

July 29, 2016

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re: FAHP Review and Approval – ODOT R2 OR126B & McVay Hwy: Mississippi Ave, UPRR, On-site Stormwater Deficit, Willamette River, Lane Co (KN#18865) NMFS#2011-02095)

Mr. Fortey:

I read the notification form submitted to NMFS on July 20, 2016, requesting that NMFS review and approve the action named above as consistent with the Federal-Aid Highway Program biological opinion issued to the Federal Highway Administration on November 28, 2012 (the FAHP opinion), for a project element related to a stormwater deficit that will be offset using stormwater equivalence metrics.

Based on information included on the form and from discussion with Tom Loynes, ODOT liaison for NMFS, including these facts:

- Contributing impervious area (CIA) for the proposed project is 3.30 ac, which includes a net reduction of 0.40 ac of impervious surface.
- The project will provide 3.30 ac stormwater quality and quantity treatment for runoff from impervious surfaces as follows:
  - 3.24ac on-site, with 0.06 acres left untreated. However, due to the project treating SW beyond the design criteria (treating the 25 year event), the 0.06 acres is offset with the excess treatment of the higher design storm. Assuming the 2-year 24-hour storm event treats 90% of the pollutants, treating the higher storm event should provide the extra 10% of treatment (0.32 acres – more than the 0.06 acres needed).
  - In the future, the second phase of this project will treat the 0.06 acres.
  - Treatment will be via 16 infiltration planters, 3 infiltration rain gardens, and pervious pavement.
- All 3.30 ac of stormwater treatment to be provided as part of this project will include water quality and quantity measures as described in the FAHP opinion, including calculations for impervious area, use of the design storm (using a larger design storm than required), selection and design of approved BMP treatment methods, maintenance, and reporting.
- All other relevant design criteria for construction practices will be used,

Therefore, I approve this proposed action as consistent with the FAHP opinion.

Please note that FAHP opinion requires FHWA to submit a project completion report for this project within 60-days of end of construction to verify the number and type of stormwater management practices installed, inspected and maintained by ODOT, as described in the FAHP opinion in section 2(b) at p.120-121, to ensure that this stormwater mitigation is effective.

Reinitiation of consultation on this action is required and shall be requested by the FHWA where discretionary Federal involvement or control over the action has been retained or is authorized by law and (a) the amount or extent of taking specified in the Incidental Take Statement is exceeded, (b) 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, (c) the identified action is subsequently modified in a manner that has an effect to the listed species or critical habitat that was not considered in the biological opinion; or (d) a new species is listed or critical habitat designated that may be affected by the identified action (50 CFR 402.16).

Please direct questions regarding this email to Tom Loynes, ODOT liaison with NMFS in the Willamette Branch, at [503-231-2243](tel:503-231-2243).

Marc Liverman  
Willamette Branch Chief  
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