

# Supplemental Environmental Assessment Cape Lookout State Park Drainfield Relocation Project

Tillamook County, Oregon

FEMA-1733-DR-OR (Public Assistance)

*Version #1, August 14, 2009*



**U.S. Department of Homeland Security**  
FEMA Region X  
130 228<sup>th</sup> Street SW  
Bothell, WA 98021



**FEMA**

Supplemental Environmental Assessment  
Cape Lookout State Park  
Drainfield Relocation Project

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*Prepared for:*

**U.S. Department of Homeland Security**  
FEMA Region X  
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## Acronyms and Abbreviations

BMP	Best Management Practice
CEQ	Council on Environmental Quality
CFR	Code of Federal Regulations
EA	Environmental Assessment
EFH	Essential Fish Habitat
ESA	Endangered Species Act
ESU	Evolutionarily Significant Unit
FEMA	Federal Emergency Management Agency
FONSI	Finding of No Significant Impact
FR	Federal Register
GIS	Geographic information system
NEPA	National Environmental Policy Act
NOAA Fisheries	National Oceanic and Atmospheric Administration, National Marine Fisheries Service
ODFW	Oregon Department of Fish and Wildlife
ODSL	Oregon Department of State Lands
OHWL	Ordinary High Water Line
OPRD	Oregon Parks and Recreation Department
USFWS	U.S. Fish and Wildlife Service

## 1.0 PURPOSE AND NEED FOR ACTION

### 1.1 INTRODUCTION

The Department of Homeland Security's Federal Emergency Management Agency (FEMA) is proposing to support the Oregon Parks and Recreation Department (OPRD) by providing partial funding to relocate and replace a damaged septic drainfield at Cape Lookout State Park, southwest of Tillamook, Oregon (Figure 1.1-1). The existing drainfield system at the state park was damaged during severe storms in December 2007. The president declared a federal disaster for the region on December 8, 2007, making funds available to public entities for damage repairs.

FEMA prepared an environmental assessment (EA) for the project in accordance with the National Environmental Policy Act of 1969 (NEPA). The EA evaluated the expected environmental impacts of the proposed project. FEMA issued and posted a Draft EA on June 17, 2009 (FEMA 2009a), followed by a 2-week public and agency comment period. Following the public and agency comment period, FEMA issued and posted a Final EA for the project on July 24, 2009 (FEMA 2009b).

The EA resulted in a Finding of No Significant Impact (FONSI) for the Proposed Action, which was issued by FEMA on July 21, 2009. Following issuance of the FONSI and consequent project approval by FEMA, FEMA and OPRD discussed additional Best Management Practices (BMPs) to ensure that minor construction near Jackson Creek would have no effect on federally listed coho salmon (*Oncorhynchus kisutch*). FEMA has prepared this Supplemental EA to more fully describe these measures, which led to a No Effect determination for coho salmon.

This document presents the results of the re-evaluation as a supplement to the original EA prepared for the Cape Lookout Drainfield Relocation Project. This document is a tiered review from the original EA. This supplemental document describes the expected effects the project would have on the environment that differ from those effects previously described in the Final EA and July 2009 FONSI. Environmental factors for which the effects are considered to be the same as described in the Final EA include the following:

- Land Use
- Soils and Geology
- Hydrology and Water Quality
- Vegetation and Wetlands
- Fish and Wildlife
- Recreation
- Visual Resources
- Environmental Justice
- Cultural and Historical Resources
- Transportation & Access
- Cumulative Effects

As there are no changes to the analysis or anticipated effects on these resources, they are not described further in this Supplemental EA. In addition, a description of the No Action Alternative

and its expected environmental effects is not included in this supplemental document because it has not changed from what was included in the original EA (FEMA 2009a, 2009b).

## **1.2 PROJECT AUTHORITY**

FEMA has prepared this Supplemental EA to consider and describe the environmental consequences of providing OPRD with partial funding to assist in the completion of the proposed drainfield relocation project as required by NEPA, the Council on Environmental Quality (CEQ) regulations implementing NEPA (40 Code of Federal Regulations [CFR] Parts 1500 through 1508), and FEMA regulations for NEPA compliance (44 CFR Part 10).

## **1.3 PROJECT LOCATION**

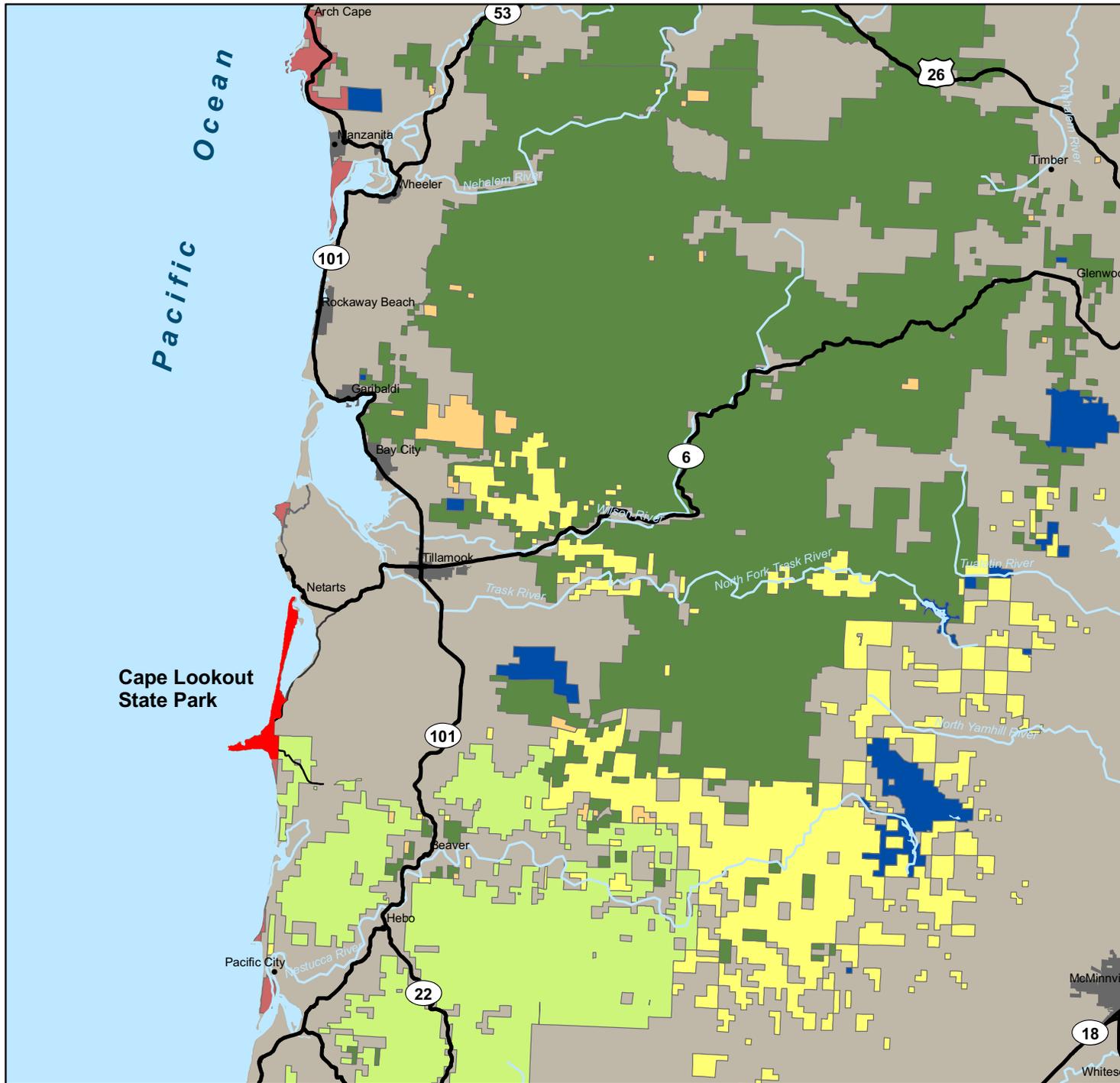
The project location is within Cape Lookout State Park, as described in the original EA and illustrated in Figure 1.1-1.

## **1.4 PURPOSE AND NEED**

The purpose and need for this project remain as described in the original EA (FEMA 2009a, 2009b). In general, the purpose of the project is to assist OPRD in replacing the function of a damaged septic drainfield at Cape Lookout State Park.

## **1.5 DOCUMENT CONTENTS AND ORGANIZATION**

This Supplemental EA is a tiered review from the original EA. For clarity and comparison, the numbering system from the original EA has been retained for presentation in this Supplemental EA.



**Figure 1.1-1. Project Vicinity**

Cape Lookout State Park  
 Drainfield Relocation Project  
 Environmental Assessment

**Legend**

- Cape Lookout State Park
- Highways
- Major Rivers & Streams
- Water Bodies
- Cities
- City Limits
- Public Land Ownership**
- Bureau of Land Management
- Local Government
- Oregon Department of Forestry
- Oregon Department of State Lands
- Oregon Parks & Recreation Department
- USDA Forest Service



### 3.0 AFFECTED ENVIRONMENT AND ENVIRONMENTAL CONSEQUENCES

The following information is intended to supplement the information contained in the original EA (FEMA 2009a, 2009b).

#### 3.6 THREATENED AND ENDANGERED SPECIES

The following narrative describes the occurrence of federally listed threatened or endangered species in the project area, and the effects of the Proposed Action on these species.

##### 3.6.1 AFFECTED ENVIRONMENT

Threatened and endangered species that potentially occur in the project vicinity were determined from lists obtained from the U.S. Fish and Wildlife Service (USFWS) website (USFWS 2008a and 2008b, updated December 29, 2008) for Tillamook county, Oregon; and the National Oceanic and Atmospheric Administration, National Marine Fisheries Service (NOAA Fisheries) (NOAA Fisheries 2008) website (updated February 26, 2008) for federal listing status of species and critical habitats. Oregon Department of Fish and Wildlife (ODFW) and OPRD staff were also contacted to determine known locations of fish and wildlife or habitat features (pers. comm., Schleier 2008, Knutsen 2009).

Jackson Creek provides habitat for threatened Oregon coast coho salmon (*Oncorhynchus kisutch*) (73 Federal Register [FR] 7816), the only federally listed species documented to occur within the project area (Table 3.6-1). Geographic information system (GIS) data from the ODFW indicate that coho salmon spawning habitat occurs on Jackson Creek both east and west of Whiskey Creek Road (Figure 3.6-1) (StreamNet 2003; pers. comm., Schleier, 2008). For detailed information on the habitat requirements, distribution, and occurrences of Oregon coast coho salmon, please refer to the original EA (FEMA 2009a, 2009b).

**Table 3.6-1. Threatened Species in the Project Area.**

Common Name ( <i>Scientific Name</i> )	Federal Status	OR Status	Habitat Association	Presence Documented	Habitat Use
Coho salmon ( <i>Oncorhynchus kisutch</i> ) Oregon Coast ESU	T	None	Cold, clean gravel bottomed streams	Jackson Creek	Migration, Rearing, Spawning

T=Federally Threatened; ESU = evolutionarily significant unit.  
Sources: StreamNet 2003.



**Figure 3.6-1 Coho Salmon distribution and habitat**

Cape Lookout State Park  
 Drainfield Relocation Project  
 Environmental Assessment

**Legend**

- General Project Area
- Cape Lookout State Park Boundary
- Campground Hard Surface Features
- Proposed Effluent Pipeline
- Roads
- Jackson Creek
- Coho Migration
- Coho Spawning
- Unnamed Creek-Fish Accessible



### 3.6.1.1 Regulatory Environment

#### **Federal Endangered Species Act of 1973**

The Endangered Species Act (ESA) serves as the primary federal protection for species and habitat, by providing a formal designation and implementing programs through which conservation of both populations and habitats may be achieved. Two agencies are responsible for the administration of the ESA: the USFWS and NOAA Fisheries. The USFWS manages terrestrial and freshwater associated species, while NOAA Fisheries manages oceanic and anadromous species, including anadromous coho salmon. Endangered species are defined by the ESA as those species in danger of extinction “throughout all or a portion of their range.” Threatened species are defined as those species “which may become endangered species within the foreseeable future.” As noted above, Oregon coast coho salmon are the only federally listed species that occur in the project area, listed as Threatened.

Critical habitat has been designated for the Oregon Coast Evolutionarily Significant Unit (ESU), and includes essentially all coho accessible habitat along the Oregon coast. Habitat conservation planning is currently underway; however, a habitat conservation plan document is not yet available for Oregon coast coho salmon.

The formal public and agency comment period for the Draft EA was June 17 to July 1, 2009. At the close of the formal comment period, no response had been received from NOAA Fisheries. FEMA issued the FONSI on July 21, 2009 and posted a Final EA and the FONSI for the project on July 24, 2009. After the posting of the Final EA and FONSI, FEMA and OPRD discussed additional measures to protect aquatic resources.

### 3.6.2 THRESHOLD OF SIGNIFICANCE

The Proposed Action was determined to result in a significant effect on threatened or endangered species if it would:

- Have a significant adverse effect, either directly or through habitat modifications, on species listed by NOAA Fisheries as threatened or endangered;
- Conflict with the provisions of an adopted habitat conservation plan or other approved federal or state habitat conservation plan, to the extent applicable; or
- Substantially degrade the quality of the environment, substantially reduce the habitat of a listed fish and wildlife species, threaten to eliminate a plant community, reduce the number or restrict the range of an endangered or threatened species.

### 3.6.3 ENVIRONMENTAL CONSEQUENCES

Potential effects of the Proposed Action on Threatened coho salmon within the project area are described below. Construction best management practices and mitigation measures to offset any identified effects are also provided, as applicable.

### Construction Best Management Practices

To avoid and minimize potential effects on ESA-listed species in the project area, the project proponent (OPRD) will implement the following best management practices (BMPs) when conducting activities associated with the Proposed Action. These BMPs are requirements and considered part of the Proposed Action, and FEMA's partial funding of the project is contingent upon full implementation of and compliance with these BMPs:

- **No in-water work:** No in-water work will be conducted within Jackson Creek, and no soils, sediment, wastewater, or other material will be introduced into any stream channels in the project area. A Spill Prevention Control and Containment Plan will be implemented to ensure that all harmful materials are properly stored, contained, and disposed of.
- **Construction buffer:** No construction-related clearing, staging, or related activities will be conducted within 20 feet of the Ordinary High Water Line (OWHL) of Jackson Creek. No refueling activities will occur within 20 feet of the Ordinary High Water Line (OHWL). Refueling areas and stationary equipment, such as generators, will have containment to prevent spills.
- **ODFW guidelines:** All ODFW construction guidelines (ODFW 2008) will be adhered to.
- **Permit compliance:** Construction work related to drilling beneath Jackson Creek will adhere to the Oregon Department of State Lands (ODSL) in-water work permit (ODSL 2009).
- **Construction period:** Construction activities associated with directional drilling under Jackson Creek will be conducted over a 2-day period; drilling activities will not exceed this 2-day period. All construction work will occur during daylight hours. Construction at the creek crossing will be complete by October 1.
- **Construction monitoring:** OPRD will supply a construction monitor to observe all construction activities in the vicinity of Jackson Creek. The construction monitor will ensure that all construction-related BMPs are properly implemented and adhered to during the construction activities.

### ESA Effects Determination

Except for drilling a 4-inch pipe within an 8-inch casing beneath Jackson Creek, all construction will occur at least 100 feet from Jackson Creek. The pipeline will cross Jackson Creek beneath an existing culvert that is under the existing park entrance road. The pipe will be drilled 5 feet below the existing culvert and will have no effect on the creek. Construction near the creek will occur in late summer when the presence of coho salmon is extremely unlikely. Because of the detailed construction process further developed with OPRD, additional BMPs listed above, and the presence of OPRD staff on site during construction to ensure adherence with these measures, FEMA has determined that the project will have **No Effect** on coho salmon that may inhabit Jackson Creek.

### Essential Fish Habitat (EFH) Determination

Jackson Creek, Drainage 3, and Drainage 1 are accessible to anadromous fish, and therefore considered Essential Fish Habitat (EFH) (67 FR 2343). Through use of the required BMPs and development of in-kind wetland mitigation included in the proposed project (as described in the original EA; FEMA 2009a, 2009b), there would be No Effect on EFH.

**Mitigation Measures**

No additional mitigation measures are recommended for coho salmon. The Proposed Action includes the BMPs as described above.

**Significant and Unavoidable Effects**

There would be no significant and unavoidable effects on coho salmon from the proposed project.

## 4.0 CONSULTATION AND COORDINATION

### 4.1 PUBLIC INVOLVEMENT

FEMA sent a scoping notice to agencies, Tribes, and local interested parties on August 12, 2008. The notice provided a description of the proposed project and requested comments on issues and concerns, the range of alternatives, and potential effects regarding the project. No formal scoping comments were received on the project from the agencies or other stakeholders.

#### 4.1.1 COMMENTS ON THE DRAFT EA

FEMA's Draft EA was released and a notice was published on June 17, 2009, for a 15-day public review and comment period, which ended on July 1, 2009. As of July 3, 2009, FEMA had received two responses on the Draft EA. The USFWS sent a letter/email stating that the agency does "not have any comments to contribute on this proposal." A Tillamook County Commissioner sent a comment stating that "it is refreshing to see all levels of government working together and respecting each others authority." Neither comment necessitated substantive revisions to the analysis presented in the EA. No comments were received by NOAA Fisheries.

### 4.2 AGENCY CONSULTATION AND COORDINATION

FEMA consulted with several federal and local agencies throughout the EA process to gather valuable input and to meet regulatory requirements. This coordination was integrated with the public involvement process.

#### 4.2.1 ENDANGERED SPECIES ACT

Federally listed or proposed threatened or endangered species that occur in the vicinity of the project include threatened Oregon Coast Coho Salmon (*Oncorhynchus kisutch*). Based on the analysis presented in Section 3.6 (*Threatened and Endangered Species*), FEMA's ESA determination for the project is "**No Effect**" on coho salmon. This consultation process fulfills FEMA's requirement to evaluate effects on federally listed species; preparation of a separate biological assessment is not necessary.

## 5.0 PREPARERS

The Supplemental EA for the Cape Lookout State Park drainfield relocation project was prepared by FEMA and its consultant, EDAW, Inc. Key individuals responsible for the preparation of the EA are listed below.

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Mark Eberlein, Environmental Officer

### **EDAW, Inc.**

Jim Keany, Senior Ecologist, Project Manager  
Amberlynn Pauley, Terrestrial Ecologist, Author  
Peter Carr, Technical Editor and Production Manager

## 7.0 REFERENCES

### 7.1 DOCUMENTS AND INTERNET SOURCE MATERIAL

- FEMA (Federal Emergency Management Agency). 2009a. Cape Lookout State Park Drainfield Relocation Project; Draft Environmental Assessment (EA). Prepared for FEMA by EDAW, Inc. Seattle, Washington. June 2009.
- FEMA. 2009b. Cape Lookout State Park Drainfield Relocation Project; Final Environmental Assessment (EA). Prepared for FEMA by EDAW, Inc. Seattle, Washington. July 2009.
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- ODSL (Oregon Department of State Lands). 2009. General Authorization for Minimal Disturbance Activities (Less Than Two Cubic Yards) within Essential Indigenous Anadromous Salmonid Habitat. DSL Application Number 41829-GA. Dated January 22, 2009.
- StreamNet GIS Data. 2003. Pacific Northwest Coho Salmon fish distribution spatial data set. Portland (Oregon): StreamNet, Updated June 2005. Available online at URL = <http://www.streamnet.org/>. Accessed December 17, 2008.
- USFWS (U.S. Fish and Wildlife Service). 2008a. Federally listed, proposed, candidate species and species of concern which may occur within Tillamook County, Oregon. Last Updated December 29, 2008. U.S. Fish and Wildlife Service, Oregon Fish and Wildlife Office. Available online at URL = <http://www.fws.gov/oregonfwo/Species/Lists/default.asp>. Accessed January 8, 2009.
- USFWS. 2008b. Threatened & Endangered Species System. Available at URL = [http://ecos.fws.gov/tess\\_public/pub/stateListingAndOccurrenceIndividual.jsp?state=OR](http://ecos.fws.gov/tess_public/pub/stateListingAndOccurrenceIndividual.jsp?state=OR).

### 7.2 PERSONAL COMMUNICATIONS

- Schleier, Jay, Biologist, Natural Resource Section, Oregon Parks and Recreation Department. August 12, 2008, 2:15pm. Conversation with A. Pauley, EDAW, Seattle, Washington, about known wildlife locations, GIS data and documented species within Cape Lookout State Park. Regulatory issues were also discussed.
- Knutsen, Chris, Fish Biologist, Oregon Department of Fish and Wildlife, North Coast Watershed field office, Tillamook, Oregon. May 7, 2009. Conversation with A. Pauley, EDAW, Seattle, Washington, about fish presence in drainage D-3 and ODFW GIS salmonids data available for the Cape Lookout area.