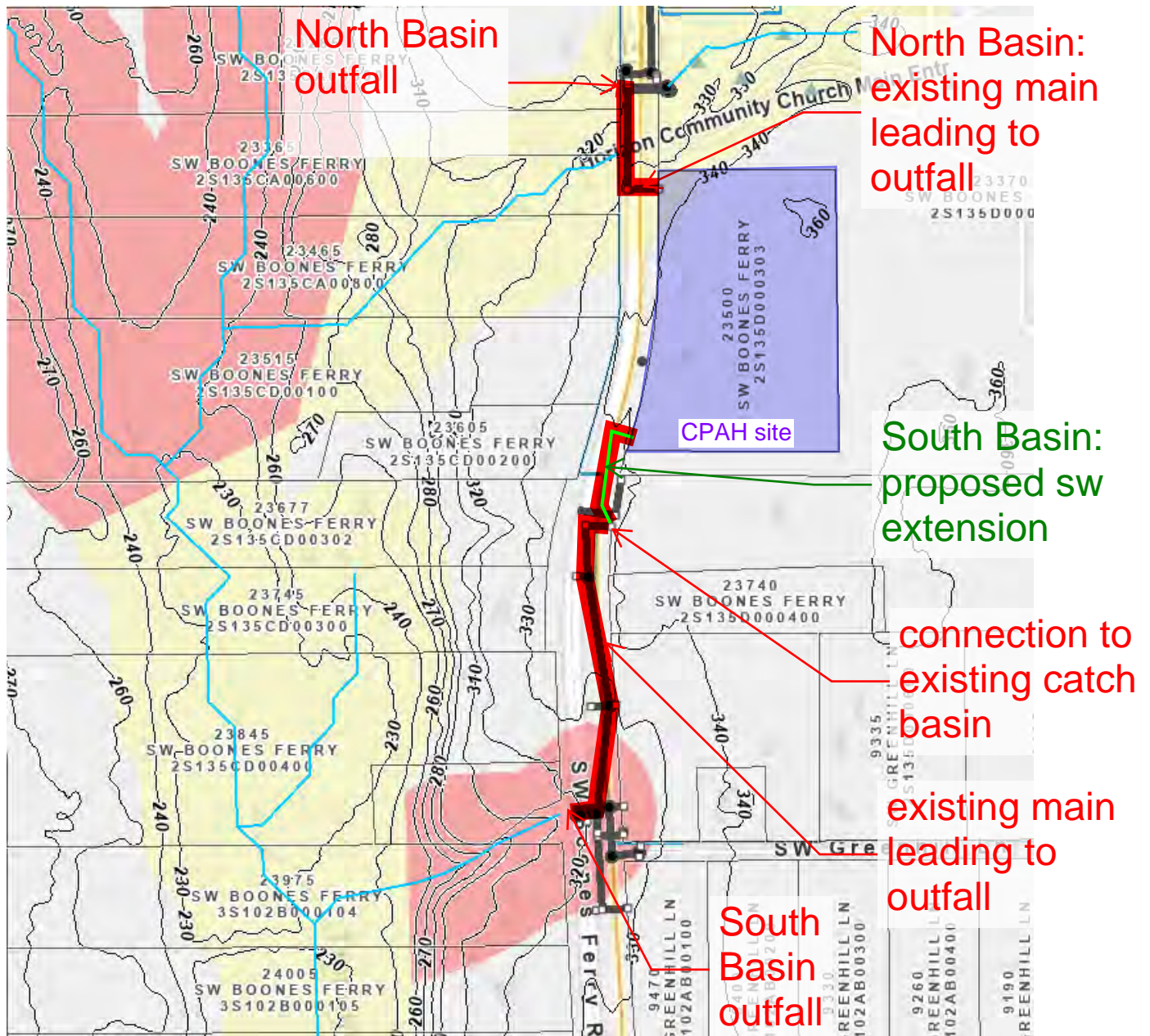


# Stormwater Connections to the Public System and Corresponding Points of Discharge at Existing Outfalls to Drainageways

-AW, Vega 6-6-2022



**From:** [Melissa Soots](#)  
**To:** [Erin Engman](#); [Kayla Zander](#)  
**Cc:** [Steve Koper](#); [Heidi Springer](#); [Tony Doran](#)  
**Subject:** RE: Request for Information and Clarification RE: Tualatin AR 22-0001 CPAH Arch Review- for Public Record  
**Date:** Friday, May 27, 2022 11:54:10 AM  
**Attachments:** [image001.png](#)  
[ESA\\_NE\\_Guidance\\_for\\_OR.pdf](#)  
[C6.01\\_Civil\\_Details\\_AR\\_11x17.pdf](#)  
[C6.00\\_Civil\\_Details\\_AR\\_11x17.pdf](#)

---

Erin,

Below is information in response to the request for additional information you received from Grace and John Lucini. Please add sheets C6.00 and C6.01 to the record.

Item #1: Requested information from Dave LaLiberte:

1. Request #1: Please refer to the Preliminary Drainage Report, revised 5/2/22
2. Request #2: Information has been provided in the table below:

**Table 1, Missing Info for New CPAH Outfall**

Engineering Parameter	ft	
Outfall crown-of- pipe (COP) elevation	331.82	
Outlet Orientation	South	
Size of Outlet	1.0	
Outlet Armoring type and configuration	N/A	
Outfall Invert Elevation	330.82	From CPAH Drawing C3.01

3. Request #3: The public works permit has not been approved at this time.
4. Request #4: Please see attached sheet C6.00 and sheet C6.01
5. Request #5: Please refer to the Preliminary Drainage Report, revised 5/2/22
6. Request #6: Please refer to the Preliminary Drainage Report, revised 5/2/22
7. Request #7: All required CWS storm events are being managed per code for proposed water quantity discharge rates. The North and South basins of the site represent 2.9% and 1.2% of the total tributary drainage flows during the 25-year storm event, respectively, prior to discharging to the unnamed drainageways. Please refer to the Preliminary Drainage Report, revised 5/2/22.

Item #2: Timing of implementation of the proposed Stormwater Plan is dependent on City of Tualatin approval processes. Design and construction will meet required jurisdictional codes including Clean Water Services requirements and the requirements for a DEQ 1200-C permit.

Item #3: Please see the attached document, "Endangered Species Act Guidance for Oregon" for the referenced requirements.

**melissa soots**, NCARB | associate | project manager

pronouns: she/her/hers

**CARLETON HART ARCHITECTURE PC**

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**From:** Erin Engman <eengman@tualatin.gov>  
**Sent:** Wednesday, May 25, 2022 10:47 AM  
**To:** Kayla Zander <kayla.zander@carletonhart.com>; Melissa Soots <melissa.soots@carletonhart.com>  
**Cc:** Steve Koper <skoper@tualatin.gov>; Heidi Springer <hspringer@tualatin.gov>; Tony Doran <TDORAN@tualatin.gov>  
**Subject:** FW: Request for Information and Clarification RE: Tualatin AR 22-0001 CPAH Arch Review- for Public Record

Good morning Kayla and Melissa-  
I'm sharing a public comment that was received in response to the notice of public hearing sent for your project. The Lucini's are requesting additional documentation, and I would encourage you to respond to any items that may impact pertinent Architectural Review approval criteria, specifically [TDC 74.630](#) and in turn, TMC 3-5-210. If you do send a response, I ask that you please copy me on the correspondence for the record.

**Erin Engman**

Senior Planner  
City of Tualatin | Planning Division  
503.691.3024 | [www.tualatinoregon.gov](http://www.tualatinoregon.gov)

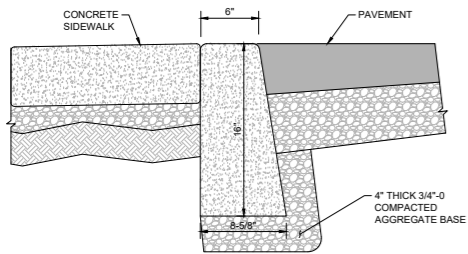
**From:** G Lucini <grluci@gmail.com>  
**Sent:** Wednesday, May 25, 2022 8:48 AM  
**To:** Erin Engman <eengman@tualatin.gov>  
**Cc:** John Lucini <jwluci@gmail.com>  
**Subject:** Request for Information and Clarification RE: Tualatin AR 22-0001 CPAH Arch Review- for Public Record

Good Morning Erin,  
Please accept this request for additional information and clarification of information on the City's Architectural Review of the CPAH Plambeck Gardens submissions AR 22-0001-scheduled to be heard by the Architectural Review Board on June 8th.

We are submitting this information request at this time, and requesting that we receive an informative reply (prior to the end of the work day on Monday May 30th)-- to the questions presented and receive access to the documents various documents clearly identified in the 5-23-2022 Attachment titled "Missing Information Request- CPAH Plambeck Gardens by Liberte Environmental Associates Inc".

We request that you or a City of Tualatin staff member- upon receipt of this correspondence-forward this submission  
- to all members of the Tualatin Architectural Review Board and  
- to all members of the City of Tualatin Planning Commission- as CCI for Citizen Involvement for the City of Tualatin, and who fulfill the State of Oregon Land Use Planning Goal #1 for Citizen Involvement.

Thank you in advance for your assistance.  
Grace and John Lucini

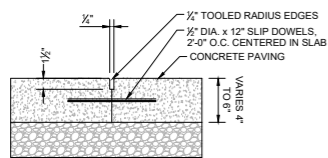


NOTES:

1. SET ADJACENT SURFACES FLUSH WITH CURB.

15 FLUSH CONCRETE CURB

NTS

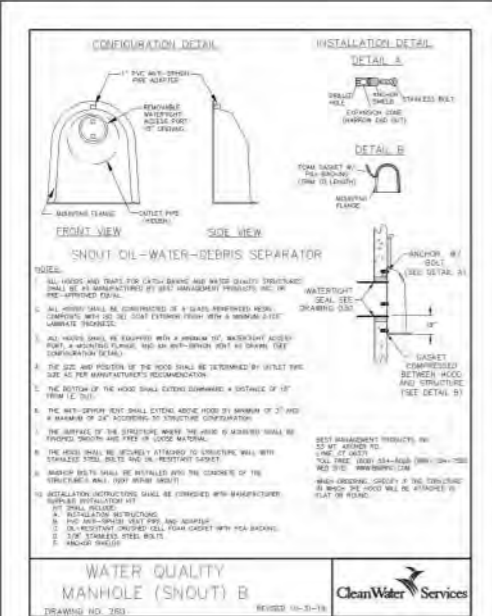


NOTE:

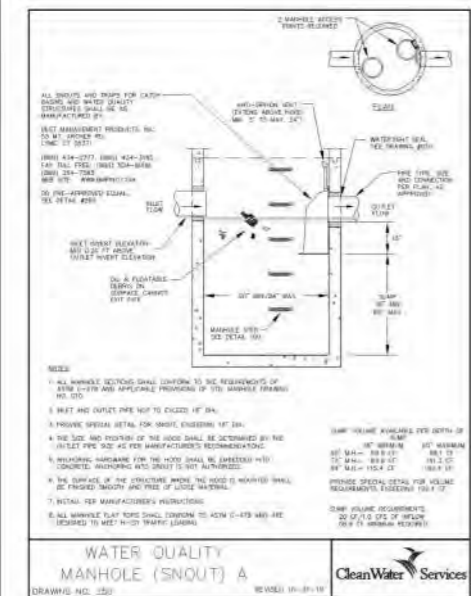
1. INSTALL CONSTRUCTION JOINTS 2'-0" O.C. WHERE EXISTING CONC. PAVING ABUTS PROPOSED CONC. PAVING.

14 CONSTRUCTION JOINT

NTS



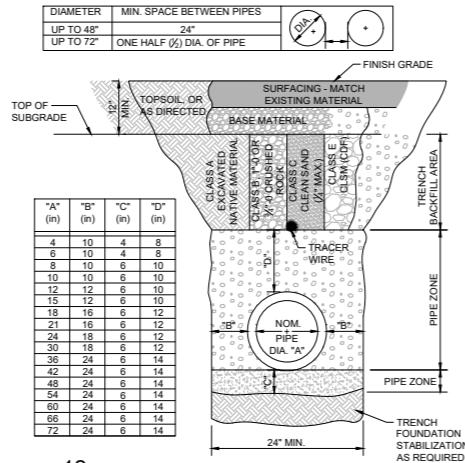
WATER QUALITY MANHOLE (SNOUT) B  
DRAWING NO. 2350  
REVISED 10-11-18  
CleanWater Services



WATER QUALITY MANHOLE (SNOUT) A  
DRAWING NO. 2350  
REVISED 10-11-18  
CleanWater Services

13 WATER QUALITY MANHOLE

NTS



12 TRENCH BACKFILL

NTS

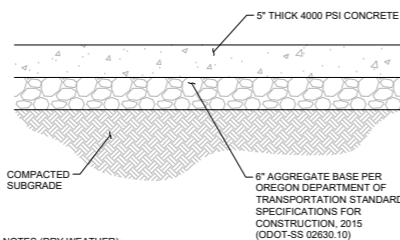


STAINLESS STEEL STORM DRAIN MARKER

- NOTES:
1. MANUFACTURED BY ALMETEK INDUSTRIES, INC. OR APPROVED EQUAL.
  2. USE NONCORROSIVE AND NONREACTIVE METAL FASTENER FOR INSTALLATION INTO CONCRETE CURB. CONCRETE MUST CURE FOR NO LESS THAN 28 DAYS PRIOR TO INSTALLATION.
  3. WHEN APPLICABLE DRAINAGE STRUCTURE IS NOT DIRECTLY ADJACENT TO CONCRETE CURB, USE CARTRIDGE BOLT WASHER, NUT & FORGED STEEL BACKING PLATE FOR AFFIXING TO CATCH BASIN/AREA DRAIN GRATES.

11 NO DUMPING STORM DRAIN MARKER

NTS

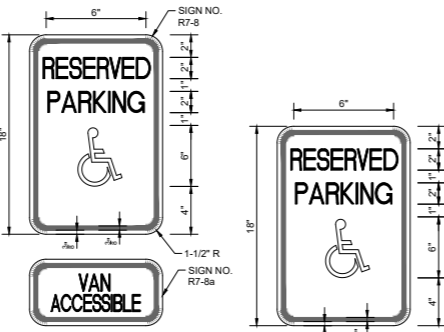


NOTES (DRY WEATHER):

1. AGGREGATE BASE PARTICLE SIZE NOT TO EXCEED 1 1/2". BASE COURSE TO BE COMPACTED TO AT LEAST 96% OF ASTM D 1557.
2. NATIVE SOIL SUBGRADE SHALL BE COMPACTED TO NOT LESS THAN 92% OF THE MAXIMUM DRY DENSITY AS DETERMINED BY ASTM D 1557.
3. REFERENCE GEOTECHNICAL MEMO, PREPARED BY EARTH ENGINEERS, INC., DATED DECEMBER 28, 2021.

10 CONCRETE PAVEMENT

NTS



VAN ACCESSIBLE

STANDARD

- NOTES:
1. SIGN BACKGROUND: WHITE, RETROREFLECTIVE SHEETING
  2. SIGN LEGEND: GREEN, RETROREFLECTIVE SHEETING
  3. SIGN SYMBOL (R7-8 ONLY): WHITE ON BLUE, RETROREFLECTIVE SHEETING

9 ACCESSIBLE PARKING SIGNS

NTS

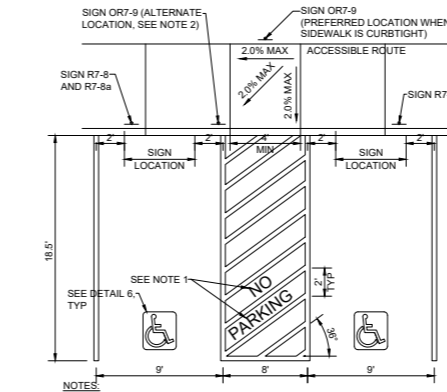
LEGEND	DIMENSIONS (INCHES)		
	A	B	C
MINIMUM	28	24	3
STANDARD	41	36	4

NOTES:

1. PAVEMENT MARKING BACKGROUND: OPTIONAL: BLUE, RETROREFLECTIVE
2. PAVEMENT MARKING STENCIL: WHITE, RETROREFLECTIVE

8 ACCESSIBLE PARKING EMBLEM

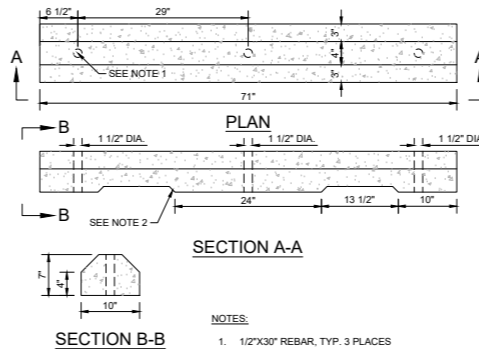
NTS



- NOTES:
1. PAVEMENT MARKING: WHITE RETROREFLECTIVE. "NO" SHALL BE 18"L X 12"H, AND "PARKING" SHALL BE 60"L X 12"H.
  2. IF ALTERNATE LOCATION IS USED, ALSO INSTALL SIGN OR7-9a.

7 DOUBLE-ACCESSIBLE PARKING SPACE

NTS



SECTION A-A

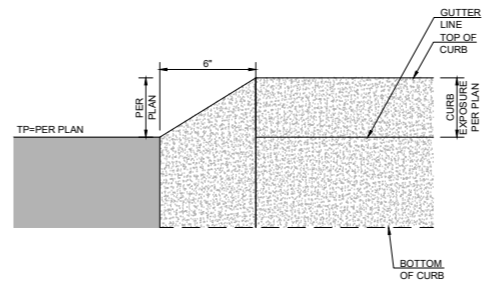
SECTION B-B

NOTES:

1. 1/2"X30" REBAR, TYP. 3 PLACES AND/OR
2. EPOXY GROUT IN PLACE WITH 2 IRON RODS.

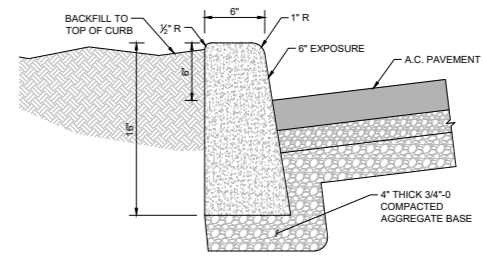
6 PRECAST CONCRETE WHEELSTOP

NTS



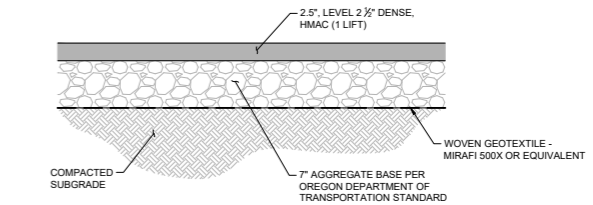
5 CURB TAPER

NTS



4 STANDARD CONCRETE CURB

NTS

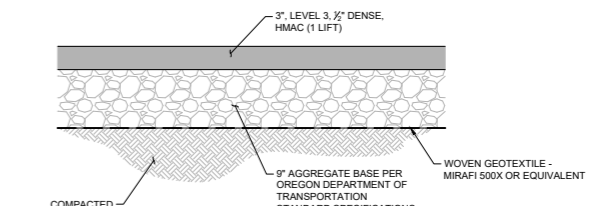


NOTES (DRY WEATHER):

1. AGGREGATE BASE PARTICLE SIZE TO BE WELL GRADED 1-1/2" OR 2-MINUS CRUSHED ROCK, HAVING LESS THAN 5 PERCENT OF MATERIAL PASSING THE NO. 200 SIEVE.
2. AC PAVEMENT SHALL BE COMPACTED TO 91% OF RICE DENSITY OF THE MIX, AS DETERMINED BY ASTM D 2041.
3. NATIVE SOIL SUBGRADE SHALL BE COMPACTED TO NOT LESS THAN 92% OF THE MAXIMUM DRY DENSITY AS DETERMINED BY ASTM D 1557. IMPORTED STRUCTURAL FILLS SHALL BE PREPARED PER GEOTECHNICAL INVESTIGATION REPORT, PREPARED BY EARTH ENGINEERS, INC., REV. OCTOBER 25, 2021.

3 PAVEMENT SECTION - PARKING STALLS

NTS

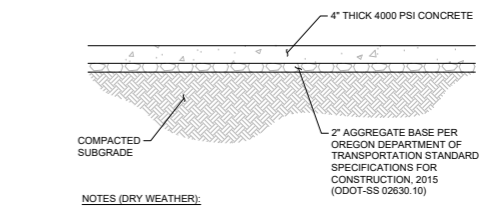


NOTES (DRY WEATHER):

1. AGGREGATE BASE PARTICLE SIZE TO BE WELL GRADED 1-1/2" OR 2-MINUS CRUSHED ROCK, HAVING LESS THAN 5 PERCENT OF MATERIAL PASSING THE NO. 200 SIEVE.
2. AC PAVEMENT SHALL BE COMPACTED TO 91% OF RICE DENSITY OF THE MIX, AS DETERMINED BY ASTM D 2041.
3. NATIVE SOIL SUBGRADE SHALL BE COMPACTED TO NOT LESS THAN 92% OF THE MAXIMUM DRY DENSITY AS DETERMINED BY ASTM D 1557. IMPORTED STRUCTURAL FILLS SHALL BE PREPARED PER GEOTECHNICAL INVESTIGATION REPORT, PREPARED BY EARTH ENGINEERS, INC., REV. OCTOBER 25, 2021.

2 PAVEMENT SECTION - DRIVE AISLE

NTS

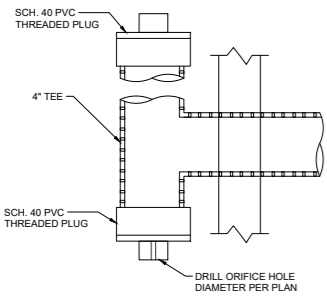


NOTES (DRY WEATHER):

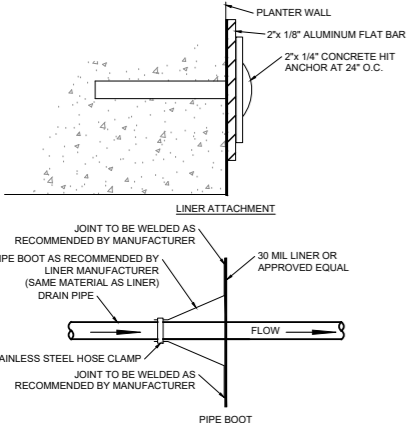
1. AGGREGATE BASE PARTICLE SIZE NOT TO EXCEED 1 1/2".
2. NATIVE SOIL SUBGRADE SHALL BE COMPACTED TO NOT LESS THAN 92% OF THE MAXIMUM DRY DENSITY AS DETERMINED BY ASTM D 1557.
3. REFERENCE GEOTECHNICAL MEMO, PREPARED BY EARTH ENGINEERS, INC., DATED DECEMBER 28, 2021.

1 CONCRETE SIDEWALK

NTS

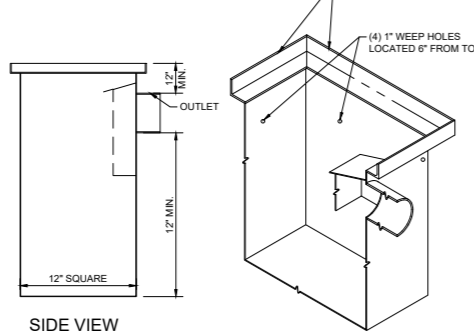
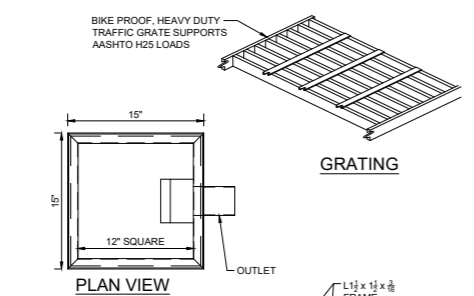


**13 CWS OVERFLOW ORIFICE DETAIL**  
NTS



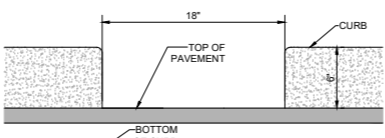
**12 LINER ATTACHMENT**  
NTS

- CONSTRUCTION NOTES:**
1. ADHERE LINER TO CONCRETE W/ SEALANT RECOMMENDED BY LINER MANUFACTURER.
  2. SECURE LINER TO CONCRETE WITH 2" ALUMINUM FLAT BAR, PLACED AS DIRECTED (CURB SIDE OR ENTIRE FACILITY).
  3. ATTACH FLAT BAR WITH CONCRETE HIT ANCHORS, 24" O.C.
  4. TRIM EXCESS LINER TO THE TOP OF THE FLAT BAR.
  5. ON CLEAN CONCRETE SURFACE, ADD SILICONE SEALER TO TOP 1/2" OF LINER.
  6. START ATTACHING LINER IN THE MIDDLE OF THE FACILITY FIRST, WORKING TOWARD THE ENDS TO MINIMIZE WRINKLES. CORNERS SHOULD BE CUT TO FIT WITHOUT WRINKLES.

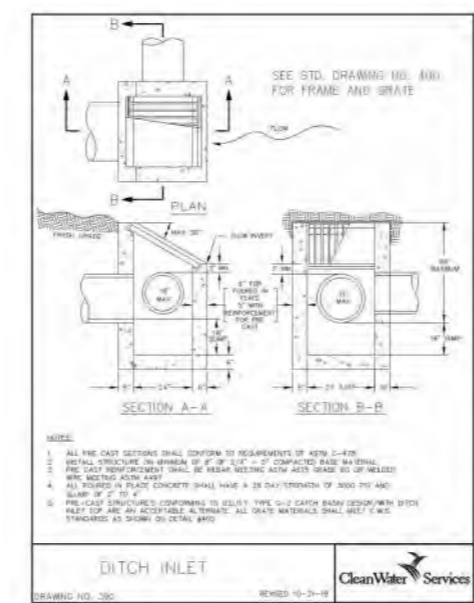


**11 12" LYNCH SANITARY DRAIN**  
NTS

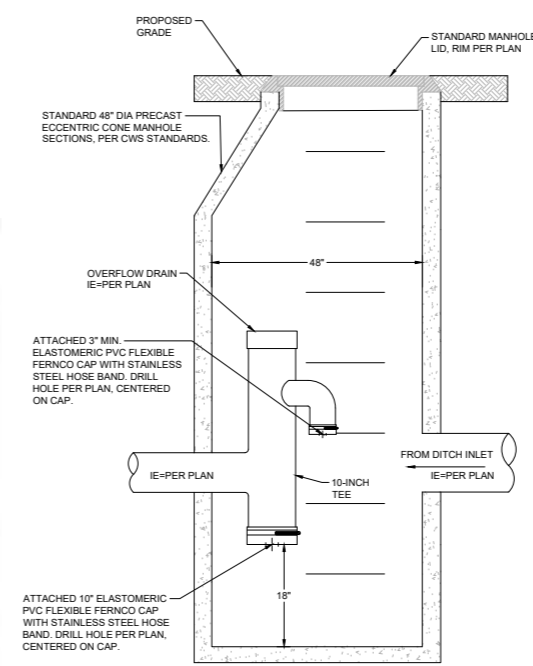
- NOTES:**
1. BOX FABRICATED FROM 10 GA. MATERIAL



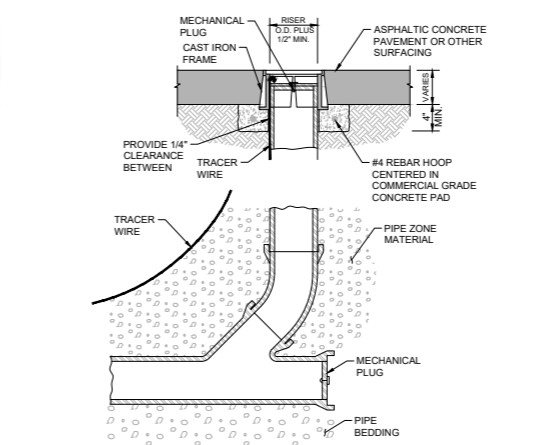
**10 CURB SCUPPER**  
NTS



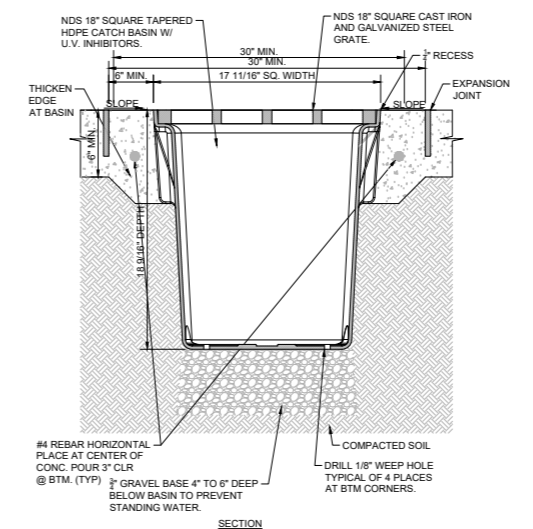
**9 DITCH INLET**  
NTS



**6 ORIFICE FLOW-CONTROL STRUCTURE**  
NTS

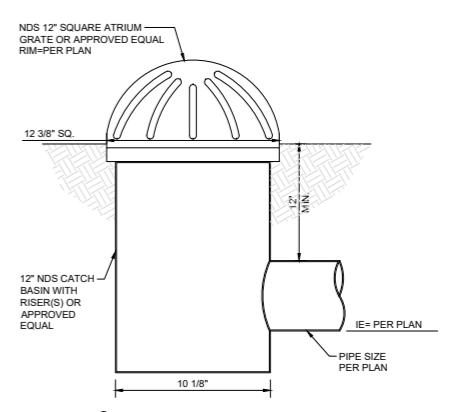


**5 SANITARY/STORMWATER CLEANOUT**  
NTS

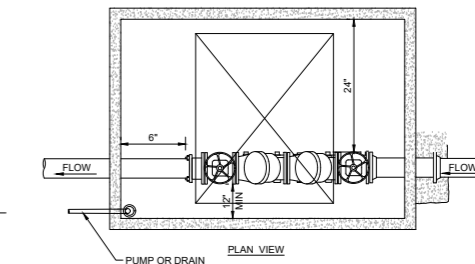


**4 18" SQUARE TRAFFIC RATED CATCH BASIN**  
NTS

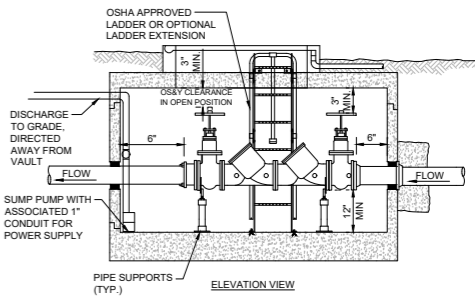
- NOTES:**
1. GRATE TO BE ATTACHED TO CATCH BASIN WITH SCREW PROVIDED AT TIME OF INSTALLATION.
  2. INSTALLATION TO BE COMPLETED IN ACCORDANCE WITH MANUFACTURER'S SPECIFICATIONS.
  3. DO NOT SCALE DRAWING.
  4. THIS DRAWING IS INTENDED FOR USE BY ARCHITECTS, ENGINEERS, CONTRACTORS, CONSULTANTS AND DESIGN PROFESSIONALS FOR PLANNING PURPOSES ONLY.
  5. ALL INFORMATION CONTAINED HEREIN WAS CURRENT AT THE TIME OF DEVELOPMENT BUT MUST BE REVIEWED AND APPROVED BY THE PRODUCT MANUFACTURER TO BE CONSIDERED ACCURATE.
  6. CONTRACTOR'S NOTE FOR PRODUCT AND COMPANY INFORMATION VISIT [www.caddetails.com/info](http://www.caddetails.com/info) AND ENTER
  7. REFERENCE NUMBER 558-195.



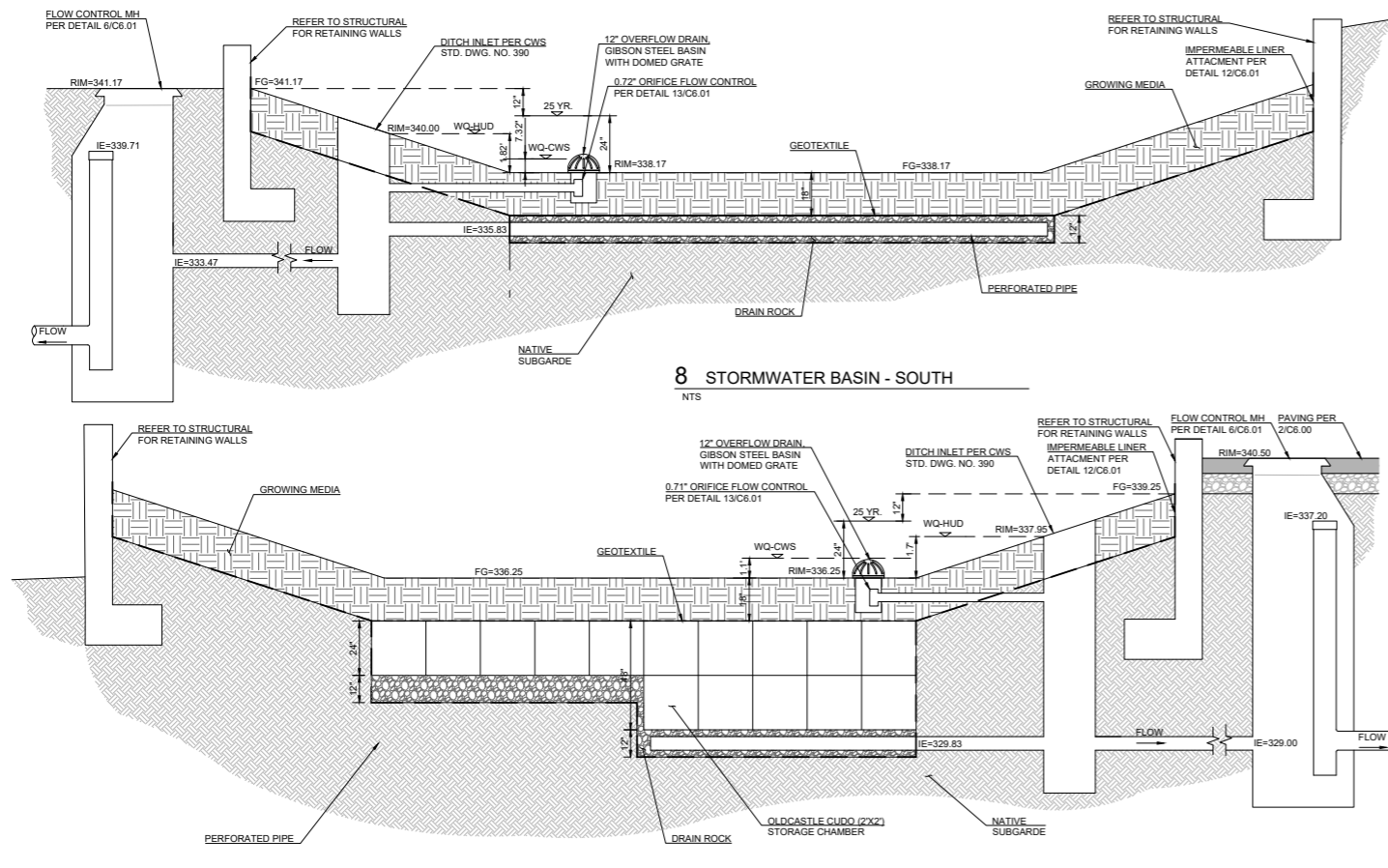
**3 12" AREA DRAIN**  
NTS



**2 WATER BACKFLOW VAULT**  
NTS



**1 FIRE BACKFLOW VAULT**  
NTS



**8 STORMWATER BASIN - SOUTH**  
NTS

**7 STORMWATER BASIN - NORTH**  
NTS

# 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*.

- **Beneficial effects** are contemporaneous positive effects without any adverse effects to the species.
- **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.
- **Discountable effects** are those extremely unlikely to occur. Based on best judgment, a person would not expect discountable effects to occur.

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 is 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 (206) 220-5414 or Sara Jensen (206) 220-5226.



## Procedure for Section 7 Determination

You may use the guidance below to document compliance with the Endangered Species Act.

### 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.**
- Continue to Question 2.

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

**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	<ul style="list-style-type: none"> <li>No change to existing structures</li> </ul>
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>
Any exterior repair or improvement that will not increase post-construction runoff, e.g. <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> <li>Repair existing parking lots (pot holes, repainting lines, etc.)</li> </ul>	<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>
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. <ul style="list-style-type: none"> <li>Curb cuts</li> <li>Wheelchair ramps</li> </ul>	Meets <u>all</u> of the following: <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)	Meets <u>all</u> of the following <ul style="list-style-type: none"> <li>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.	Meets <u>all</u> of the following: <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.

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

- 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.

**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> Ave, 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