

TECHNICAL MEMORANDUM

TO: Jim Rioux, City of Olympia

FROM: Theresa Turpin, AICP and Brittany Hartman, Staff Biologist

DATE: August 23, 2013

**RE: LETTER OF NO EFFECT
WEST BAY DRIVE NW SIDEWALK IMPROVEMENTS
OLYMPIA, WASHINGTON**

The City of Olympia (City) is proposing to install new sidewalks along West Bay Drive Northwest (NW) in Olympia, Washington. We have prepared this assessment on behalf of the City to meet the Biological Assessment requirements of Chapter 18.32.445 of the Olympia Municipal Code (OMC), to meet state and federal requirements, and to address potential impacts to federally listed and state sensitive species in the project area.

The project is located along the west side of the West Bay Drive NW corridor from 1515 West Bay Drive NW to 1115 West Bay Drive NW in Olympia, Thurston County, Washington, Section 10, Township 18 North, Range 02 West. The project location is shown on Figure 1 (Vicinity Map) and the project area is shown in Figure 2. Proposed work is installing sidewalks along the west side of this corridor to improve pedestrian safety. All work will be in accordance with City specifications for sidewalk construction. Construction is planned for spring 2014 and will take approximately 3 months to complete. Potential impacts from the project include ground disturbance (in already disturbed areas), approximately 675 cubic yards of fill, and paving the proposed sidewalk and roadway prism and potential impacts from construction noise. Construction equipment will include cement trucks, dump trucks, and other typical construction vehicles. A field review of the project site was conducted on March 27, 2013 by Landau Associates biologists; this field visit also included a delineation of wetlands and streams within 300 feet (ft) of the proposed improvements, with the exception of streams piped below ground within the study area. The results of the wetland and stream delineation are documented in the *Wetland Report* (Landau Associates 2013).

The project area is located within the City, which is an urban area with relatively high noise levels associated with traffic, the Port of Olympia, and nearby businesses. East of the project area is West Bay, which is a part of Budd Inlet and Puget Sound. Land use in the vicinity of the project area consists of commercial/industrial land to the east (Port of Olympia is located across West Bay) and residential/professional offices to the west. West Bay Drive NW extends to the north and south beyond the project area. A very small portion of the project area is located within 200 ft of the West Bay shoreline, which is designated as urban shoreline (Thurston County 1990). The soils in the project area

contain fill material associated with past disturbance (Landau Associates 2013). Trees, streams, and wetlands in the vicinity of the proposed improvements may provide habitat for birds, mammals, and amphibians adapted to urban areas, such as common songbirds and deer. However, these areas have been disturbed in the past and have very limited connectivity to other habitat areas. A piped segment of Schneider Creek located approximately 300 ft to the north of the proposed improvements is shown on the Washington State Department of Fish and Wildlife (WDFW) SalmonScape database (Attachment A) as providing salmonid habitat; West Bay, which is located approximately 200 ft east of a small portion of the project area (see Figure 1), is known to provide habitat for salmonids and other Puget Sound marine species (Landau Associates 2013).

The project area is limited to the extent of the construction and staging areas. The project area is not known or suspected to contain any federally listed or proposed threatened or endangered species. This is supported by the WDFW Priority Habitats and Species (PHS) database (WDFW website 2013a; Attachment B), the U.S. Fish and Wildlife Service (USFWS) website (USFWS website 2013; Attachment C), and the WDFW SalmonScape database (WDFW website 2013b; Attachment A), which do not identify any federally listed or proposed species or salmonid species in or adjacent to the project area. Schneider Creek, a piped segment of which is located approximately 300 ft to the north of the project area, is identified by the WDFW SalmonScape database as providing salmonid habitat (for Puget Sound Coho salmon—a federal species of concern). A small portion of the project area is within 200 ft of West Bay, which is designated critical habitat for Chinook salmon and killer whale (USFWS website 2013).

In-water work may occur in small portions of two non-fish bearing waterbodies [identified as Wetland A and Unnamed Stream A in the Wetland Report (Landau Associates 2013)]. In-water work will not occur in or immediately adjacent to fish bearing waterbodies (such as Schneider Creek and West Bay), therefore, in-water construction noise is not a concern. New impervious surface produced by the project will be from sidewalks. Stormwater from the project will be from the new sidewalks, a non-pollution generating surface (NPGS) and will be routed to the existing stormwater system. Construction practices will implement Best Management Practices (BMPs) to protect adjacent waterways. Therefore, there will be no direct or indirect impacts to fish bearing waters from the proposed project construction, construction noise, or stormwater. As such, the proposed project will have no effect on federally listed or proposed fish or marine mammal species in Budd Inlet, West Bay, or the project area.

Great blue herons (*Ardea herodias*) have been observed in the vicinity of the project area in the past. While great blue herons are not federally listed, they are a Washington state priority species. The WDFW PHS database does not identify great blue herons in the project area, and no great blue herons or great blue heron nests were observed during the March 2013 field investigation by Landau Associates' biologists, which was conducted during the great blue heron nesting period (February 15 to July 31). The

PHS database identifies the nearest great blue heron breeding area as approximately 475 ft west of the project area (Attachment B); therefore, the project will have no direct impact on the breeding area. This breeding area is surrounded by urbanization, and the herons are likely well-habituated to disturbance. Minor temporary noise from construction should therefore not impact the herons. The project will not include pesticide application or blasting. The forest stand in which the breeding area is located is separated from the project area by existing development, including buildings, parking lots, driveways, and cleared areas, so impacts from the project will not further isolate the breeding area and should have no effect on great blue herons.

The Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act) includes a mandate that National Oceanic and Atmospheric Administration (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. The Pacific Fishery Management Council (PFMC) has designated EFH for the Pacific salmon fishery, federally managed ground fishes, and coastal pelagic fisheries (NOAA Fisheries 1999; PFMC 1999).

West Bay is designated EFH for groundfish (Attachment D). The proposed project does not include work in or immediately adjacent to West Bay, and any additional stormwater from the project will be from sidewalks, an NPGS. Therefore, the project will have no effect on groundfish EFH.

We have determined that due to the location of the project, the lack of project area use by federally listed and proposed species, the new impervious surface is NPGS, and the use of appropriate BMPs during construction, the proposed project will have no effect on federally listed and proposed threatened and endangered species.

This assessment satisfies the City's responsibilities under the OMC and Section 7(c) of the Endangered Species Act. We are sending you this copy of our assessment for your use. We will continue to remain aware of any change in status of these species and will be prepared to re-evaluate potential project impacts if necessary.

In compliance with the Magnuson-Stevens Act, EFH was assessed for the project. It was determined that the project will not have an adverse effect on EFH.

Please call Landau Associates Staff Biologist, Brittany Hartman at (253) 284-4882 if you require additional information or have any questions about this project.

BNH/TMT/jrc

REFERENCES

Landau Associates. 2013. *Wetland Report, West Bay Drive NW Sidewalks Project, Olympia, Washington*. Prepared for City of Olympia. May 31.

NOAA Fisheries. 1999. *NOAA Technical Memorandum NMFS-NE*. National Oceanic and Atmospheric Administration. Available at: <http://www.nefsc.noaa.gov/nefsc/habitat/efh/>. Accessed July, 2013.

PFMC. 1999. *Identification and description of essential fish habitat, adverse impacts, and recommended conservation measures for salmon*. Appendix A to Amendment 14, Pacific Coast salmon fishery management plan. Pacific Fishery Management Council. Available at: <http://www.pcouncil.org/salmon/fishery-management-plan/adoptedapproved-amendments/amendment-14-to-the-pacific-coast-salmon-plan-1997/> . Published May 2000.

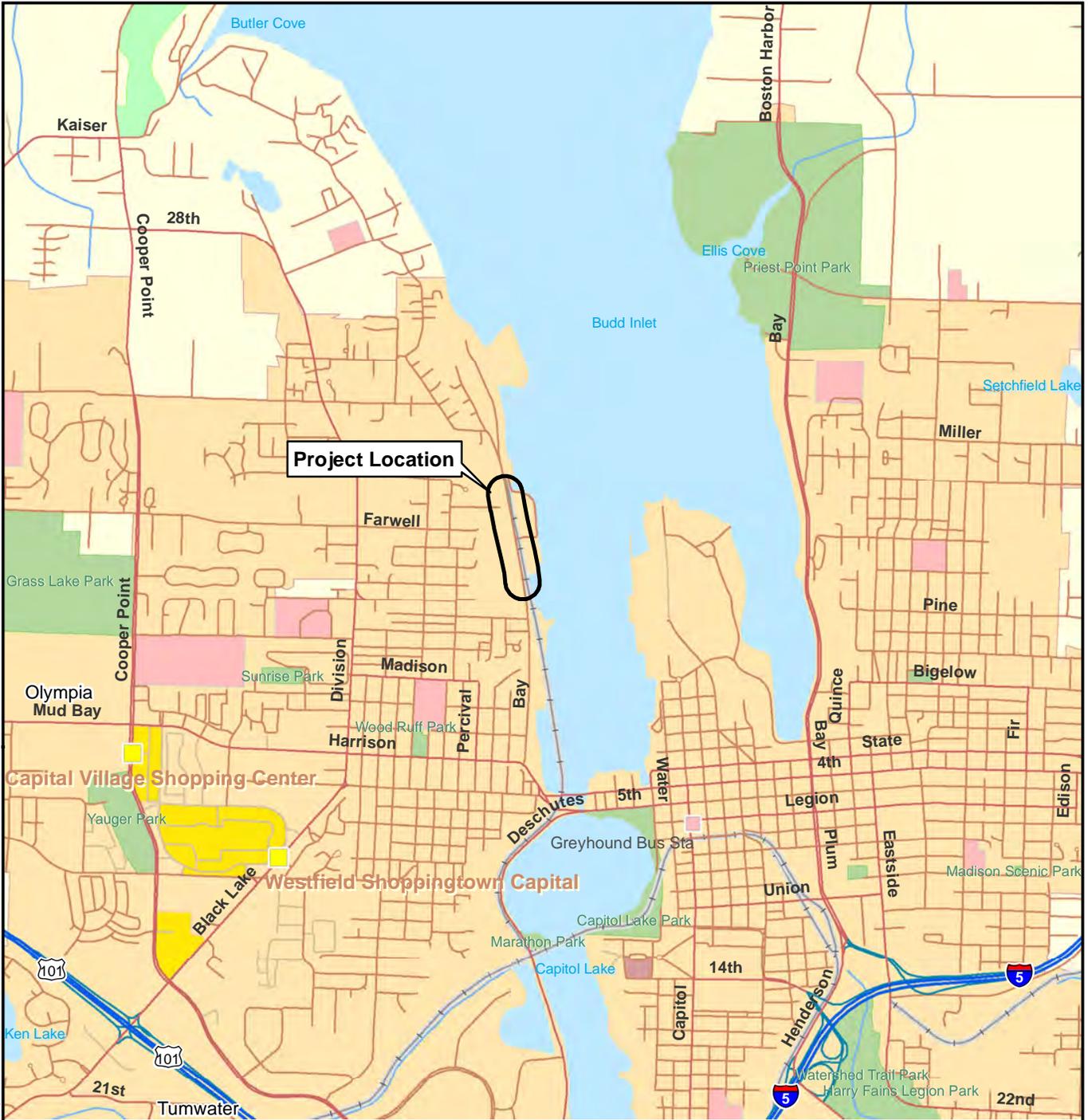
Thurston County. 1990. *Thurston County Shorelines, Shoreline Environment Designations*. Shoreline Master Program. Available at: http://www.co.thurston.wa.us/planning/shoreline/documents/SMP_designation.pdf. Accessed July, 2013.

USFWS website. 2013. Critical Habitat Mapper. U.S. Fish and Wildlife Service. <http://criticalhabitat.fws.gov/crithab/flex/crithabMapper.jsp?>. Accessed July.

WDFW website. 2013a. *Priority Habitats and Species (PHS)*. Washington State Department of Fish and Wildlife Conservation. <http://wdfw.wa.gov/mapping/phs/>. Accessed July.

WDFW website. 2013b. *SalmonScape*. Washington State Department of Fish and Wildlife Conservation. <http://wdfw.wa.gov/mapping/salmonscape/index.html> . Accessed July.

- Attachments:
- Figure 1: Vicinity Map
 - Figure 2: Project Area
 - Attachment A: SalmonScape Data
 - Attachment B: Priority Habitat Species Data
 - Attachment C: Critical Habitat Mapper Data
 - Attachment D: Essential Fish Habitat Mapper Data



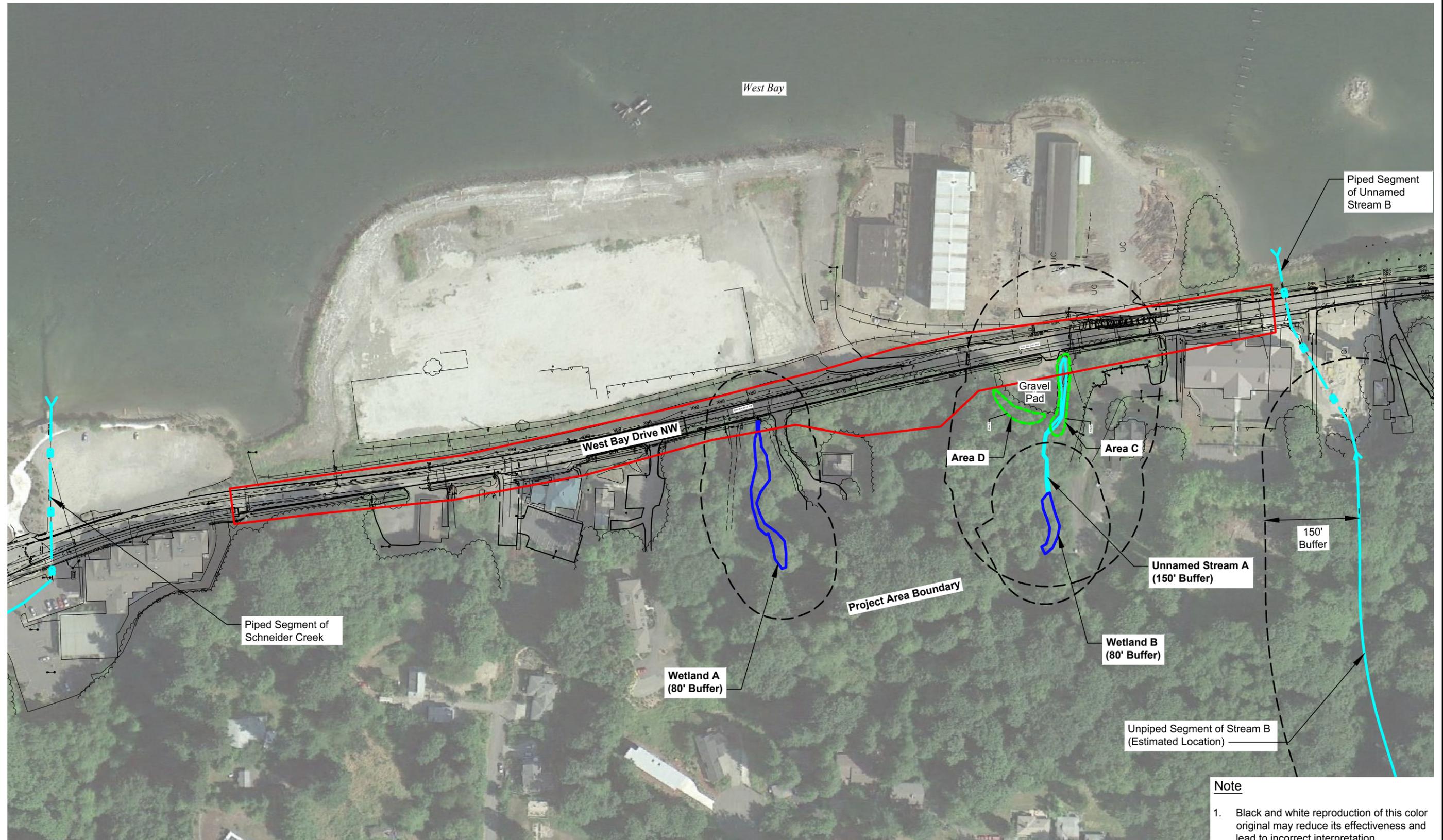
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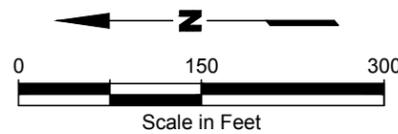
Data Source: ESRI 2008

<p>West Bay Drive Improvements City of Olympia Olympia, Washington</p>	<p>Vicinity Map</p>	<p>Figure 1</p>
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LANDAU ASSOCIATES, INC. | V:\256810310\10011\F_\Project Area.dwg (A) Figure 2 8/13/2013



Google Earth Pro 2010; Survey 2013

City of Olympia
West Bay Drive
Improvements
Olympia, Washington

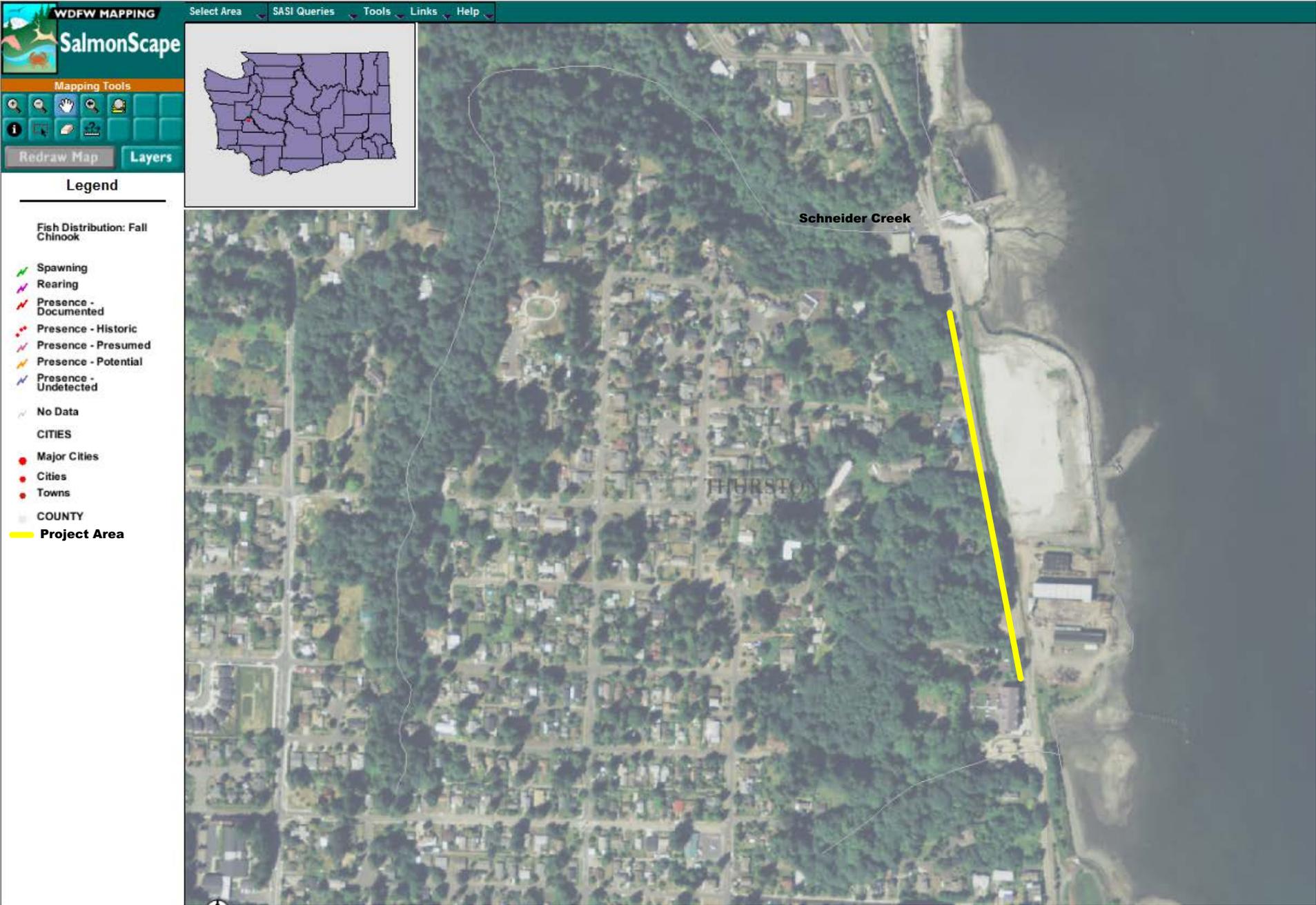
Project Area

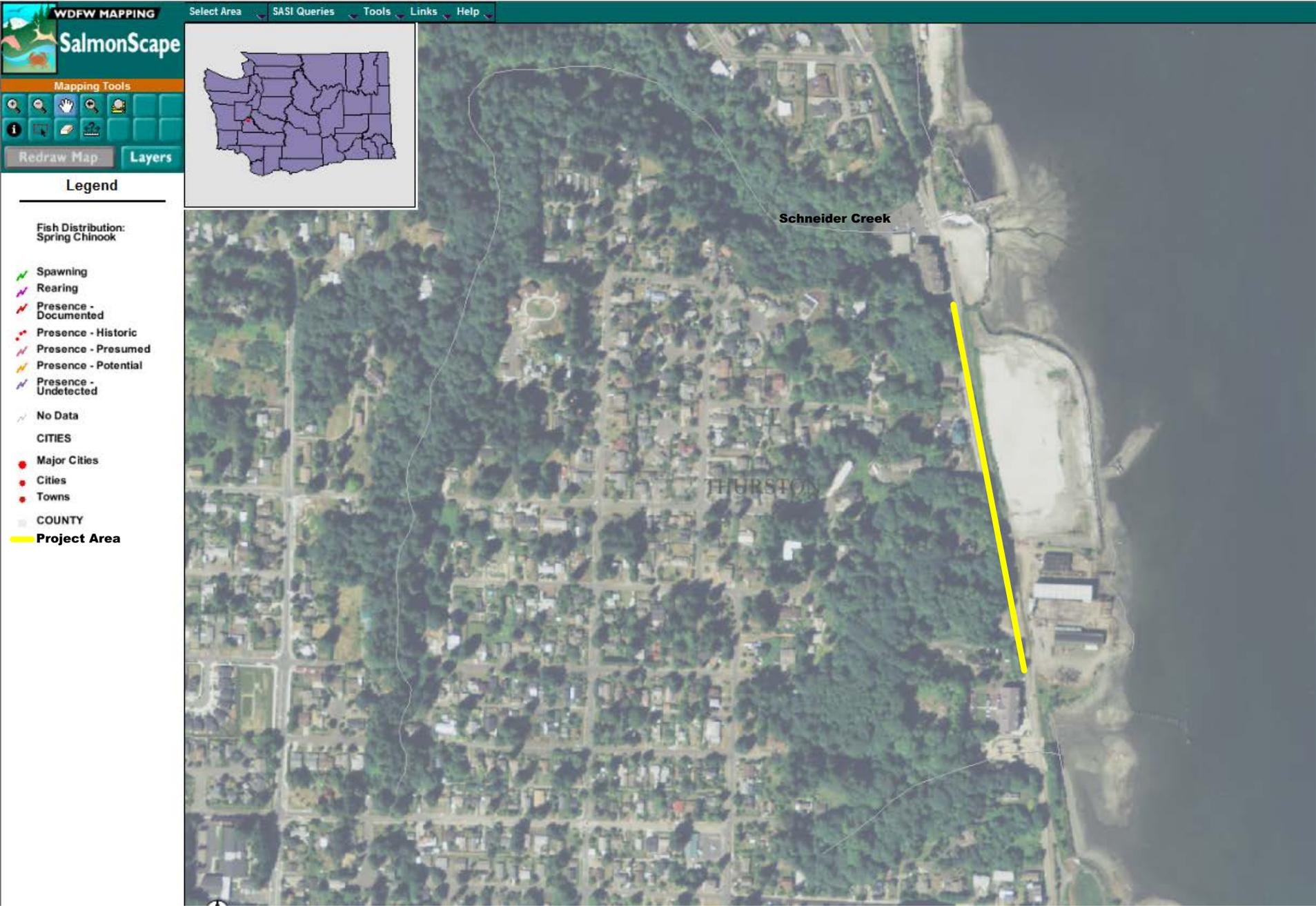
Figure
2

ATTACHMENT A

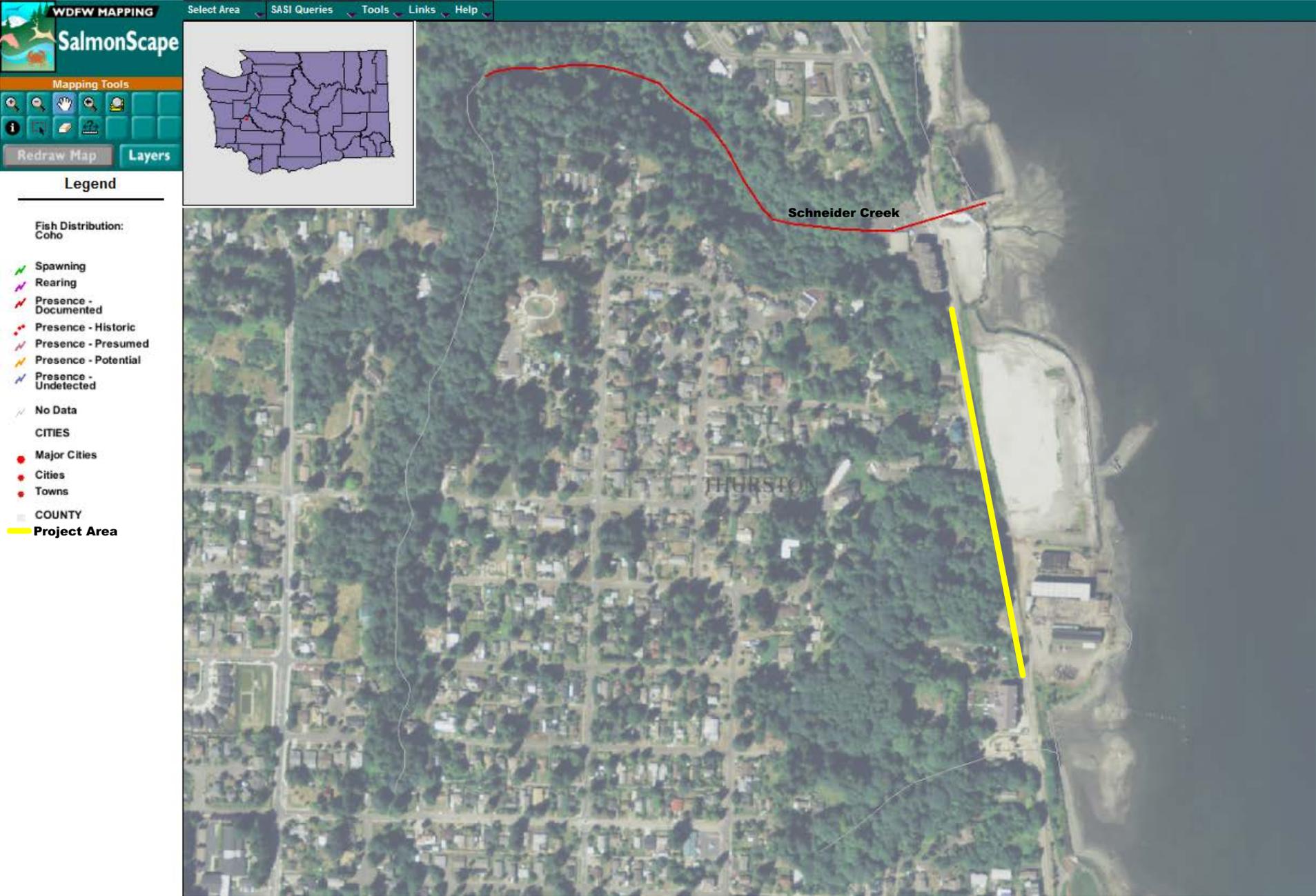
SalmonScape Data

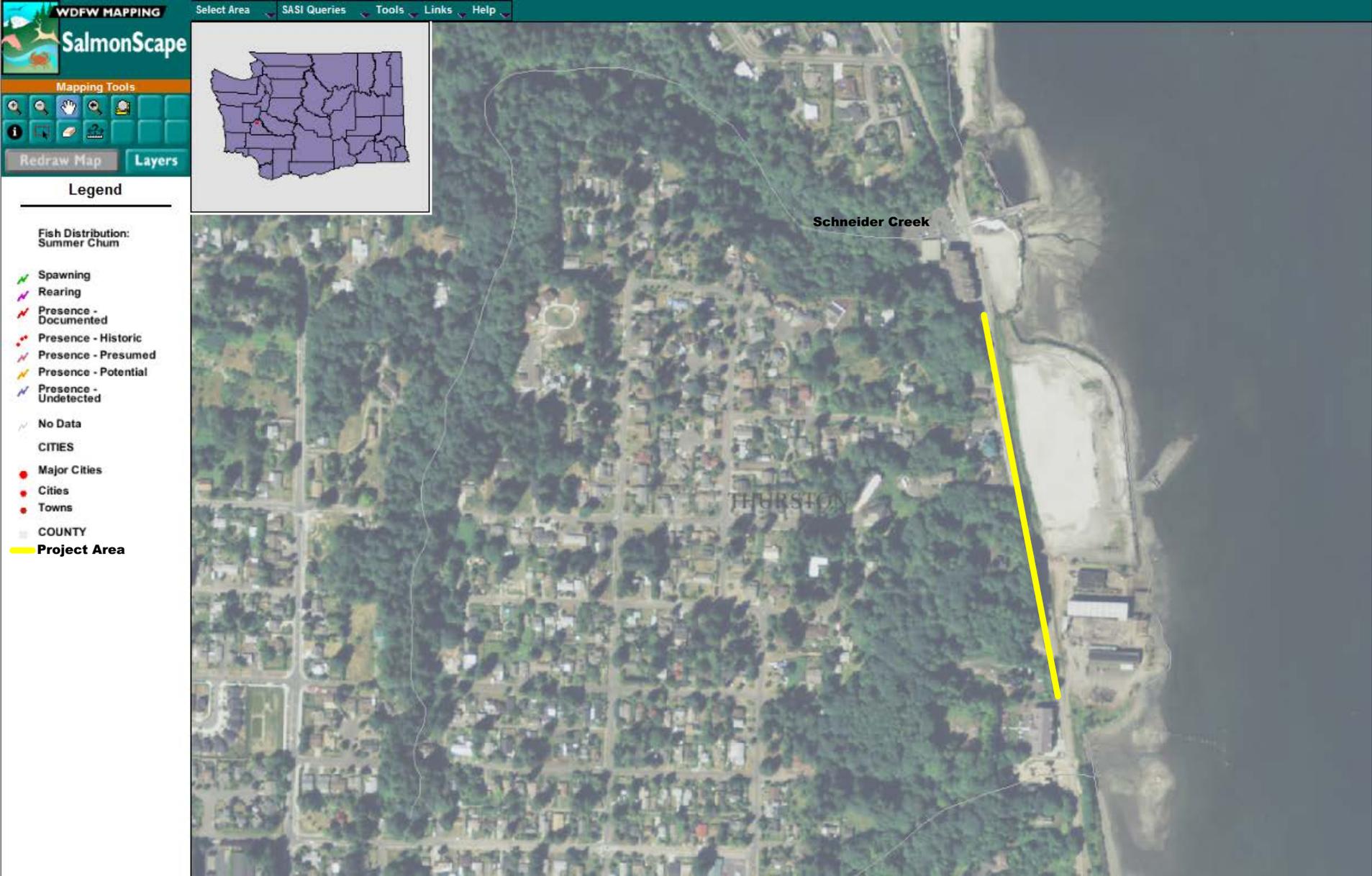
WDFW SalmonScape Fish Distribution

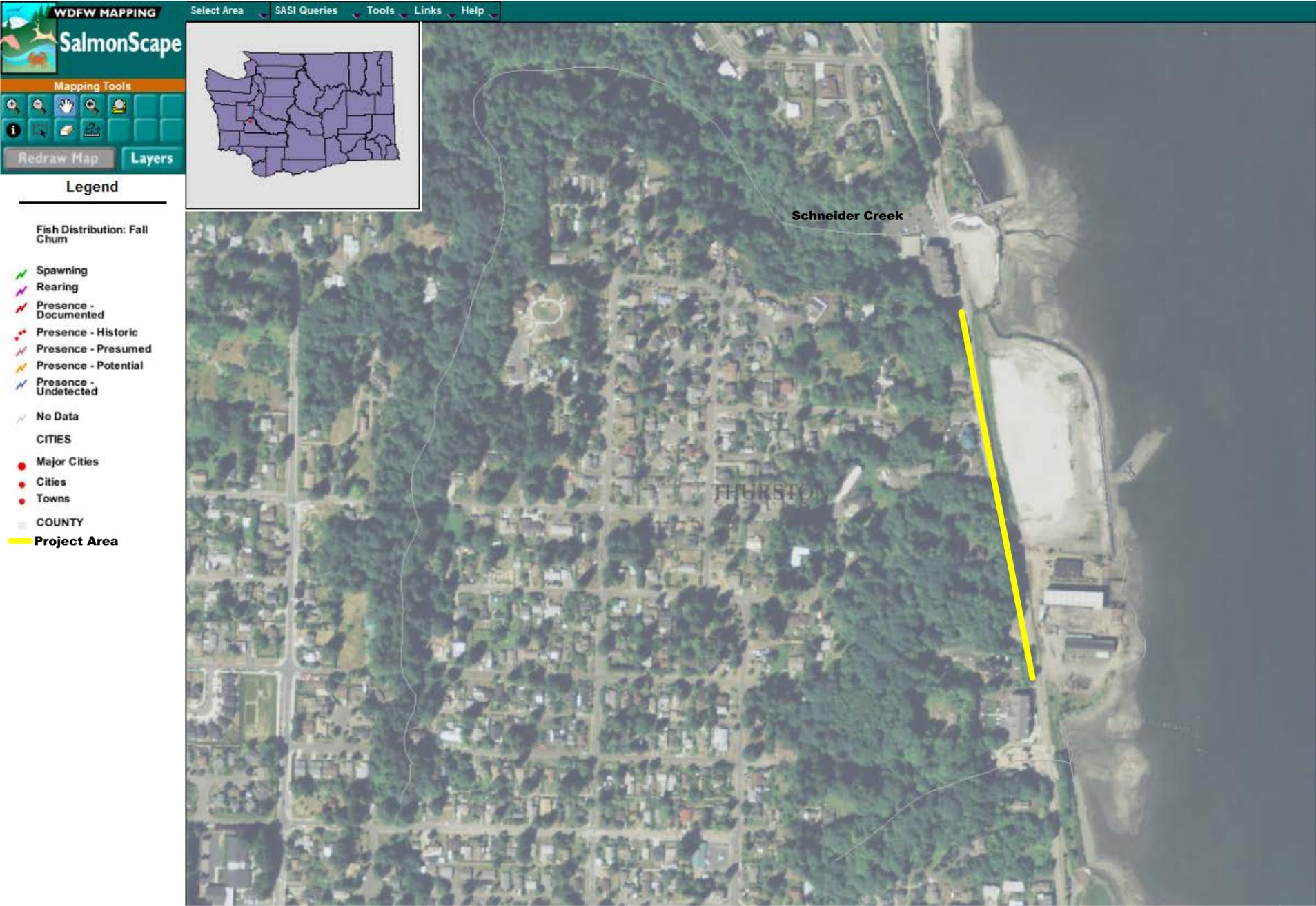


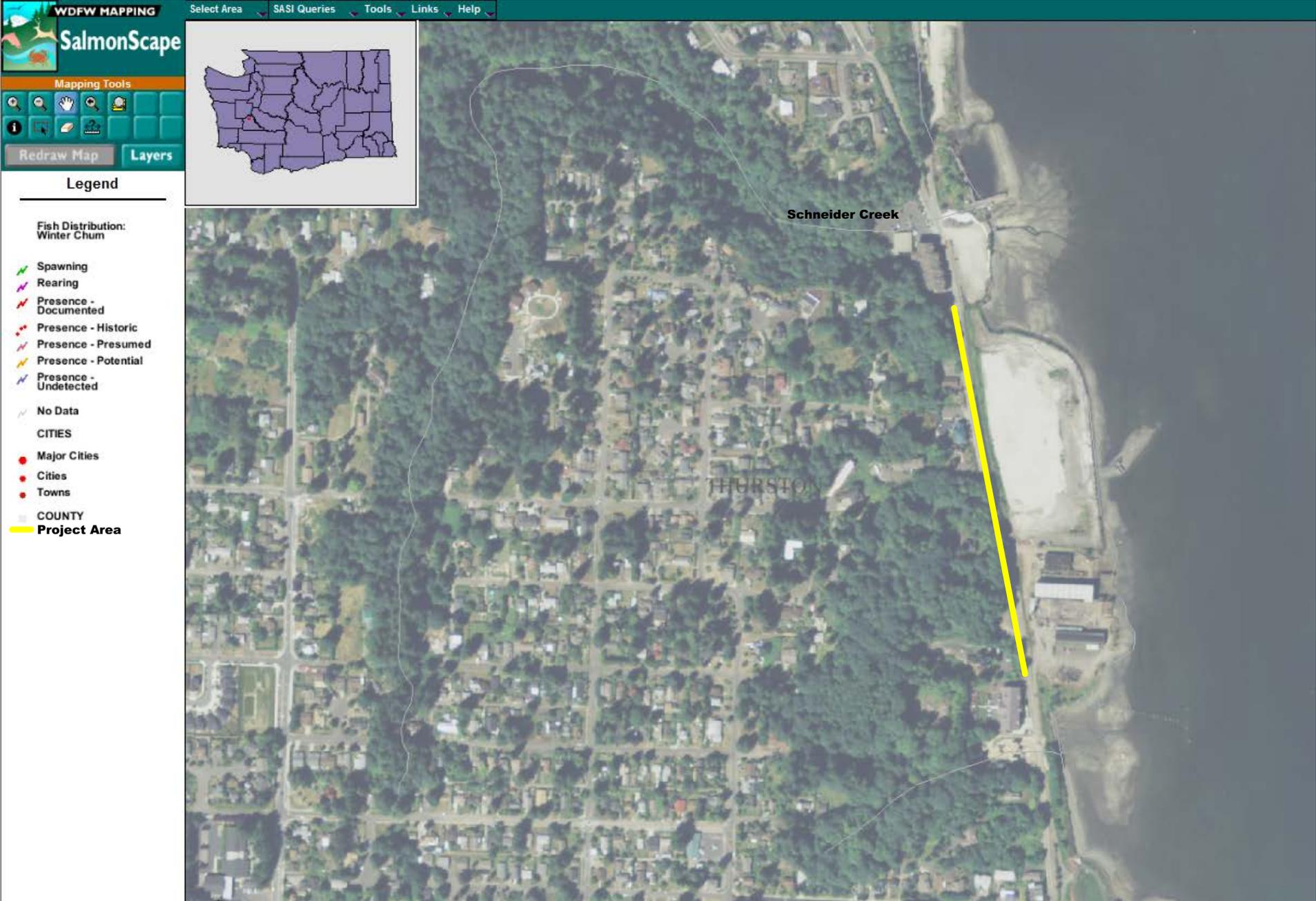




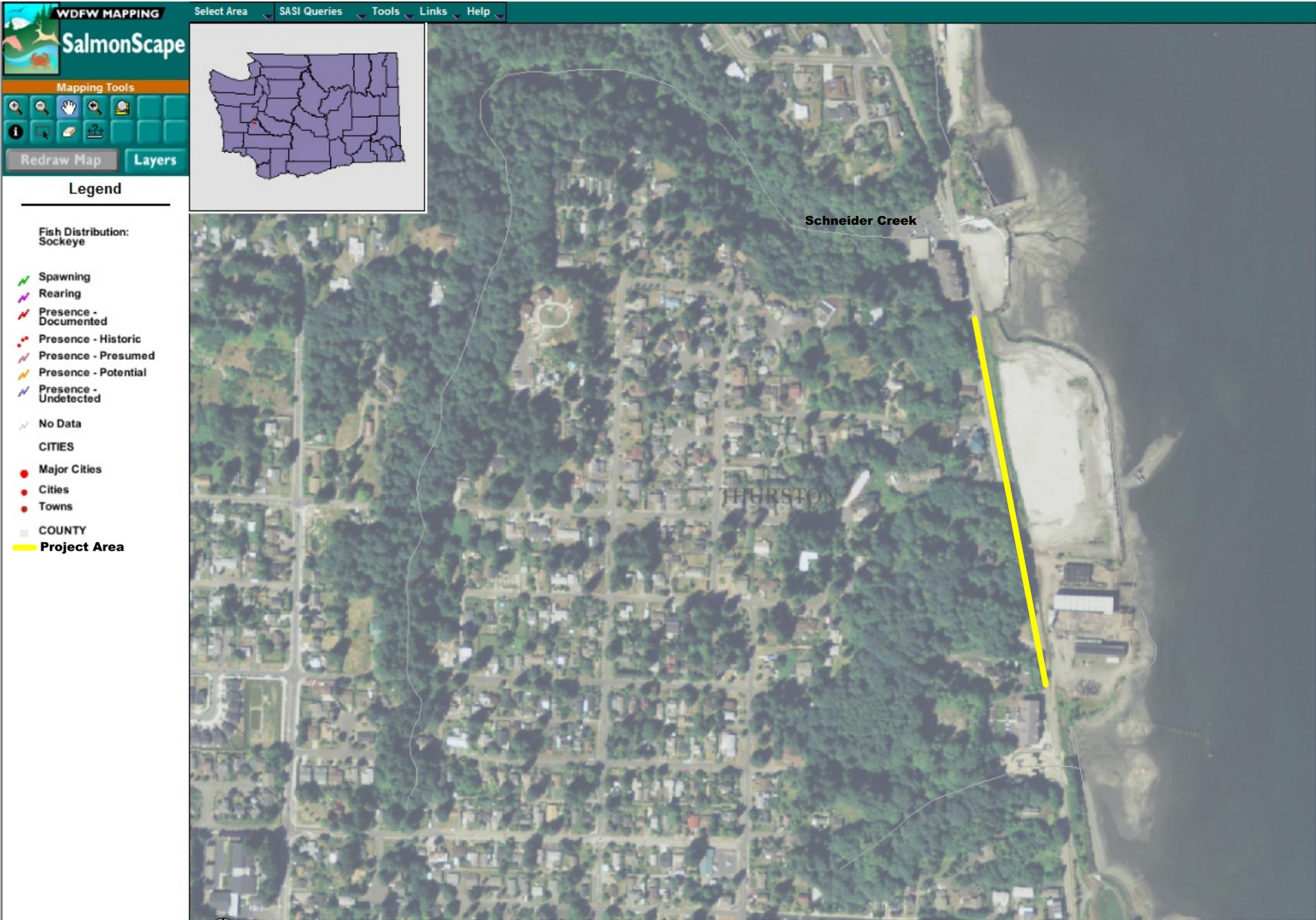


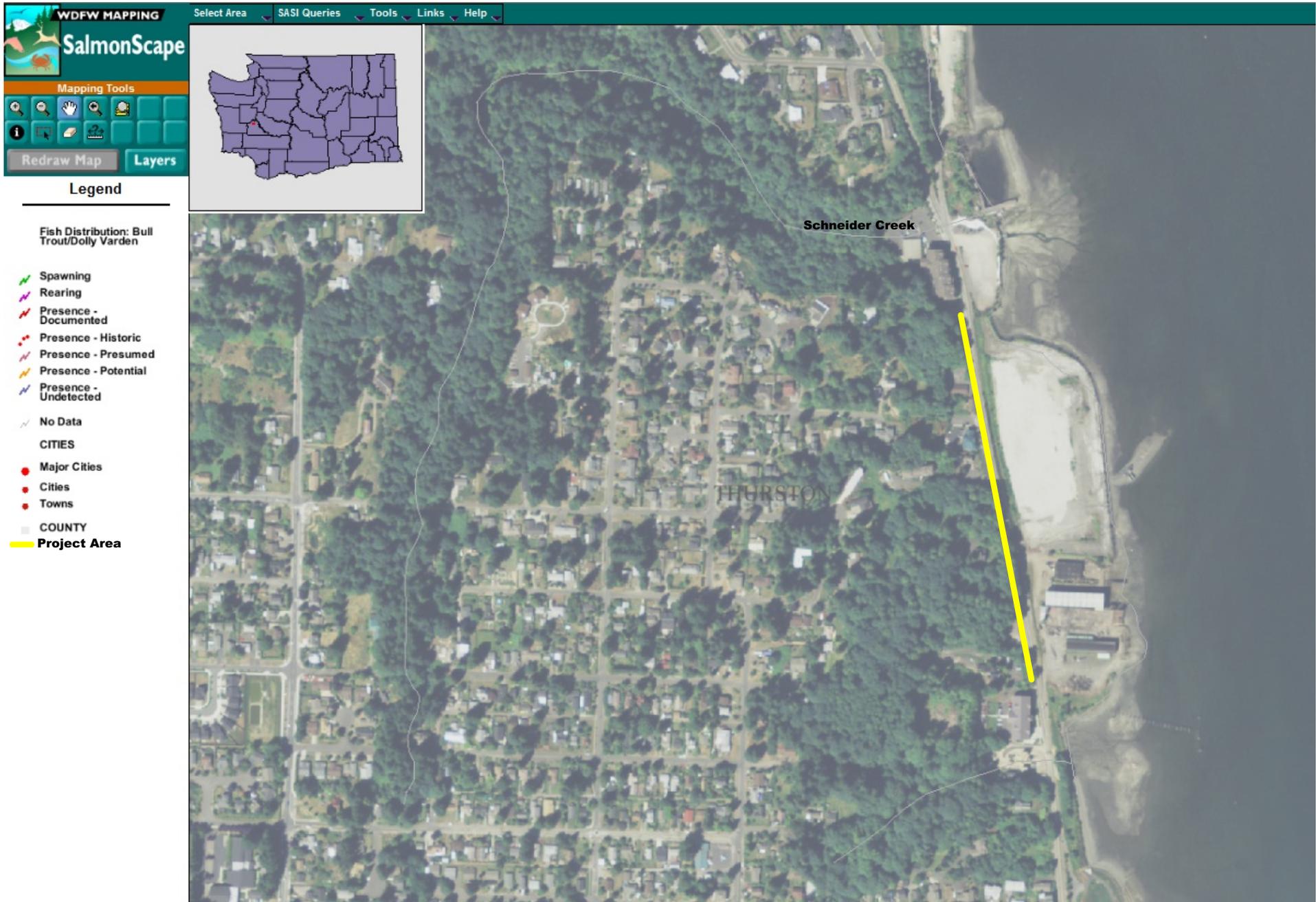


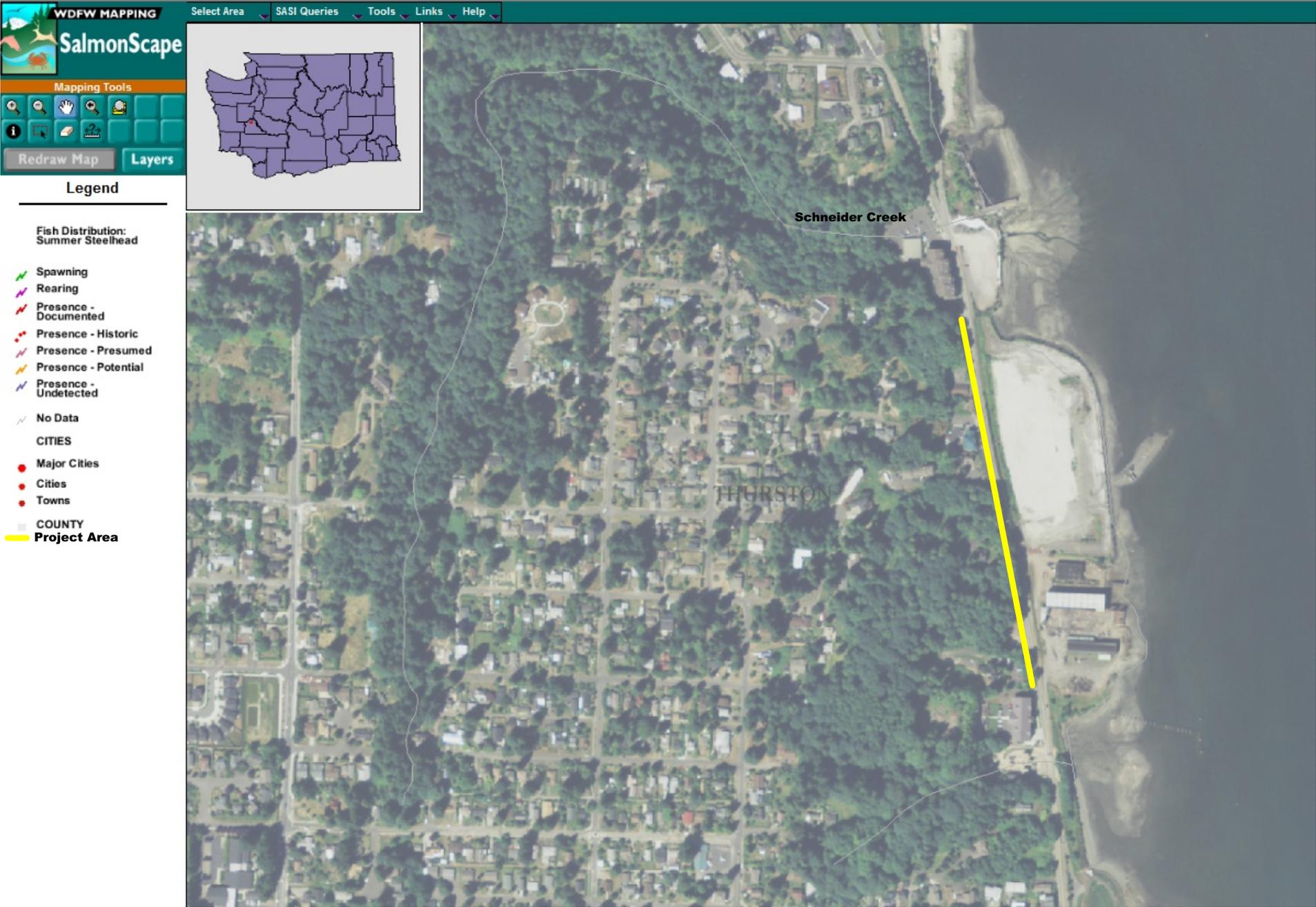


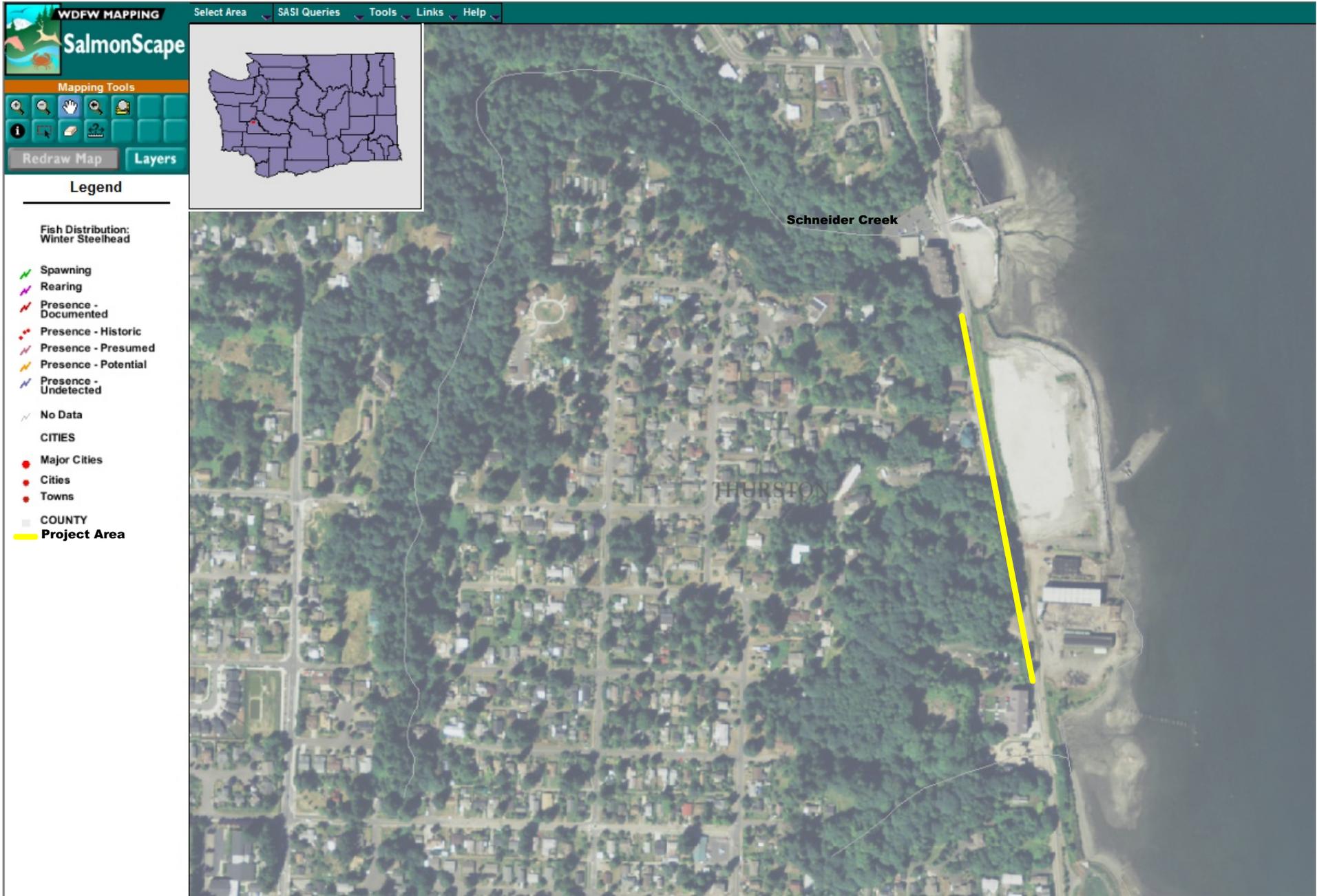












ATTACHMENT B

Priority Habitat Species Data



WASHINGTON DEPARTMENT OF FISH AND WILDLIFE

PRIORITY HABITATS AND SPECIES REPORT

SOURCE DATASET: PHSPplusPublic
 REPORT DATE: 07/15/2013 10.41 AM

Query ID: P130715104038

Common Name	Site Name	Priority Area	Accuracy	Federal Status	Sensitive Data	Source Entity
Scientific Name	Source Dataset	Occurrence Type		State Status	Resolution	Geometry Type
Notes	Source Record	More Information (URL)		PHS Listing Status		
	Source Date	Mgmt Recommendations				
Little brown myotis Myotis lucifugus	WS_OccurPoint 107426 June 01, 2006	Communal Roost Biotic detection http://wdfw.wa.gov/publications/pub.php?id=00605	GPS	N/A N/A PHS LISTED	Y TOWNSHIP	WA Dept. of Fish and Wildlife Points
Little brown myotis Myotis lucifugus	WS_OccurPoint 110004 May 14, 2007	Communal Roost Biotic detection http://wdfw.wa.gov/publications/pub.php?id=00605	GPS	N/A N/A PHS LISTED	Y TOWNSHIP	WA Dept. of Fish and Wildlife Points
Yuma myotis Myotis yumanensis	WS_OccurPoint 107427 June 21, 2006	Communal Roost Biotic detection http://wdfw.wa.gov/publications/pub.php?id=00605	GPS	N/A N/A PHS LISTED	Y TOWNSHIP	WA Dept. of Fish and Wildlife Points

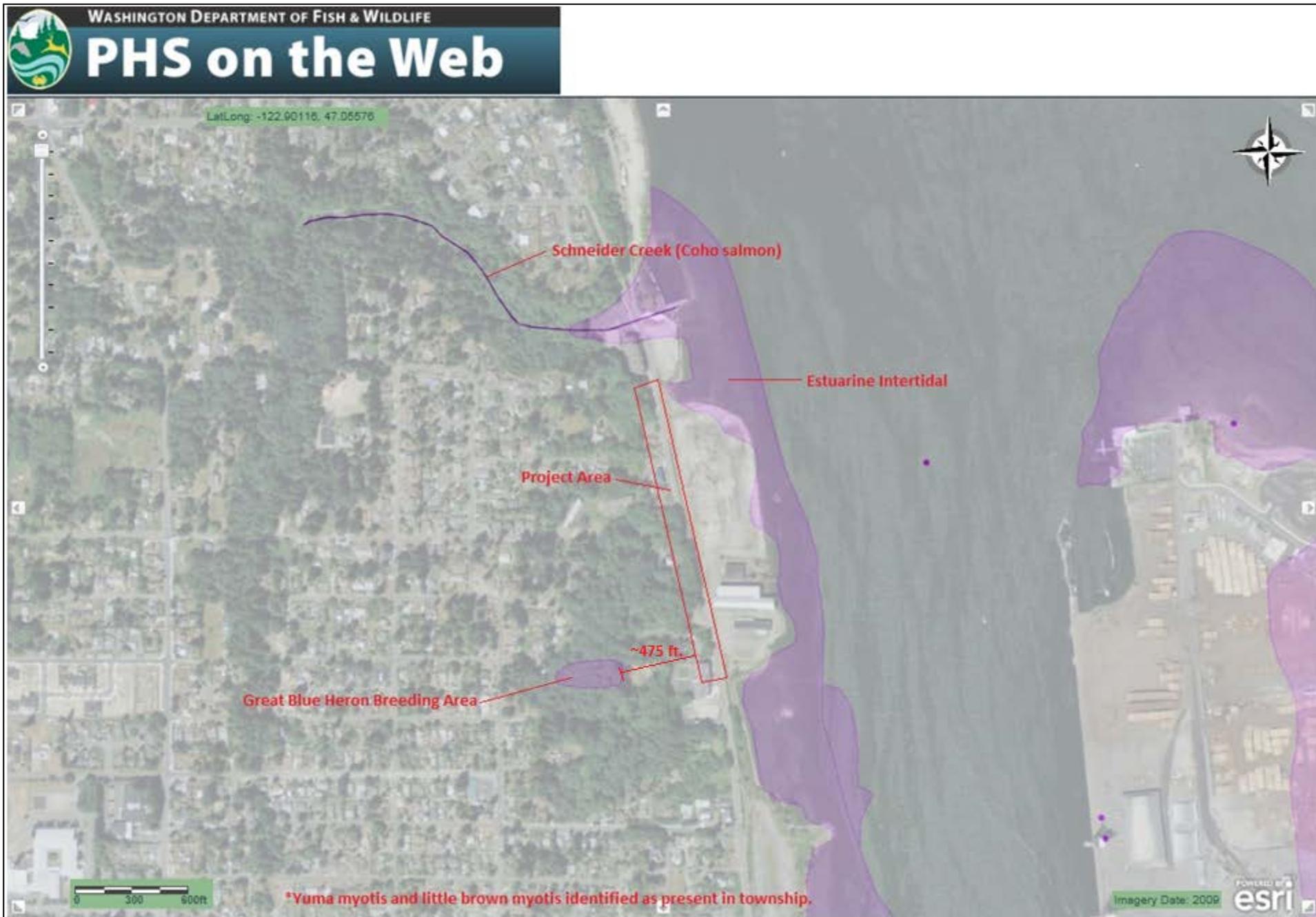
DISCLAIMER. This report includes information that the Washington Department of Fish and Wildlife (WDFW) maintains in a central computer database. It is not an attempt to provide you with an official agency response as to the impacts of your project on fish and wildlife. This information only documents the location of fish and wildlife resources to the best of our knowledge. It is not a complete inventory and it is important to note that fish and wildlife resources may occur in areas not currently known to WDFW biologists, or in areas for which comprehensive surveys have not been conducted. Site specific surveys are frequently necessary to rule out the presence of priority resources. Locations of fish and wildlife resources are subject to variation caused by disturbance, changes in season and weather, and other factors. WDFW does not recommend using reports more than six months old.



Study Area Diagram

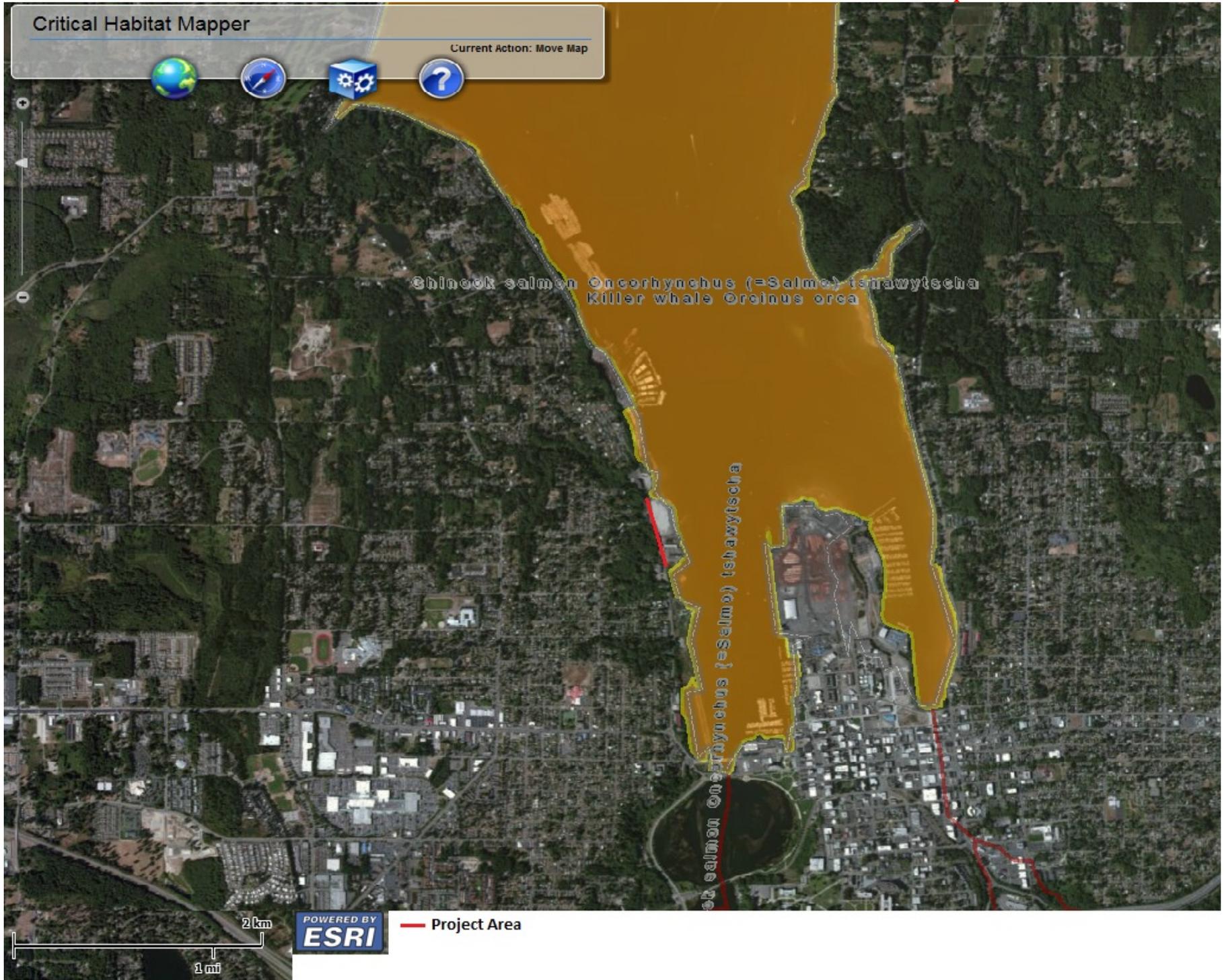
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(web mercator meters)

Query ID: P130715104038



ATTACHMENT C

Critical Habitat Mapper Data



ATTACHMENT D

Essential Fish Habitat Mapper Data

title

Page 1 of 1

EFH Data Notice: Essential Fish Habitat (EFH) is defined by textual descriptions contained in the fishery management plans developed by the regional Fishery Management Councils. In most cases mapping data can not fully represent the complexity of the habitats that make up EFH. This report should be used for general interest queries only and should not be interpreted as a definitive evaluation of EFH at this location. A location-specific evaluation of EFH for any official purposes must be performed by a regional expert. Please refer to the following links for the appropriate regional resources.

NMFS Northwest Regional Office
 NMFS Southwest Regional Office
 Pacific GIS Mapping Tool
 NMFS Alaska Regional Office
 Alaska GIS Mapping Tool



Query Results

Degrees, Minutes, Seconds: Latitude = 47°3'1" N, Longitude = 123°5'28" W
 Decimal Degrees: Latitude = 47.05, Longitude = -122.91

The query location intersects with spatial data representing EFH and/or HAPCs for the following species/management units.

EFH

Show	Link	Data	Caveats	Species/Management Unit	Lifestage(s)	Found at Location	Management Council	FMP
				Groundfish		ALL	Pacific	Groundfish

HAPCs

Show	Link	Data	Caveats	HAPC Name	Management Council
				Estuaries	Pacific Fishery Management Council

EFH Areas Protected from Fishing

No EFH Areas Protected from Fishing (EFHA) were identified at the report location.

Spatial data does not currently exist for all the managed species in this area. The following is a list of species or management units for which there is no spatial data.
****For links to all EFH text descriptions see the complete data inventory: [open data inventory -->](#)**

- Pacific Coastal Pelagic Species,**
- Jack Mackerel,
- Pacific (Chub) Mackerel,
- Pacific Sardine,
- Market Squid,
- Northern Anchovy - Central Subpopulation,
- Northern Anchovy - Northern Subpopulation,
- Pacific Highly Migratory Species,**
- Albacore - North Pacific,
- Bigeye Thresher Shark - North Pacific,
- Bigeye Tuna - Pacific,
- Bluefin Tuna - Pacific,
- Blue Shark - North Pacific,
- Common Thresher Shark - North Pacific,
- Dolphinfish (Dorado or Mahimahi) - Pacific,
- Pelagic Thresher Shark - North Pacific,
- Shortfin Mako Shark - North Pacific,
- Skipjack Tuna - Eastern Pacific,
- Striped Marlin - Eastern Pacific,
- Swordfish - North Pacific,
- Yellowfin Tuna - Eastern Pacific,
- West Coast Salmon,**
- All species and stocks