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July 12, 2007

Washington State Department of Transportation
Roger L. Arms, P.E.
Regional Local Programs Engineer
South Central Region
PO Box 12560
Yakima, WA 98909-2560

Biological Assessment – No Effect Determination
William O. Douglas Trail STPE-1485(020)
Yakima County, Washington

Dear Mr. Arms,

The City of Yakima is proposing to construct a bicycle/pedestrian pathway approximately one mile in length. This path would begin at the intersection of I Street and N. 6th Avenue, continue along N. 6th Avenue and end across the historic Naches River Trolley Bridge. The purpose of this project is to provide safe access for pedestrians and bicyclists between the cities of Yakima and Selah. The proposed trail over the Naches River Trolley Bridge would be a component of an existing, large-scale, transportation system consisting of the William O. Douglas Trail, the Yakima Valley Transportation Company (Trolley), and the Yakima Greenway/Pathway. This system spans the cities of Yakima and Selah, within Yakima County, reaches into portions of Lewis County and ends in Pierce County at Mount Rainier National Park. We have prepared this assessment on behalf of the City of Yakima to address federally listed species under the jurisdiction of the U.S. Fish and Wildlife Service (USFWS) and the National Oceanic and Atmospheric Administration, National Marine Fisheries Service (NOAA Fisheries). As this project would receive funding from FHWA it has a federal nexus.

The proposed project area is located within the City of Yakima. The legal geographic description within which the project is located is: Township 13 North, Range 18 East, Sections 12 and 13 (Figure 1). This project proposes to construct a pedestrian and bicycle pathway from the intersection of I Street and N. 6th Avenue to north side of the Naches River Trolley Bridge, a listed structure on the National Register of Historic Places. The portion of the trail constructed on the Naches River Trolley Bridge would be placed parallel to the existing rails between the face of the truss and nearest rail. This pathway would provide adaptive use by trail users connecting trails on either side of the river while permitting continuation of the bridge's primary function; serving the electric trolley system. The trail across the Naches River Trolley Bridge will be constructed using dimensional lumber attached directly to the existing bridge. Construction is expected to begin in the spring of 2008 and last approximately three months.

The action area includes all areas that could potentially be affected by the proposed project and is not limited to the actual construction area (project area). The limits of the

action area are affected by project specific conditions. The noise element is the farthest-reaching impact from construction activities and can adversely affect wildlife in various ways. Therefore, noise is used to determine the terrestrial portion of the action area. No high noise construction activities (including jack hammering, blasting and impact drilling) would occur as part of this project. Construction noise generated by the use of hand tools, heavy trucks and support vehicles / service tucks is not expected to exceed noise levels of 96 dBA (WSDOT 2007). Background levels were determined to be 82 dBA given the presence of a 35 mph 2-lane arterial throughout much of the project site. The terrestrial portion of the action area was determined to encompass the area within a 0.09 mile radius of the project site. This area was calculated in accordance with WSDOT's Biological Assessment Training Manual for Transportation Projects (WSDOT 2007).

For the purpose of this project an aquatic action area will not be discussed as increases in sedimentation / turbidity will not result from project related activities and in-water work will not be necessary as part of this project. Additionally, filter fabric will be draped under the bridge and reinforced with chain link fence to prevent any construction debris from entering the river during construction activities taking place over the water.

Land use in the vicinity of the project area consists of agricultural, commercial, residential, recreational and transportation. Interstate 82, SR 12 and the BNSF rail line are located near the northern portion of the project site, whereas commercial, residential and agricultural uses are concentrated towards the southern portion of the project site. The project is located within the historic Big Sagebrush vegetation zone (Franklin and Dyrness 1973). A site visit was conducted by a qualified biologist on June 12, 2007.

The Endangered Species Act requires that projects with a federal nexus shall consult on the proposed project so as not to jeopardize the continued existence of any endangered or threatened species, or cause the destruction or adverse modification of designated critical habitat for these species. The Magnuson-Stevens Fishery Conservation And Management Act (Magnuson-Stevens Act) includes a mandate that NOAA Fisheries must identify essential fish habitat (EFH) for federally managed marine fish, and federal agencies must consult with NOAA Fisheries on all activities, or proposed activities, authorized, funded, or undertaken by the agency that may adversely affect EFH (NOAA Fisheries 1996; PFMC 1999).

The current USFWS listing of species under its jurisdiction indicates the potential presence in Yakima County of the endangered gray wolf and the threatened bull trout, grizzly bear, marbled murrelet, and northern spotted owl. Critical habitat for the northern spotted owl and the Columbia River distinct population segment (DPS) of bull trout has been designated in the county (USFWS 2007). No suitable habitat exists within the project action area for the gray wolf, grizzly bear, northern spotted owl or marbled murrelet; therefore neither these species nor their critical habitats will be discussed further in this assessment.

NOAA Fisheries provides listings of threatened and endangered species under its jurisdiction. The current listing indicates the potential presence of the threatened Middle Columbia River DPS of Steelhead within the project area. Critical habitat for the Middle

Columbia River DPS of Steelhead has also been designated in the county (NOAA Fisheries 2007).

The possible presence of listed species in the project area was further evaluated by reviewing Washington Department of Fish and Wildlife (WDFW) priority Habitats and Species (PHS) data, and the Washington Department of Natural Resources (WDNR) Natural Heritage Program rare plant data (WDFW 2006, WDNR 2007).

The proposed project is expected to have no effect on ESA listed species and critical habitat potentially present within the project action area. The following is a determination of species presence within the project action area and an analysis of effects.

Columbia River DPS of bull trout and the Middle Columbia River DPS of steelhead are both present in the Naches River and located directly below the project site. While it has been determined that the presence of listed fish species and suitable habitat exists within the project action area there would be no affect to either as no increases in sedimentation / turbidity will result from project related activities and in-water work will not be necessary as part of this project. Project activities would be confined to the exiting trusses of the bridge and filter fabric would be draped underneath the bridge and reinforced with chain link fence to prevent construction debris from entering the river during over-water work. The project would, therefore, have no effect on the Columbia River DPS of bull trout or the Middle Columbia River DPS of steelhead, and will result in no destruction or adverse modification of bull trout critical habitat.

This assessment satisfies the City of Yakima's responsibilities under Section 7(c) of the Endangered Species Act at this time. We will continue to monitor for any change in status of these species and will re-evaluate potential project impacts if necessary.

In compliance with the Magnuson-Stevens Fishery Conservation and Management Act, essential fish habitat (EFH) was assessed for the project. It was determined that the project will not have an adverse effect on EFH.

Should you have any questions about this assessment or require additional information, please contact Ross Widener at (425) 503-3629 or e-mail rwidener@prodigy.net.

Sincerely,

Ross Widener
Widener & Associates

Cc: Brett Sheffield, City of Yakima

References

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Vicinity Map of Naches River Trolley Bridge