern (BCC)  
throughout its  
range in the  
continental USA  
and Alaska.)



### Tell me more about conservation measures I can implement to avoid or minimize impacts to migratory birds.

[Nationwide Conservation Measures](#) describes measures that can help avoid and minimize impacts to all birds at any location year round. Implementation of these measures is particularly important when birds are most likely to occur in the project area. When birds may be breeding in the area, identifying the locations of any active nests and avoiding their destruction is a very helpful impact minimization measure. To see when birds are most likely to occur and be breeding in your project area, view the Probability of Presence Summary. [Additional measures](#) or [permits](#) may be advisable depending on the type of activity you are conducting and the type of infrastructure or bird species present on your project site.

### What does IPaC use to generate the migratory birds potentially occurring in my specified location?

The Migratory Bird Resource List is comprised of USFWS [Birds of Conservation Concern \(BCC\)](#) and other species that may warrant special attention in your project location.

The migratory bird list generated for your project is derived from data provided by the [Avian Knowledge Network \(AKN\)](#). The AKN data is based on a growing collection of [survey, banding, and citizen science datasets](#) and is queried and filtered to return a list of those birds reported as occurring in the 10km grid cell(s) which your project



intersects, and that have been identified as warranting special attention because they are a BCC species in that area, an eagle ([Eagle Act](#) requirements may apply), or a species that has a particular vulnerability to offshore activities or development.

Again, the Migratory Bird Resource list includes only a subset of birds that may occur in your project area. It is not representative of all birds that may occur in your project area. To get a list of all birds potentially present in your project area, please visit the [AKN Phenology Tool](#).

### **What does IPaC use to generate the probability of presence graphs for the migratory birds potentially occurring in my specified location?**

The probability of presence graphs associated with your migratory bird list are based on data provided by the [Avian Knowledge Network \(AKN\)](#). This data is derived from a growing collection of [survey, banding, and citizen science datasets](#).

Probability of presence data is continuously being updated as new and better information becomes available. To learn more about how the probability of presence graphs are produced and how to interpret them, go the Probability of Presence Summary and then click on the "Tell me about these graphs" link.

### **How do I know if a bird is breeding, wintering, migrating or present year-round in my project area?**

To see what part of a particular bird's range your project area falls within (i.e. breeding, wintering, migrating or year-round), you may refer to the following resources: [The Cornell Lab of Ornithology All About Birds Bird Guide](#), or (if you are unsuccessful in locating the bird of interest there), the [Cornell Lab of Ornithology Neotropical Birds guide](#). If a bird on your migratory bird species list has a breeding season associated with it, if that bird does occur in your project area, there may be nests present at some point within the timeframe specified. If "Breeds elsewhere" is indicated, then the bird likely does not breed in your project area.

### **What are the levels of concern for migratory birds?**

Migratory birds delivered through IPaC fall into the following distinct categories of concern:

1. "BCC Rangewide" birds are [Birds of Conservation Concern](#) (BCC) that are of concern throughout their range anywhere within the USA (including Hawaii, the Pacific Islands, Puerto Rico, and the Virgin Islands);
2. "BCC - BCR" birds are BCCs that are of concern only in particular Bird Conservation Regions (BCRs) in the continental USA; and
3. "Non-BCC - Vulnerable" birds are not BCC species in your project area, but appear on your list either because of the [Eagle Act](#) requirements (for eagles) or (for non-eagles) potential susceptibilities in offshore areas from certain types of development or activities (e.g. offshore energy development or longline fishing).

Although it is important to try to avoid and minimize impacts to all birds, efforts should be made, in particular, to avoid and minimize impacts to the birds on this list, especially eagles and BCC species of rangewide concern. For more information on conservation measures you can implement to help avoid and minimize migratory bird impacts and requirements for eagles, please see the FAQs for these topics.

### **Details about birds that are potentially affected by offshore projects**

For additional details about the relative occurrence and abundance of both individual bird species and groups of bird species within your project area off the Atlantic Coast, please visit the [Northeast Ocean Data Portal](#). The Portal also offers data and information about other taxa besides birds that may be helpful to you in your project review. Alternately, you may download the bird model results files underlying the portal maps through the [NOAA NCCOS Integrative Statistical Modeling and Predictive Mapping of Marine Bird Distributions and Abundance on the Atlantic Outer Continental Shelf](#) project webpage.



Bird tracking data can also provide additional details about occurrence and habitat use throughout the year, including migration. Models relying on survey data may not include this information. For additional information on marine bird tracking data, see the [Diving Bird Study](#) and the [nanotag studies](#) or contact [Caleb Spiegel](#) or [Pam Loring](#).

### What if I have eagles on my list?

If your project has the potential to disturb or kill eagles, you may need to [obtain a permit](#) to avoid violating the Eagle Act should such impacts occur.

### Proper Interpretation and Use of Your Migratory Bird Report

The migratory bird list generated is not a list of all birds in your project area, only a subset of birds of priority concern. To learn more about how your list is generated, and see options for identifying what other birds may be in your project area, please see the FAQ "What does IPaC use to generate the migratory birds potentially occurring in my specified location". Please be aware this report provides the "probability of presence" of birds within the 10 km grid cell(s) that overlap your project; not your exact project footprint. On the graphs provided, please also look carefully at the survey effort (indicated by the black vertical bar) and for the existence of the "no data" indicator (a red horizontal bar). A high survey effort is the key component. If the survey effort is high, then the probability of presence score can be viewed as more dependable. In contrast, a low survey effort bar or no data bar means a lack of data and, therefore, a lack of certainty about presence of the species. This list is not perfect; it is simply a starting point for identifying what birds of concern have the potential to be in your project area, when they might be there, and if they might be breeding (which means nests might be present). The list helps you know what to look for to confirm presence, and helps guide you in knowing when to implement conservation measures to avoid or minimize potential impacts from your project activities, should presence be confirmed. To learn more about conservation measures, visit the FAQ "Tell me about conservation measures I can implement to avoid or minimize impacts to migratory birds" at the bottom of your migratory bird trust resources page.

## Facilities

### Wildlife refuges and fish hatcheries

REFUGE AND FISH HATCHERY INFORMATION IS NOT AVAILABLE AT THIS TIME

## Wetlands in the National Wetlands Inventory

Impacts to [NWI wetlands](#) and other aquatic habitats may be subject to regulation under Section 404 of the Clean Water Act, or other State/Federal statutes.

For more information please contact the Regulatory Program of the local [U.S. Army Corps of Engineers District](#).

Please note that the NWI data being shown may be out of date. We are currently working to update our NWI data set. We recommend you verify these results with a site visit to determine the actual extent of wetlands on site.

This location overlaps the following wetlands:

The area of this project is too large for IPaC to load all NWI wetlands in the area. The list below may be incomplete. Please contact the local U.S. Fish and Wildlife Service office or visit the [NWI map](#) for a full list.

ESTUARINE AND MARINE DEEPWATER

[E1UBL](#)

[M1UBL](#)

ESTUARINE AND MARINE WETLAND

[M2USN](#)

[M2USP](#)

[E2EM1N](#)

[E2EM1P](#)

[E2USN](#)

[M2RSN](#)

[E2US/ABN](#)

[E2USP](#)

[M2ABN](#)

[E2ABN](#)

[E2RSNr](#)

[M2RSNr](#)

[E2USM](#)

[E2SS1P](#)

[M2RSPr](#)

FRESHWATER EMERGENT WETLAND

[PEM1A](#)

[PEM1/SSC](#)

[PEM1/SSA](#)

[PEM1/SSR](#)

[PEM1/FOC](#)

[PEM1/UBF](#)

[PEM1/USC](#)

[PEM1/SSCh](#)

[PEM1/FOA](#)

FRESHWATER POND

[PABH](#)

[PABF](#)

[PABHx](#)

[PABHh](#)

[PABFx](#)

[PABKx](#)

[PABFh](#)

LAKE

[L1UBHh](#)

[L1UBH](#)



[L1UBK](#)  
[L2ABH](#)  
[L1UBHx](#)  
[L2USC](#)  
[L1UBKx](#)  
[L2ABF](#)  
[L2UBH](#)  
[L2USCh](#)  
[L2UBHh](#)  
[L1ABH](#)

A full description for each wetland code can be found at the [National Wetlands Inventory website](#)

#### **Data limitations**

The Service's objective of mapping wetlands and deepwater habitats is to produce reconnaissance level information on the location, type and size of these resources. The maps are prepared from the analysis of high altitude imagery. Wetlands are identified based on vegetation, visible hydrology and geography. A margin of error is inherent in the use of imagery; thus, detailed on-the-ground inspection of any particular site may result in revision of the wetland boundaries or classification established through image analysis.

The accuracy of image interpretation depends on the quality of the imagery, the experience of the image analysts, the amount and quality of the collateral data and the amount of ground truth verification work conducted. Metadata should be consulted to determine the date of the source imagery used and any mapping problems.

Wetlands or other mapped features may have changed since the date of the imagery or field work. There may be occasional differences in polygon boundaries or classifications between the information depicted on the map and the actual conditions on site.

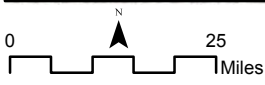
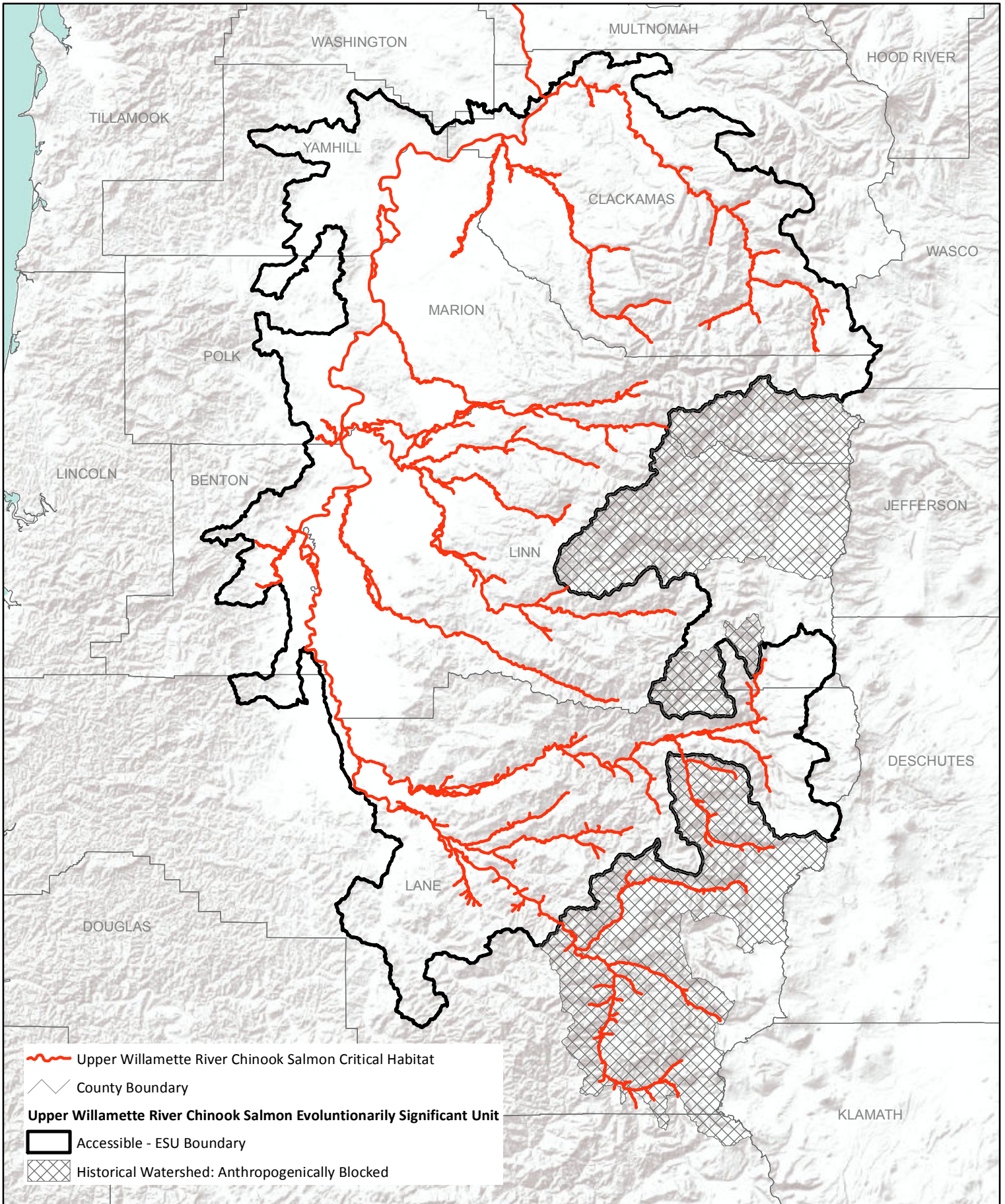
#### **Data exclusions**

Certain wetland habitats are excluded from the National mapping program because of the limitations of aerial imagery as the primary data source used to detect wetlands. These habitats include seagrasses or submerged aquatic vegetation that are found in the intertidal and subtidal zones of estuaries and nearshore coastal waters. Some deepwater reef communities (coral or tubercid worm reefs) have also been excluded from the inventory. These habitats, because of their depth, go undetected by aerial imagery.

#### **Data precautions**

Federal, state, and local regulatory agencies with jurisdiction over wetlands may define and describe wetlands in a different manner than that used in this inventory. There is no attempt, in either the design or products of this inventory, to define the limits of proprietary jurisdiction of any Federal, state, or local government or to establish the geographical scope of the regulatory programs of government agencies. Persons intending to engage in activities involving modifications within or adjacent to wetland areas should seek the advice of appropriate federal, state, or local agencies concerning specified agency regulatory programs and proprietary jurisdictions that may affect such activities.

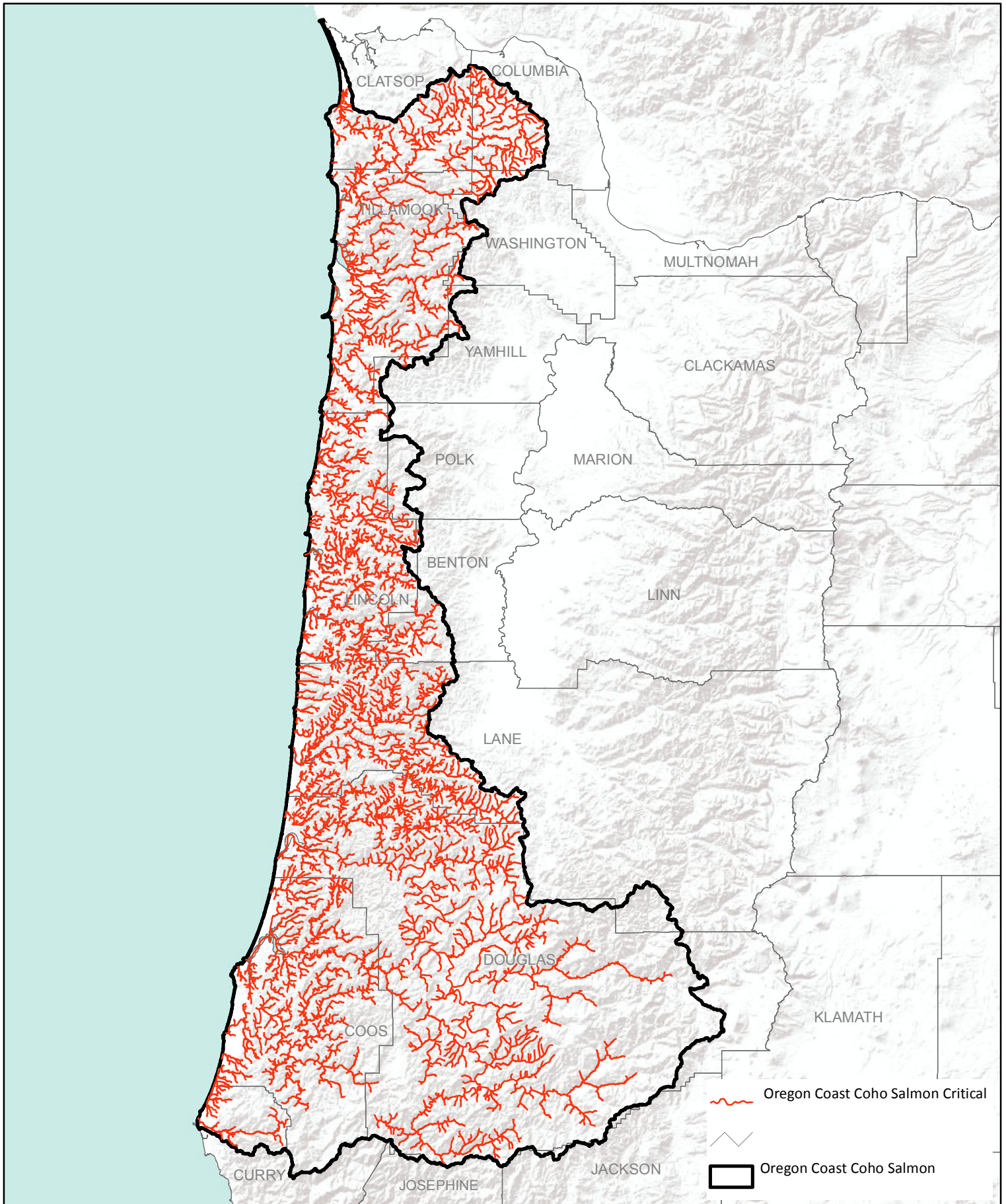




See Federal Register Notice for detailed description of critical habitat (70 FR 52630)

DOC-NOAA Fisheries-West Coast Region

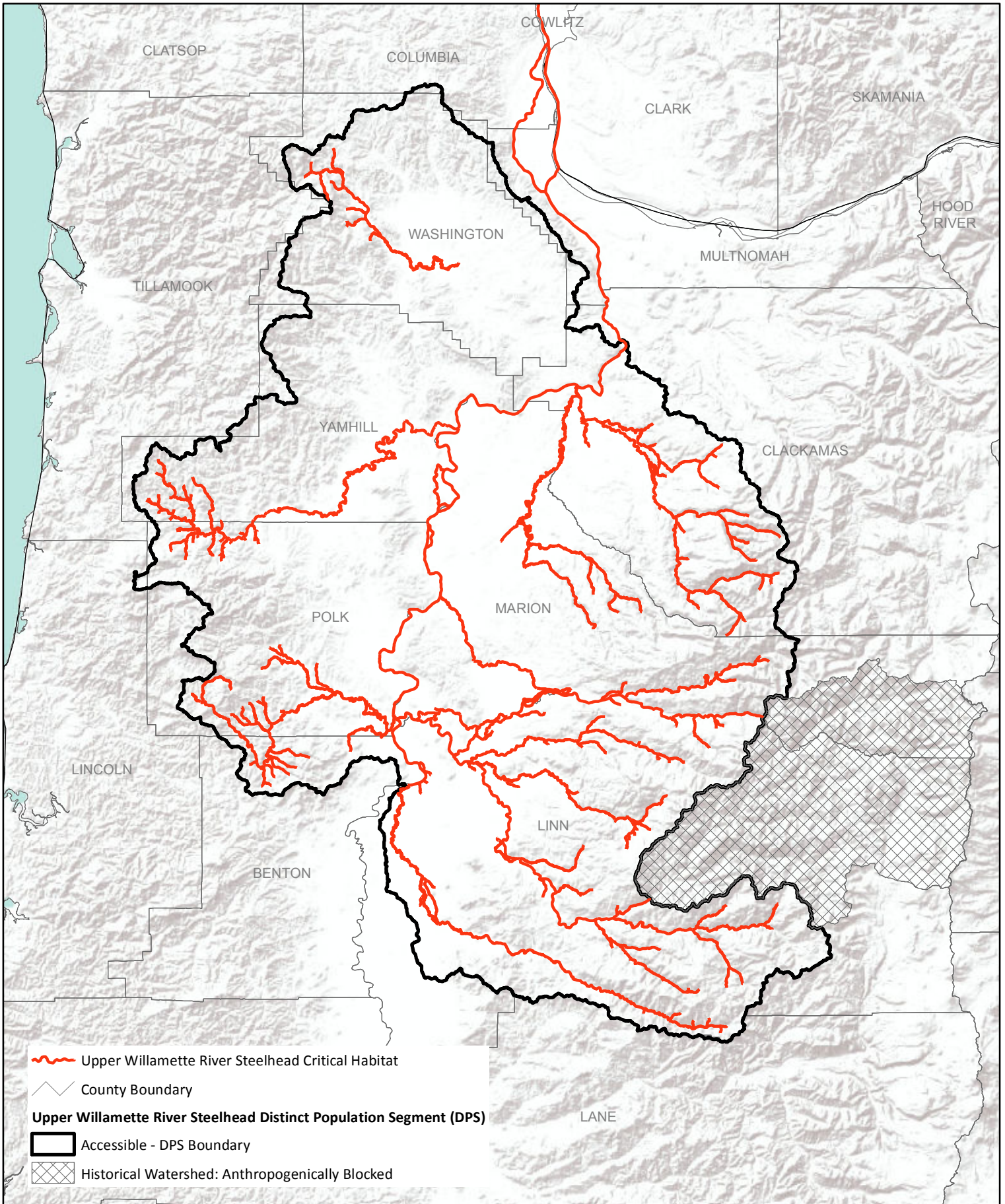








See Federal Register Notice for detailed description of critical habitat (73 FR 7816)

DOC-NOAA Fisheries-West Coast Region





-  Upper Willamette River Steelhead Critical Habitat
-  County Boundary
- Upper Willamette River Steelhead Distinct Population Segment (DPS)**
-  Accessible - DPS Boundary
-  Historical Watershed: Anthropogenically Blocked



See Federal Register Notice for detailed description of critical habitat (70 FR 52630)

DOC-NOAA Fisheries-West Coast Region

Endangered Species Correspondence

10/25/21

NOAA response

**From:** Michelle McMullin - NOAA Federal <michelle.mcmullin@noaa.gov>

**Sent:** Monday, October 25, 2021 1:52 PM

**To:** Andy Clay <andy.clay@svdp.us>

**Cc:** Sarah Moehrke <sarah.moehrke@ci.florence.or.us>; Erin Reynolds <erin.reynolds@ci.florence.or.us>; Joe Henry <joe.henry@ci.florence.or.us>

**Subject:** Re: FW: NOAA- Endangered Species (Florence CDBG)

Hi Andy,

I am writing as a follow up to our conversation that occurred on October 19, 2021. During that conversation you shared with me that the primary goal of your program is owner occupied housing rehabilitation. You also stated that hazard tree removal under your program is very rare and not really what the program is designed for, but occasionally you do run into the need where a hazard tree poses a safety issue for an existing residence.

I want to reaffirm that NMFS does not want to interfere with human safety issues. Furthermore, our primary areas of concern are riparian areas. Healthy, young and mature trees are important components of riparian areas and when outside of riparian areas can be useful in treating and managing stormwater runoff by intercepting precipitation that would otherwise fall on impervious surfaces. For areas outside of riparian areas, we primarily

look at the benefits of those trees for stormwater. However, outside of riparian areas, dead, damaged, and/or dying trees will not offer benefits for stormwater, are likely to pose risk, and are unlikely to cause meaningful changes in existing site conditions. It does sound like in this instance hazard tree removal can be considered as a maintenance activity, and a rare one at that. Thanks again for reaching out and I hope you find this information useful in making your determination.

Respectfully,

Michelle LaRue McMullin  
Fishery Biologist, West Coast Region  
NOAA Fisheries | U.S. Department of Commerce  
Office: 541.957.3378  
[www.fisheries.noaa.gov](http://www.fisheries.noaa.gov)

she/her/hers/they [Why this is important](#)



\*\*During the COVID-19 pandemic I am under mandatory telework. I may be working flexible hours to balance family and personal needs. I appreciate your patience if my response time is delayed. If you have a request, please specify important timeframes or deadlines. I will do my best to respond accordingly. Thank you.\*\*

10/21/21

USFWS Review/Response

**From:** Andy Clay

**Sent:** Thursday, October 21, 2021 5:30 PM



**To:** Sclafani, Kristine A <kristine\_sclafani@fws.gov>  
**Cc:** Sarah Moehrke <sarah.moehrke@ci.florence.or.us>; Erin Reynolds <erin.reynolds@ci.florence.or.us>; Joe Henry <joe.henry@ci.florence.or.us>; Elise\_Brown@fws.gov  
**Subject:** USFWS 01E0FW00-2022-TA-0044 - Endangered Species (Florence CDBG)

Hi Kristine,

Thank you kindly for getting back with us. I shall incorporate ESA for the Site Specific tier review and make contact with Elise Brown or You when and if proposed activities are not consistent with Table A.

Here's wishing you and your baby well!

Andy Clay  
St. Vincent de Paul  
(541) 501-0894 cell

**From:** Sclafani, Kristine A <[kristine\\_sclafani@fws.gov](mailto:kristine_sclafani@fws.gov)>  
**Sent:** Thursday, October 21, 2021 12:49 PM  
**To:** Andy Clay <[andy.clay@svdp.us](mailto:andy.clay@svdp.us)>  
**Cc:** Sarah Moehrke <[sarah.moehrke@ci.florence.or.us](mailto:sarah.moehrke@ci.florence.or.us)>; Erin Reynolds <[erin.reynolds@ci.florence.or.us](mailto:erin.reynolds@ci.florence.or.us)>; Joe Henry <[joe.henry@ci.florence.or.us](mailto:joe.henry@ci.florence.or.us)>  
**Subject:** RE: [EXTERNAL] USFW - Endangered Species (Florence CDBG)

Hi Andy,

I reviewed your email describing the proposed Regional Housing Rehabilitation Program (RHRP) activities for the Cities of Florence, Veneta, Oakridge, Westfir, Lowell, Cottage Grove, Junction City, and Creswell, as well as unincorporated portions of Lane County. Thank you for enclosing the worksheet documenting your effects determinations for Endangered Species Act compliance.

Given that specific project locations are not identified for projects in the City of Florence, we can provisionally agree that potential projects would have no effect to federally-listed species or candidate species under the jurisdiction of the U.S. Fish and Wildlife Service. However, please revisit the guidance when specific project locations are known to ensure the proposed activities are consistent with those described in Table A. If so, you can make a "no effect" determination for your project files and this would conclude Endangered Species Act consultation with the U.S. Fish and Wildlife Service for this project. If proposed activities are not consistent with those described in Table A, please contact our office and we can assist in evaluating the proposed actions and potential effects to any species that may be present in the project area.

For any future correspondence with the U.S. Fish and Wildlife Service on this project, please refer to our project tracking number 01E0FW00-2022-TA-0044.

Please feel free to reach out to the Oregon office if you have any other questions about consultation under the Endangered Species Act. I will be out of the office on maternity leave through February 2022 and Elise Brown will be covering HUD-related activities in my absence. Her email is [Elise\\_Brown@fws.gov](mailto:Elise_Brown@fws.gov).

Cheers,  
~Kris

*Kris Sclafani*

USFWS, Oregon Fish and Wildlife Office  
(503) 231-6954

10/19/21

Michelle McMullin called me (Andy Clay) today to discuss the rehab program. She was pleased with the documentation we provided her for the review and agrees with Brad Rawls conclusion from last year in that a hazard tree may be removed and they do not intend to require replanting in light of budgetary concerns for our clients. We will encourage replanting if possible, but not require it under the RHRP. I explained too that hazard tree removal is a rare occurrence for our projects and furthermore the likelihood of one being in a Riparian area is very low. Michelle agrees to send an email reply briefly outlining her conclusion.

**From:** Andy Clay

**Sent:** Monday, October 18, 2021 3:12 PM

**To:** Michelle McMullin - NOAA Federal <[michelle.mcmullin@noaa.gov](mailto:michelle.mcmullin@noaa.gov)>

**Cc:** Sarah Moehrke <[sarah.moehrke@ci.florence.or.us](mailto:sarah.moehrke@ci.florence.or.us)>; Erin Reynolds <[erin.reynolds@ci.florence.or.us](mailto:erin.reynolds@ci.florence.or.us)>; Joe Henry <[joe.henry@ci.florence.or.us](mailto:joe.henry@ci.florence.or.us)>

**Subject:** RE: FW: NOAA- Endangered Species (Florence CDBG)

Good afternoon Michelle,

My consultation with Brad was via phone after I had emailed him our program description and service area map. I have attached the Correspondence log, at the top of first page you will see the summary of my conversation with Brad and I have also attached the Statutory Worksheet which reiterates the finding both with NOAA and USFWS. Hopefully this will help shape your understanding.

Thank you kindly

Andy Clay

(541) 501-0894 cell

**From:** Michelle McMullin - NOAA Federal <[michelle.mcmullin@noaa.gov](mailto:michelle.mcmullin@noaa.gov)>

**Sent:** Monday, October 18, 2021 2:04 PM

**To:** Andy Clay <[andy.clay@svdp.us](mailto:andy.clay@svdp.us)>

**Cc:** Sarah Moehrke <[sarah.moehrke@ci.florence.or.us](mailto:sarah.moehrke@ci.florence.or.us)>; Erin Reynolds



<[erin.reynolds@ci.florence.or.us](mailto:erin.reynolds@ci.florence.or.us)>; Joe Henry <[joe.henry@ci.florence.or.us](mailto:joe.henry@ci.florence.or.us)>

**Subject:** Re: FW: NOAA- Endangered Species (Florence CDBG)

Hi Andy, Do you have any documentation from the Creswell project you discussed with Brad that would be helpful for my understanding?

Respectfully,

Michelle LaRue McMullin

Fishery Biologist, West Coast Region

NOAA Fisheries | U.S. Department of Commerce

Office: 541.957.3378

[www.fisheries.noaa.gov](http://www.fisheries.noaa.gov)

she/her/hers/they [Why this is important](#)



**From:** Andy Clay

**Sent:** Thursday, October 14, 2021 2:27 PM

**To:** Michelle McMullin - NOAA Federal <[michelle.mcmullin@noaa.gov](mailto:michelle.mcmullin@noaa.gov)>

**Cc:** Sarah Moehrke <[sarah.moehrke@ci.florence.or.us](mailto:sarah.moehrke@ci.florence.or.us)>; Erin Reynolds <[erin.reynolds@ci.florence.or.us](mailto:erin.reynolds@ci.florence.or.us)>; Joe Henry <[joe.henry@ci.florence.or.us](mailto:joe.henry@ci.florence.or.us)>

**Subject:** FW: NOAA- Endangered Species (Florence CDBG)

Good afternoon Michelle,

Thank you for taking my call this morning and thank you in advance for your willingness to review our project in regard to endangered species. I believe that Brad Rawls copied you in the email thread below but not sure if the relevant attachments came with it – they are now attached. We, St. Vincent de Paul and the City of Florence are working to complete the area wide tiered environmental review as the city has been awarded a CDBG to be used for owner occupied housing rehabilitation.

My hope is that we might be able to clear the ESA portion at this review level as we were able to achieve in our last environmental review, however, the one task I see that might hinder a no effect finding has to do with hazardous tree removal.

After you have found an opportunity to review this message and attachments, perhaps we can discuss the project either via phone or email. If by phone, the best way to reach me is my cell else if you would like to reply via email please try to copy the same people I have copied.

Thanks again,

**Andy Clay**

Program Manager  
Regional Housing Rehabilitation Loan Program (RHRP)  
Home of Your Own Program (HOYOP)  
St. Vincent de Paul  
**(541) 501-0894 cell**  
(541) 743-7128 direct  
(541) 683-9423 fax  
NMLS# 791356

**From:** Brad Rawls - NOAA Affiliate <[brad.rawls@noaa.gov](mailto:brad.rawls@noaa.gov)>  
**Sent:** Wednesday, October 13, 2021 8:15 PM  
**To:** Andy Clay <[andy.clay@svdp.us](mailto:andy.clay@svdp.us)>; Therese ORourke - NOAA Federal <[therese.orourke@noaa.gov](mailto:therese.orourke@noaa.gov)>  
**Cc:** Sarah Moehrke <[sarah.moehrke@ci.florence.or.us](mailto:sarah.moehrke@ci.florence.or.us)>; Erin Reynolds <[erin.reynolds@ci.florence.or.us](mailto:erin.reynolds@ci.florence.or.us)>; Joe Henry <[joe.henry@ci.florence.or.us](mailto:joe.henry@ci.florence.or.us)>; Michelle McMullin - NOAA Federal <[michelle.mcmullin@noaa.gov](mailto:michelle.mcmullin@noaa.gov)>  
**Subject:** Re: NOAA- Endangered Species (Florence CDBG)

Hi Andy,

Unfortunately, I do not review projects that occur on the coast. That is handled by our Oregon Coast Branch. I have cc:ed Teri O'Rourke, the OC Branch Chief, and Michelle McMullin, a consultation biologist for the Branch who is very familiar with the HUD Programmatic Opinion. Their contact numbers are listed below. I'm sure they will be able to assist you with your project.

O'Rourke, Therese M	<a href="mailto:therese.orourke@noaa.gov">therese.orourke@noaa.gov</a>	(541) 958-1234
McMullin, Michelle L	<a href="mailto:michelle.mcmullin@noaa.gov">michelle.mcmullin@noaa.gov</a>	(541) 958-1234



Regards,

## Brad Rawls

### Fisheries Biologist

NOAA Affiliate, Lynker Technologies

National Marine Fisheries Service

Oregon/Washington Coastal Office, Willamette Branch

Office: 503.230.5414

Cell: 503.502.7862

[brad.rawls@noaa.gov](mailto:brad.rawls@noaa.gov)



[www.westcoast.fisheries.noaa.gov](http://www.westcoast.fisheries.noaa.gov)

**From:** Andy Clay

**Sent:** Wednesday, October 13, 2021 5:10 PM

**To:** Brad Rawls - NOAA Affiliate <brad.rawls@noaa.gov>

**Cc:** Sarah Moehrke <sarah.moehrke@ci.florence.or.us>; Erin Reynolds <erin.reynolds@ci.florence.or.us>; Joe Henry <joe.henry@ci.florence.or.us>

**Subject:** NOAA- Endangered Species (Florence CDBG)

Good afternoon Mr. Rawls,

In communicating with Kris Sclafani recently, (email message below) I understand that you are still the appropriate contact through NOAA for consultation regarding endangered species. You and I spoke on the phone Spring of 2020 regarding our program for the last grant we managed for the City of Creswell and now we are working with the City of Florence who was recently awarded a HUD funded CDBG contract for owner occupied housing rehabilitation under the Regional Housing Rehabilitation Program (RHRP) in Lane County. In our conversation, we discussed the issue of hazardous tree removal, which the RHRP allows, and it was determined that this activity can be exempted when it comes to safety of people occupying the home.

I have attached our Service Area Map, Section 7 Determination Worksheet and our Program Description for your review. We are still able to satisfy all the requirements in Table A (Procedure for Section 7 Determination) except for "hazardous" tree removal and hope to either correspond via email or by phone to determine if again the activities performed under the RHRP can be found to have No Effect in regards to endangered species.

If you respond via email please reply to all so as to include staff with the City of Florence as well as Joe Henry who is designated as the Responsible Entity. If you wish to consult by phone, please call my cell.

Thank you and hope to hear from you soon.

**Andy Clay**

Program Manager

Regional Housing Rehabilitation Loan Program (RHRP)

Home of Your Own Program (HOYOP)

St. Vincent de Paul

**(541) 501-0894 cell**

(541) 743-7128 direct

(541) 683-9423 fax

NMLS# 791356

**From:** Andy Clay

**Sent:** Wednesday, October 13, 2021 4:13 PM

**To:** Sclafani, Kristine A <kristine\_sclafani@fws.gov>

**Cc:** Sarah Moehrke <sarah.moehrke@ci.florence.or.us>; Erin Reynolds <erin.reynolds@ci.florence.or.us>; Joe Henry <joe.henry@ci.florence.or.us>

**Subject:** USFWS - Endangered Species (Florence CDBG)

Greetings Kris,

Thank you for getting back with me to confirm that you still are the point of contact for consultation for the USFWS, Oregon Fish and Wildlife regarding Endangered Species.

Last year we consulted when we were launching a grant for the City of Creswell and now we are working with the City of Florence as a sub-grantee for the same program also utilizing HUD sourced Community Development Block Grant (CDBG) funds. The CDBG funds are for the purpose of performing owner occupied housing rehabilitation and this program, that we manage throughout Lane County, is called the Regional Housing Rehabilitation Program (RHRP). The focus for the RHRP will be for Florence however the service area covers all of Lane County except for incorporated Eugene & Springfield. (Service area Map attached) Within the service area, we are aware that are species listed as endangered and critical habitat as per this link [IPaC: Explore Location resources \(fws.gov\)](https://www.fws.gov/ipac)

Last year we were able to determine that the RHRP would pose no effect in regards to endangered species considering that the project sites are all existing homes, hence previously developed sites. Attached also is the completed the Section 7 Determination Worksheet in which we have highlighted "tree removal" as this is still an eligible RHRP task for Hazardous Trees. I understand that hazardous tree removal is in the process of becoming an exception, thus allowed, but is not yet appearing as such on the worksheet.



We are completing an Environmental Review for compliance with HUD standards and are asking for your comments about the proposed RHRP activities and/or your concurrence that the proposal would have no effect in regards to endangered species.

Please when you reply, reply to all, as I have also copied staff with the City of Florence including Joe Henry who is the responsible entity for the Environmental Review. Our correspondence will be incorporated to the Environmental Review Record.

Thank you,

***Andy Clay***

Program Manager

Regional Housing Rehabilitation Loan Program (RHRP)

Home of Your Own Program (HOYOP)

St. Vincent de Paul

**(541) 501-0894 cell**

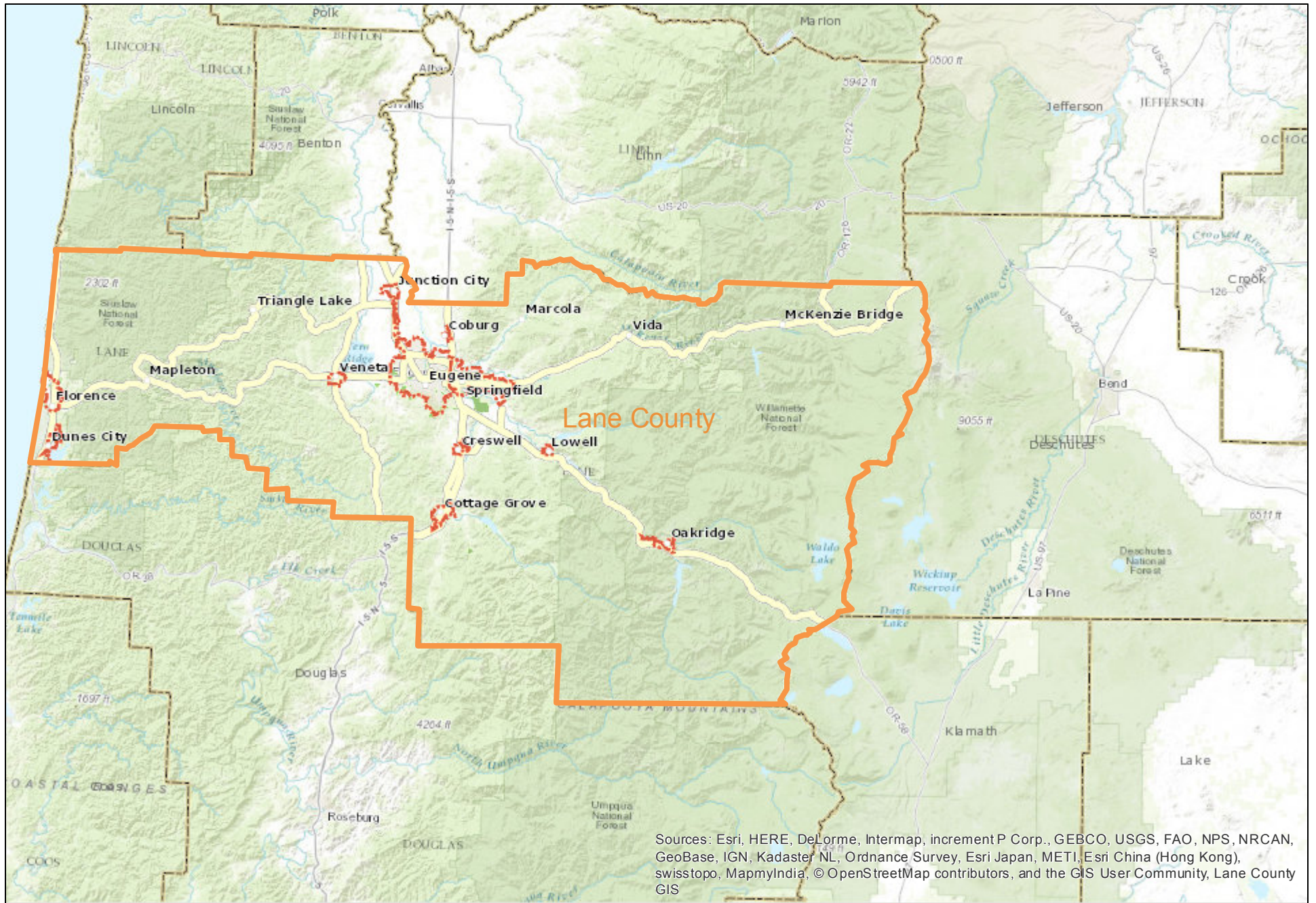
(541) 743-7128 direct

(541) 683-9423 fax

NMLS# 791356

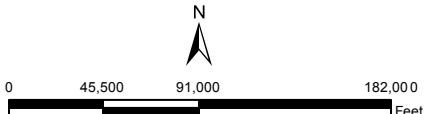
**Our mission is:** "We assist the poor and those in need of consolation, seeking out and utilizing every resource. Being mindful of the sanctity and dignity of all, we know that any charitable work that advances those goals is within the mission of St. Vincent de Paul."

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The information on this map was derived from digital databases on the Lane County regional geographic information system. Care was taken in the creation of this map, but is provided "as is". Lane County cannot accept any responsibility for errors, omissions or positional accuracy in the digital data or the underlying records. Current plan designation, zoning, etc., for specific parcels should be confirmed with the appropriate agency. There are no warranties, expressed or implied, accompanying this product. However, notification of any errors will be appreciated.



## Lane County - Project Boundary

# Endangered Species Act Guidance for Oregon

Prepared in collaboration with the US Fish and Wildlife Service and NOAA Fisheries Service  
*Applies in Oregon only*

General requirements	ESA Legislation	HUD Regulations
Section 7(a)(2) of the Endangered Species Act mandates that actions that are authorized, funded, or carried out by Federal agencies do not jeopardize the continued existence of plants and animals that are listed, or result in the adverse modification or destruction of designated critical habitat.	The Endangered Species Act of 1973; 16 U.S.C. 1531 et seq.	24 CFR 58.5(e) 24 CFR 50.4(e)

## Purpose

The purpose of this guidance is to assist the U.S. Department of Housing and Urban Development (HUD) and their designated responsible entities who have assumed responsibility for environmental compliance to meet their duty to consult with the US Fish and Wildlife Service (USFWS) and the National Oceanic and Atmospheric Administration (NOAA) Fisheries Service (NOAA Fisheries) under Section 7(a)(2) of the Endangered Species Act (ESA). Users will be able to determine whether their development projects are likely to have “no effect” on ESA-listed species and critical habitats, and thus do not require any further coordination with, or approval from, the USFWS or NOAA Fisheries.

If you make a “no effect” decision for your project, please document the circumstances and reason for your decision in a memo to file for use if the decision is ever reviewed by another party. If you find that your action “may affect” an ESA-listed species or critical habitat, including a result of post-construction runoff, then you must contact USFWS, NOAA Fisheries, or both to determine whether the project can be modified to eliminate the possibility of an adverse effect. If the adverse effect cannot be eliminated, further consultation with USFWS and/or NOAA Fisheries will be required.

This guidance also includes links to additional resources that describe low-impact development (LID) practices, including many actions that HUD and responsible entities can use to avoid or minimize the adverse impacts of post-construction runoff. HUD or a responsible entity may still choose to complete an individual consultation when warranted by project-specific facts.

## Definitions

- **Action Area** is all areas to be affected directly or indirectly by the Federal action and not merely the immediate area involved in the action.
- **Built environment** means roofs and paved areas like parking, patios, trails, retaining walls, sidewalks, streets, and amenities that prevent infiltration of rainwater into the water table.
- **Candidate Species** are plant and animal taxa considered for possible addition to the List of Endangered and Threatened Species. These are taxa for which the USFWS and NOAA Fisheries have sufficient information on biological vulnerability and threat(s) to support issuance of a proposal to list, but issuance of a proposed rule is currently precluded by higher priority listing actions.
- **Critical Habitat** means those specific areas that have been designated by USFWS or NOAA Fisheries (in a rule-making in the *Federal Register*) as essential to the conservation of a listed species.
- **Impervious area** means artificial structures such as rooftops and pavements (e.g., driveways, parking lots, roads, sidewalks, trails) that are covered by impervious material like asphalt, brick, compacted soil, concrete, or stone.
- **Listed Species** means any species of fish, wildlife or plant that has been determined to be endangered or threatened under section 4 of the Endangered Species Act.



- **Low impact development (LID)** means management principles and practices that reduce post-construction runoff by infiltrating rainfall into the water table, evaporating rainwater back into the atmosphere after a storm, or finding beneficial uses for rainwater instead of exporting it from the site as a waste product.
- **Nexus** means any action that is funded, authorized or carried out by a Federal agency that may affect ESA-listed species or habitats.
- **Post-construction runoff** means runoff from the built environment that extends off-site after a project's construction is complete.
- **Proposed Species** any species of fish, wildlife or plant that has been proposed by USFWS or NOAA Fisheries in the *Federal Register* to be listed under section 4 of the Endangered Species Act.
- **Proximity** means areas or effects that occur near ESA-listed species or habitats in space or time, including areas where species roost, feed, nest, rear, overwinter, or migrate. NOAA Fisheries considers projects that discharge post-construction stormwater to be in proximity with ESA-listed species or habitats that occur downstream of the discharge site.
- **Responsible entity** means the party authorized by HUD under 24 CFR Part 58 to complete any environmental review necessary for HUD to obligate funds.
- **Riparian area** means vegetation, habitats, or ecosystems that are associated with bodies of water, typically within 150-feet of a stream bank or the shoreline of a standing body of water.
- **Take** under the ESA is defined as actions that may harass, harm, pursue, hunt, shoot, wound, kill trap, capture, or collect, or to attempt to engage in any such conduct. The ESA also protects against interfering in vital breeding and behavioral activities or degrading critical habitat.

#### **Endangered Species Act Effects Determinations**

Section 7 of the ESA requires all Federal agencies to insure that any action authorized, funded or carried out by the agency is not likely to jeopardize the continued existence of a listed species or destroy or adversely modify designated critical habitat. To this end, every project with a Federal nexus must be evaluated to determine its likely effect on listed and proposed species and designated critical habitat. HUD funding for a project serves as a Federal nexus triggering the requirement for environmental review under the ESA. HUD and Responsible Entities are also encouraged to consider candidate species in their evaluations.

- **No effect** means the proposed action will not have any direct or indirect effect on listed species or designated critical habitat.

**No effect** is the appropriate conclusion when the action agency determines its proposed action will not affect listed species or critical habitat. A determination of '*no effect*' must be supported in the environmental review record but does not require consultation with NOAA Fisheries or USFWS.

- **May affect** means the proposed action may have a direct or indirect effect on an ESA-listed species or critical habitat, including any habitat modification that alters water quality, physical habitat features, or other conditions that contribute to habitat value.

**May affect, not likely to adversely affect** is the appropriate conclusion when effects on listed species are expected to be **discountable**, or **insignificant**, or completely **beneficial**.

- **Discountable effects** are those extremely unlikely to occur. Based on best judgment, a person would not expect discountable effects to occur.
- **Insignificant effects** relate to the size of the impact and should never reach the scale where take occurs. Based on best judgment, a person would not be able to meaningfully measure, detect, or evaluate insignificant effects.

- **Beneficial effects** are contemporaneous positive effects without any adverse effects to the species.

A determination of *'not likely to adversely affect'* requires informal consultation with NOAA Fisheries or USFWS (or both); informal consultation results in a Letter of Concurrence from NOAA Fisheries or USFWS.

**May affect, likely to adversely affect** is the appropriate conclusion if any adverse effect to listed species may occur as a direct or indirect result of the proposed action or its interrelated or interdependent actions, and the effect is not discountable, insignificant, or beneficial. A determination of *'likely to adversely affect'* requires formal consultation under section 7 of the ESA; formal consultation results in a Biological Opinion from NOAA Fisheries or USFWS.

### **Background**

An ESA effects analysis must consider both the direct and indirect effects of the action. Indirect effects are those that are caused by the proposed action and are later in time, but are still reasonably certain to occur. Few HUD actions occur within designated critical habitat, where direct injury or harm to ESA-listed species or critical habitat is easy to discern. But many HUD actions increase the area of the built environment, and thereby release post-construction runoff to the off-site environment. The indirect effects of post-construction runoff on the aquatic environment are the primary interaction between HUD actions and ESA-listed species and habitats.

One important indirect effect of post-construction runoff occurs when sediment and chemicals like oil, pesticides, and heavy metals accumulate on the built environment where they can be picked up by rainwater and transported into wetlands, lakes, and streams. Once there, those pollutants cause harm when they enter the food chain or otherwise degrade aquatic habitats. Other indirect effects occur when the built environment interrupts the natural cycle of rainwater infiltration into soil by diverting large volumes of post-construction runoff into drainage systems that quickly discharge into the nearest water body, where the effluent can cause erosion or downstream flooding that also harms ESA-listed species and habitats.

This guidance is based on the use of LID practices and principles that are simple, flexible, and economical to use, even in redevelopment situations. LID practices are highly effective for controlling stormwater impacts. Examples include use of permeable pavers, rain gardens, soil amendments, and tree retention to retain or recreate natural landscape features, reduce impervious cover, and increase on-site detention and infiltration.

### **Working Towards Recovery**

The ESA requires all federal agencies to use their authorities to help conserve listed species. Therefore, as HUD-designated responsible entities, you are encouraged to minimize the effects of your actions on listed species, designated critical habitat and habitat identified in endangered species recovery plans. For your activities, you are especially encouraged to minimize your action's contribution to water quality degradation from point and non-point discharges, and water quantity alteration due to increased impervious surfaces.

Disclaimer: This document is intended as a tool to help grantees and HUD staff complete NEPA requirements. This document is subject to change. This is not a policy statement, and the Endangered Species Act and associated regulations take precedence over any information found in this document.

Questions concerning environmental requirements related to HUD programs can be addressed to Deborah Peavler-Stewart at (206) 220-5414 or Sara Jensen at (206) 220-5226.

## Procedure for Section 7 Determination

You may use the guidance below to document compliance with the Endangered Species Act for HUD-funded projects in Oregon.

### Part A: Consultation with NOAA Fisheries Service

#### Step 1: Obtain Species List & Determine Critical Habitat

For NOAA Fisheries species and designated or proposed critical habitat go to:

[http://www.westcoast.fisheries.noaa.gov/maps\\_data/endangered\\_species\\_act\\_critical\\_habitat.html](http://www.westcoast.fisheries.noaa.gov/maps_data/endangered_species_act_critical_habitat.html)

[http://www.nwr.noaa.gov/maps\\_data/species\\_population\\_boundaries.html](http://www.nwr.noaa.gov/maps_data/species_population_boundaries.html)

With a few exceptions on the Oregon Coast, most watersheds in the land area affected by ESA-listings of salmon and steelhead are within or upstream of a watershed occupied by an ESA-listed species or habitat.<sup>1</sup> NOAA Fisheries considers projects that discharge post-construction stormwater to be in proximity with ESA-listed species or habitats that occur downstream of the discharge site.

However, detailed distribution maps are available from recovery planning and implementation documents and the Salmon Population Summary (SPS) Database.<sup>2</sup> If you need to confirm whether your action is in proximity to ESA-listed salmon or steelhead, contact the appropriate office for NOAA Fisheries.<sup>3</sup>

#### Step 2: Determine Effect

##### Question 1: Would the project effects overlap with federally listed or proposed species and designated or proposed critical habitat covered by NOAA Fisheries?

Note that project effects include those that extend beyond the project site itself, such as noise, water quality, stormwater discharge, visual disturbance; habitat assessment must include consideration for feeding, spawning, rearing, overwintering sites, and migratory corridors.

**NO, the project and all effects are outside the range of listed species and critical habitat covered by NOAA Fisheries.**

- Record your determination of *No Effect* on species or habitats covered by NOAA Fisheries.
- Maintain documentation in your Environmental Review Record. For example, a map showing that your project is not in or upstream of a watershed of a listed species.
- Section 7 Consultation with USFWS may still be necessary. CONTINUE TO Part B.

**YES, project effects may overlap with ESA-listed species or designated critical habitat covered by NOAA Fisheries.**

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<sup>1</sup> [http://www.westcoast.fisheries.noaa.gov/publications/protected\\_species/salmon\\_steelhead/status\\_of\\_esal\\_salmon\\_listings\\_and\\_ch\\_designations\\_map.pdf](http://www.westcoast.fisheries.noaa.gov/publications/protected_species/salmon_steelhead/status_of_esal_salmon_listings_and_ch_designations_map.pdf)

<sup>2</sup> <https://www.webapps.nwfsc.noaa.gov/apex/f?p=261:1:1530350968904#>

<sup>3</sup> [http://www.westcoast.fisheries.noaa.gov/about\\_us/our\\_locations.html](http://www.westcoast.fisheries.noaa.gov/about_us/our_locations.html)



- Continue to Question 2.

**Question 2: Is the project activity listed in Table A (see next page) and does it meet all of the required parameters?**

**YES, the activity is listed in Table A and meets all of the required parameters.** Therefore, the project will have *No Effect* on ESA-listed species and/or designated critical habitat.

- Record your determination of *No Effect* and maintain this documentation, including a species list and map of your project location, in your Environmental Review Record.
- Attach a statement to your determination explaining how your project meets the required parameters in Table A.
- Section 7 Consultation with USFWS may still be necessary. CONTINUE TO Part B.

**NO, the project description does not match a project description in Table A and all of the specified parameters.**

- Continue to Question 3.

**Question 3: Do you have some other basis for a *No Effect* determination, for example a biological assessment or other documentation from a qualified professional?**

**YES, the project has professional documentation for *No Effect* determination.**

- Record your determination of *No Effect* and maintain this documentation, including a species list and map of your project location, in your Environmental Review Record.
- Attach the biological assessment or other professional documentation.
- Section 7 Consultation with USFWS may still be necessary. CONTINUE TO Part B.

**NO, the project does not have professional documentation supporting a *No Effect* determination.**

- YOU MUST INITIATE SECTION 7 CONSULTATION WITH NOAA Fisheries. Contact information on Page 8.
- Consultation with USFWS may also be necessary. CONTINUE TO PART B.

**TABLE A.**

Potential “No Effect” Activity	Required Parameters
Purchase building	No change to existing structures
Landscape repair, including adding sprinkler systems	<ul style="list-style-type: none"> <li>• Does not remove trees or streamside vegetation</li> </ul>
Interior rehabilitation	<ul style="list-style-type: none"> <li>• For existing structures</li> <li>• Waste materials are recycled or otherwise disposed of in an EPA approved sanitary or hazardous waste disposal site</li> </ul>
<p>Any exterior repair or improvement that will not increase post-construction runoff, e.g.</p> <ul style="list-style-type: none"> <li>• Replace exterior paint or siding</li> <li>• Build a fence</li> <li>• Replace/repair roof without using bituminous waterproofing</li> <li>• Replace/repair a roof or siding without using galvanized metal</li> <li>• Reconstruct/repair existing curbs, sidewalks or other concrete structures</li> </ul> <p>Repair existing parking lots (pot holes, repainting lines, etc.)</p>	<ul style="list-style-type: none"> <li>• Does not increase amount of impervious surface</li> <li>• Waste materials are recycled or otherwise disposed of in an EPA approved sanitary or hazardous waste disposal site</li> </ul>
<p>Special projects directed to the removal of material or architectural barriers that restrict the mobility of and accessibility to elderly and persons with disabilities, e.g.</p> <ul style="list-style-type: none"> <li>• Curb cuts</li> <li>• Wheelchair ramps</li> </ul>	<p>Meets all of the following:</p> <ul style="list-style-type: none"> <li>• Will not impact an area of natural habitat, a wetland, or riparian area; and</li> <li>• Complies with all state and local building codes and stormwater regulations</li> </ul>
Install LID practices	<ul style="list-style-type: none"> <li>• For existing structures</li> </ul>
New construction or addition on previously developed site (for example a building over an existing parking lot)	<p>Meets all of the following:</p> <ul style="list-style-type: none"> <li>• Does not increase amount of impervious surface</li> <li>• Waste materials are recycled or otherwise disposed of in an EPA approved sanitary or hazardous waste disposal site</li> <li>• Stormwater meets NOAA Fisheries standards.<sup>4</sup></li> </ul>
Project that will add new impervious surface that will increase post-construction runoff, including new construction.	<p>Meets all of the following:</p> <ul style="list-style-type: none"> <li>• All post-construction runoff will be completely infiltrated or used on-site; and</li> <li>• Will not impact an area of natural habitat, a wetland, or riparian area; and</li> <li>• Complies with all state and local building codes and stormwater regulations</li> </ul>

<sup>4</sup> Refer to HUD Programmatic Opinion or contact NOAA Fisheries.

## Part B: Consultation with U.S. Fish and Wildlife Service

### Step 1: Obtain Species List & Determine Critical Habitat

You must obtain a species list for the entire action area of your project. The action area encompasses all of the effects of the project, not just those that occur within the construction footprint. Note that project effects include those that extend beyond the project site itself, such as noise, air pollution, water quality, stormwater discharge, visual disturbance; effects to habitat must be considered, including the project's effects on roosting, feeding, nesting, spawning and rearing habitat, overwintering sites, and migratory corridors.

Go to <http://ecos.fws.gov/ipac/> for a list of species by project area. Please note that this list includes listed, proposed *and* candidate species; consideration of project effects on candidate species is optional, unless effects are very large (contact the local USFWS field office in this case). However, candidate species may become listed as endangered or threatened species during the period of construction. If you have questions, contact the appropriate USFWS field office<sup>5</sup> to discuss the species list for your area.

### Step 2: Determine Effect

#### Question 1: Would the project effects overlap with federally-listed or proposed species or designated or proposed critical habitat covered by USFWS?

Consider all effects of the project within the action area. The action area encompasses all the effects of the project, including those that occur beyond the boundaries of the property (such as noise, air pollution, water quality, stormwater discharge, visual disturbance).

**NO, the project and all effects are outside the range of listed or proposed species and designated critical habitat covered by USFWS.** Therefore, the project will have *No Effect* on ESA-listed or proposed species or designated critical habitat.

- Record your determination of *No Effect* on species or habitats covered by USFWS, and maintain this documentation in your Environmental Review Record.
- Attach a statement explaining how you determined that your project's effects do not overlap with species or habitat covered by USFWS.

**YES, project effects may overlap with ESA-listed or proposed species or designated critical habitat covered by USFWS.** Therefore, your project could affect species and habitat.

- Continue to Question 2.

#### Question 2: Will the project occur on a previously developed site?

**YES, the project will have *No Effect* on ESA-listed species or designated critical habitat.**

- Record your determination of *No Effect* on species or habitats covered by USFWS, and maintain this documentation in your Environmental Review Record. Attach a statement explaining how you determined that your project's effects do not impact species or habitat covered by USFWS.

**NO.**

- Continue to Question 3.

<sup>5</sup> <http://www.fws.gov/oregonfwo/Administration/ContactUs/>



**Question 3: Is the project activity listed in Table A and does it meet all of the required parameters?**

**YES, the activity is listed in Table A and meets all of the required parameters.** Therefore, the project will have *No Effect* on ESA-listed species and/or designated critical habitat.

- Record your determination of *No Effect* and maintain this documentation, including the official species list and map of your project location, in your Environmental Review Record.
- Attach a statement to your determination explaining how your project met the required parameters in Table A.

**NO, the project description does not match a project description in Table A and all of the specified parameters.**

- Continue to Question 4.

**Question 4: Do you have some other basis for a *No Effect* determination, for example a biological assessment or other documentation from a qualified professional?**

**YES, the project has professional documentation for *No Effect* determination.**

- Record your determination of *No Effect* and maintain this documentation, including the official species list and map of your project location, in your Environmental Review Record.  Attach the biological assessment or other professional documentation.

**NO, the project does not have professional documentation for a *No Effect* determination and *may affect a listed species*.** The project *may affect* listed or proposed species, or designated or proposed critical habitat. Consultation with the USFWS may be required.

- CONTACT THE USFWS TO DETERMINE THE APPROPRIATE EFFECTS DETERMINATION AND LEVEL OF CONSULTATION REQUIRED. Contact information on Page 9.

## Initiating Section 7 Consultation

If the effects of the action are insignificant, discountable, or entirely beneficial, it is *not likely to adversely affect* listed or proposed species or designated critical habitats, and the section 7 consultation for the project may remain informal and relatively simple. A *May Affect, Not Likely to Adversely Affect* determination is the most common outcome of consultation for HUD-funded projects with USFWS.

However, if the effects of the action on listed or proposed species and/or critical habitat are not discountable, insignificant, or entirely beneficial, (i.e., *likely to adversely affect*), formal consultation must be initiated. In such cases, a formal consultation must be initiated prior to committing resources to the project, by which the USFWS and/or NOAA Fisheries assess the action's potential to jeopardize the listed species, to result in the destruction or adverse modification of critical habitat, or to result in incidental take of a listed species. Formal consultation will result in the USFWS and/or NOAA Fisheries issuing a Biological Opinion for the project, including an incidental take statement for project actions, if appropriate. The Biological Opinion will also include non-discretionary terms and conditions to further minimize and/or avoid project impacts to ESA-listed species. Because the constituents of stormwater runoff are particularly harmful to aquatic species, a *May Affect, Likely to Adversely Affect* determination is the most common outcome of consultation for HUD-funded projects with NOAA Fisheries.

At any stage in making your determination, you may wish to contact the appropriate USFWS and NOAA Fisheries field offices for technical assistance. Contact information is available at:

NOAA Fisheries Service  
Portland Regional Office  
1201 Northeast Lyon Blvd, Suite 1100  
Portland, OR 97232  
503-230-5400  
<http://www.westcoast.fisheries.noaa.gov/index.html>

U.S. Fish and Wildlife Service  
Oregon Fish and Wildlife Office  
2600 SE 98<sup>th</sup> Avenue, Suite 100  
Portland, OR 97266  
503-231-6179  
<http://www.fws.gov/oregonfwo/>

For projects located in the Klamath River Basin, you must contact NOAA's Northern California Office at:

NOAA Fisheries Service  
Arcata Office  
1655 Heindon Road  
Arcata, CA 95521  
707-825-5171

For a map of the Klamath River Basin, please visit:

[http://www.westcoast.fisheries.noaa.gov/publications/gis\\_maps/maps/salmon\\_steelhead/esa/chinook/w eb\\_pdfs\\_uktr\\_chinook.pdf](http://www.westcoast.fisheries.noaa.gov/publications/gis_maps/maps/salmon_steelhead/esa/chinook/w eb_pdfs_uktr_chinook.pdf)

**Links to Section 7 Handbook and additional Section 7 resources:**

- Section 7 Handbook: [http://www.nmfs.noaa.gov/pr/pdfs/laws/esa\\_section7\\_handbook.pdf](http://www.nmfs.noaa.gov/pr/pdfs/laws/esa_section7_handbook.pdf)
- Overview of the Section 7 Process: <http://www.fws.gov/Midwest/endangered/section7/index.html>

**Additional Resources for LID**

- American Rivers, 2012, Banking on Green Report: Economic Benefits of Green Infrastructure Practices
- Clean Water Services, 2009, Low Impact Development Approaches (LIDA) Handbook
- ECONorthwest, 2009, LID at the Local Level - Developers' Experiences and City and County Support
- EPA, 2005, Low Impact Development for Big Box Retailers
- Herrera, 2013, Guidance Document: Western Washington LID Operation and Maintenance
- NCHRP, 2006, Evaluation of BMPs for Highway Runoff Control – LID Design Manual
- Prince George County, Maryland, 1999, Low-Impact Development Design Strategies
- Puget Sound Partnership, 2012, Low Impact Development: Technical Guidance Manual for Puget Sound
- US EPA, 2013, Stormwater to Street Trees: Engineering Urban Forests for Stormwater Management



## Endangered Species – Contacts

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