



CH2M HILL
1100 112th Ave NE
Suite 400
Bellevue, WA 98004

P.O. Box 91500
Bellevue, WA 98009

Tel 425-453-5000

Fax 425-468-3100

hJune 7, 2007

Ms. Diana Holloway
700 Fifth Avenue
Suite 3900
P.O. Box 34996
Seattle, WA 98124-4996

RE: Aurora Avenue North (North 110th Street to North 145th Street) Transit, Pedestrian, and Safety Improvements Project

Determination: **Final No Effect**

Dear Ms. Holloway:

The Seattle Department of Transportation (SDOT) proposes to make improvements to 1.8 miles of Aurora Avenue North between North 110th Street and North 145th Street (see attached exhibits and drawings). The project elements include a new dedicated business and transit access lane, on-street parking removal, a new sidewalk zone which includes sidewalks and landscaping, and replacement of some existing road surface with planted medians. CH2M HILL has prepared this no effect letter, as the proposed project will be partially funded with federal money and, therefore, has a federal nexus under the Endangered Species Act (ESA). The purpose of this no effect letter is to evaluate potential effects of the proposed project and determine the need for consultation with the U.S. Fish and Wildlife Service (USFWS) and the National Marine Fisheries Service (NMFS). Information on the occurrence of federally listed species and habitat under the jurisdiction of the USFWS for King County was obtained from the USFWS web site at (<http://www.fws.gov/westernwashington/county%20species%20lists.htm>) on May 24, 2007. This listing indicated the potential county-wide presence of endangered marsh sandwort (*Arenaria paludicola*), and the threatened species of bald eagle (*Haliaeetus leucocephalus*), gray wolf (*Canis lupis*), Canada lynx (*Lynx canadensis*), grizzly bear (*Ursus arctos horribilis*), marbled murrelet (*Brachyramphus marmoratus*), northern spotted owl (*Strix occidentalis caurina*), golden paintbrush (*Castilleja levisecta*), and coastal-Puget Sound Distinct Population Segment (DPS) bull trout (*Salvelinus confluentus*). Designated critical habitat for northern spotted owl, marbled murrelets and bull trout occur elsewhere in the county, but are not discussed herein (see attachment).

Information on the occurrence of listed fish species and habitat under the jurisdiction of NMFS was obtained from the Northwest Regional Office of NOAA Fisheries web site (<http://www.nwr.noaa.gov>) on May 24, 2007. The list includes all of the protected salmonid Evolutionary Significant Units (ESU) and Distinct Population Segments (DPS)

found on the west coast (see attachment). Marine species were not included because the project does not have a direct marine connection. Finally, Priority Habitat and Species (PHS) maps were obtained from the Washington Department of Fish and Wildlife database and data from the Washington Department of Natural Resources Natural Heritage Program rare plant database.

The list of species to be considered in this analysis was narrowed down to those listed that had suitable habitat in the action area. These include bald eagle, coastal-Puget Sound bull trout, Puget Sound Chinook salmon (*Oncorhynchus tshawytscha*), and Puget Sound steelhead (*O. mykiss*). The remainder of the species listed were automatically given a *no effect* determination as they are not found within the action area (species include gray wolf, grizzly bear, Canada lynx, northern spotted owl, marbled murrelets, marsh sandwort, and golden paintbrush). For this project, the action area is defined as 3,200 feet around the perimeter of the project footprint (the distance at which construction noise would attenuate to ambient levels) and a 100-foot radius around the stormwater outfalls (one at the north end of Green Lake and one at the west end of the Lake Washington Ship Canal). A stormwater trunk pipe currently carries all project footprint runoff, except for 450 feet of road just south of North 145th Street, into the Densmore Basin and ultimately to the north end of Green Lake. Outflow from the lake flows into the City's North Trunk Sewer Line and ultimately into Puget Sound through the Westpoint Wastewater Treatment Plant. The 450 feet on the north end of Aurora Avenue North currently discharges to two separate basins; the Boeing Creek Basin and the Densmore Basin. The low flow bypasses Green Lake and flows directly into the Lake Washington Ship Canal just west of the I-5 Bridge. The ship canal is a migratory corridor for the three fish species listed above. Additionally, a bald eagle nest is located outside of the action area, about 2.8 miles from the nearest point of the project footprint.

The proposed project is located in King County, Washington, in Township 26 North, Range 4 East, in sections 19 and 30. The project is located between mileposts 38.90 and 40.47 on Aurora Avenue North (State Route 99). The Aurora Avenue North Improvements Project will rehabilitate portions of the existing roadway, replace portions of the existing roadway with a planted median, and replace existing on-street parking with a dedicated business and transit access lane and a sidewalk zone, which includes a sidewalk and landscaping (see attachments).

The portion of the roadway that will be resurfaced will remove the existing surface with a rotomilling (grinding) machine and then be resurfaced with the same thickness of Asphalt Concrete Pavement (ACP). Portions of the roadway that will be replaced will include removing the existing pavement with excavators and repaving with ACP or concrete (it is likely the sidewalks will be concrete). Other equipment to be used is likely to include loaders, pavers, graders, dump trucks, concrete trucks, back hoes, and rollers.

Currently, roughly 20.25 acres of the project footprint is covered with pollution generating impervious surface (PGIS). Post project PGIS will be roughly 20.61 acres. The existing stormwater system in the project footprint provides no detention and has no treatment facilities. SDOT has determined that treatment and detention will only be provided for new and replaced surfaces within the project right-of-way; which results in detaining and treating 15.6 acres to City of Seattle standards. As a result of the new treatment and

detention, the project will provide improvements to stormwater peak flows and water quality draining from the project footprint.

Detention and treatment will be accomplished through the construction of five passive water quality vaults within the right-of-way of Aurora Avenue North or its side streets. An alternative option is to route drain flows from Aurora Avenue North to detention facilities at Stone Pond. If the Stone Pond alternative is selected no detention vaults would be necessary along Aurora Avenue North.

In addition to the new storm drain and detention facilities, the project would add oil/water separators at two high-use intersections: North 145th Street and North 130th Street.

The proposed work will be completed in several phases over a period of 8 to 10 years, depending on funding availability; each phase is anticipated to last approximately 18 to 24 months. It is anticipated that various activities of the proposed project (grinding, paving, sweeping, etc.) will occur at the same time. Lane closures will vary in length and time to accommodate the work.

Best Management Practices (BMPs) will be implemented to contain loose material and the contractor will be required to submit and follow a Stormwater Pollution Prevention Plan (SWPP) and a Temporary Erosion and Sediment Control (TESC) plan. All refueling of construction vehicles will be conducted according to a Spill Prevention and Counter Measures and Control Plan (SPCC Plan) to be developed by the contractor.

Land use in the action area and vicinity is entirely commercial and high density residential. The watershed in which most of the project occurs, Densmore Basin, is entirely built-out. The only tracts of land with vegetation other than residential suburban plantings (lawns, ornamental trees and shrubs) is one small community park and a large cemetery.

Randy Whitman, a fisheries biologist with CH2M HILL, conducted a field review of the project site on May 1, 2006 to determine the status and availability of suitable habitat for listed species in the action area as well as any potential impacts of the proposed project. Suitable foraging habitat exists in Green Lake for bald eagles. There is a nest located 2.8 miles from the project footprint. Construction-related noise will attenuate to ambient levels well before reaching the nest. There are no over-wintering or communal roosts in the action area. Stormwater from the project footprint is conveyed entirely within a pipe system, except for occasional high flow releases to Green Lake, until entering Puget Sound or the Lake Washington Ship Canal. The project will not result in a net increase in pollutant loading. Therefore, the project will have *no effect* on bald eagles.

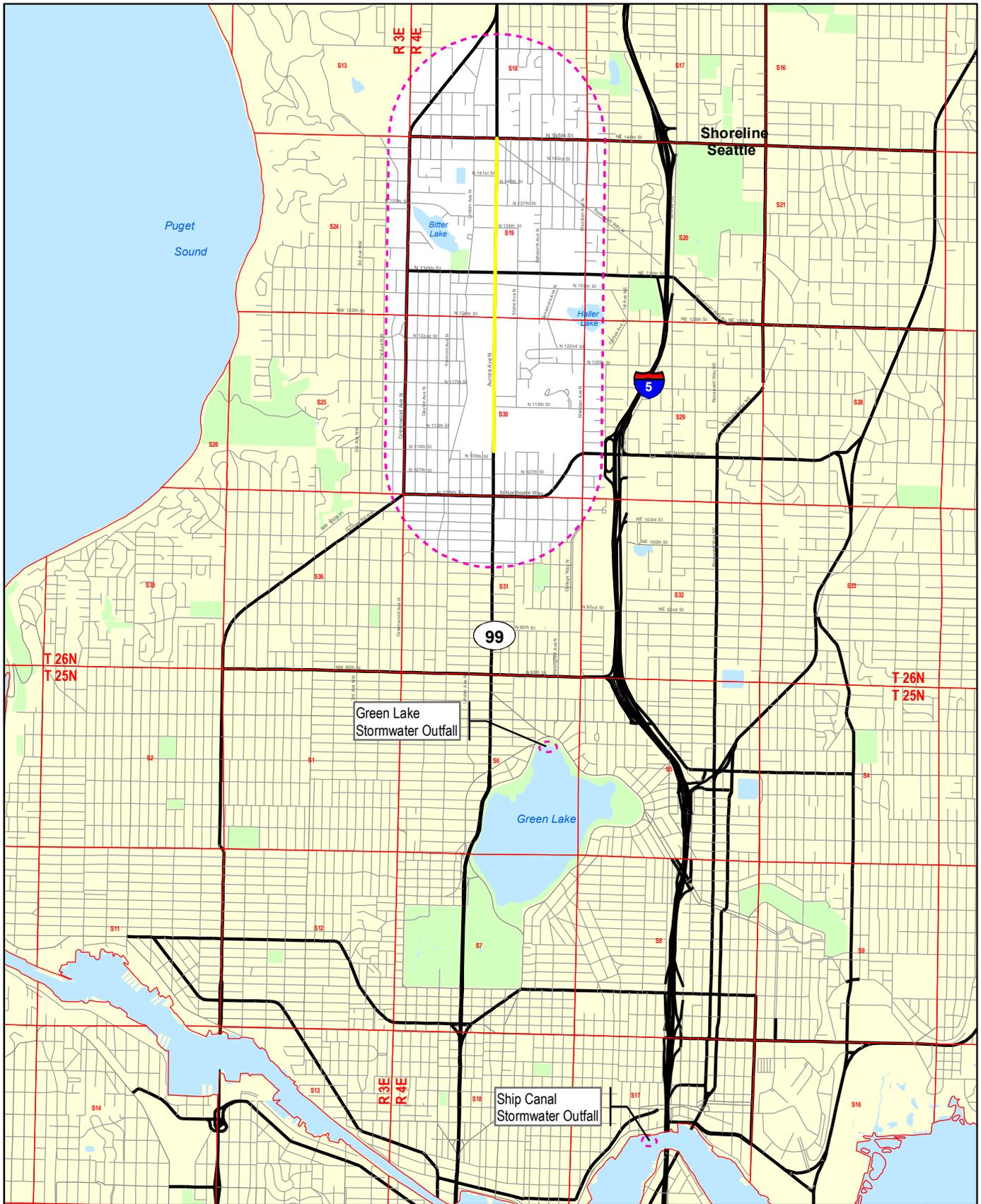
The lake Washington ship canal, connected to Lake Union and Lake Washington, is a migratory corridor and provides marginal transient rearing habitat for Chinook, bull trout, and steelhead. The project will not result in a net increase in pollutant loading or increase peak flows. The project will not affect base flows in any streams as all drainage from the project footprint, except for 0.53 acre draining north, is entirely contained within a pipe system. Therefore, the proposed project will have *no effect* on Puget Sound Chinook, coastal-Puget Sound bull trout, or Puget Sound steelhead.

In summary, we have determined that there will be *no effect* to bald eagle, Puget Sound Chinook salmon, coastal-Puget Sound bull trout, or Puget Sound steelhead, due to the location and type of work being proposed. It is our understanding that this satisfies our

responsibilities under Section 7 (c) of the Endangered Species Act at this time, and we are sending you this assessment for your files. 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.

Sincerely,

Randy Whitman/Fisheries Biologist
CH2M HILL



- Project Limits
- - - Action Area (3200 ft)
- Park



Exhibit X-1. Action Area
Aurora Avenue N 110th to 145th



View of existing Aurora Avenue North at 145th Street.



View of existing Aurora Avenue North at North 143rd Street.



View of existing Aurora Avenue North at North 135th Street.



View of existing Aurora Avenue North at North 130th Street.

**LISTED AND PROPOSED ENDANGERED AND THREATENED SPECIES AND CRITICAL HABITAT;
CANDIDATE SPECIES; AND SPECIES OF CONCERN
IN WESTERN WASHINGTON
AS PREPARED BY
THE U.S. FISH AND WILDLIFE SERVICE
WESTERN WASHINGTON FISH AND WILDLIFE OFFICE**

(Revised December 20, 2005)

KING COUNTY

LISTED

Wintering bald eagles (*Haliaeetus leucocephalus*) occur in the county. Wintering activities occur from October 31 through March 31.

There are five bald eagle communal winter night roosts located in the county.

There are two bald eagle wintering concentrations located in the county along the Skykomish-Beckler-Tye Rivers and Foss River.

There are 38 bald eagle nesting territories located in the county. Nesting activities occur from about January 1 through August 15.

Bull trout (*Salvelinus confluentus*) occur in the county.

Canada lynx (*Lynx canadensis*) may occur in the county.

Gray wolves (*Canis lupus*) may occur in the county.

Grizzly bears (*Ursus arctos* = *U. a. horribilis*) may occur in the county.

Marbled murrelets (*Brachyramphus marmoratus*) occur in the county. Nesting murrelets occur from April 1 through September 15.

Northern spotted owls (*Strix occidentalis caurina*) occur in the county throughout the year.

Major concerns that should be addressed in your Biological Assessment of project impacts to listed species include:

1. Level of use of the project area by listed species.
2. Effect of the project on listed species' primary food stocks, prey species, and foraging areas in all areas influenced by the project.
3. Impacts from project activities and implementation (e.g., increased noise levels, increased human activity and/or access, loss or degradation of habitat) that may result in disturbance to listed species and/or their avoidance of the project area.

Arenaria paludicola (marsh sandwort) may occur in the county.

Valley silverspot (butterfly) (*Speyeria zerene bremeri*)

Western toad (*Bufo boreas*)

Aster curtus (white-top aster)

Botrychium pedunculatum (stalked moonwort)

Cimicifuga elata (tall bugbane)

Endangered Species Act Status of West Coast Salmon & Steelhead

(Updated June 8, 2006)

		Species ¹	Current Endangered Species Act Listing Status ²	ESA Listing Actions Under Review
Sockeye Salmon (<i>Oncorhynchus nerka</i>)	1	Snake River	Endangered	
	2	Ozette Lake	Threatened	
	3	Baker River	Not Warranted	
	4	Okanogan River	Not Warranted	
	5	Lake Wenatchee	Not Warranted	
	6	Quinalt Lake	Not Warranted	
	7	Lake Pleasant	Not Warranted	
Chinook Salmon (<i>O. tshawytscha</i>)	8	Sacramento River Winter-run	Endangered	
	9	Upper Columbia River Spring-run	Endangered	
	10	Snake River Spring/Summer-run	Threatened	
	11	Snake River Fall-run	Threatened	
	12	Puget Sound	Threatened	
	13	Lower Columbia River	Threatened	
	14	Upper Willamette River	Threatened	
	15	Central Valley Spring-run	Threatened	
	16	California Coastal	Threatened	
	17	Central Valley Fall and Late Fall-run	Species of Concern	
	18	Upper Klamath-Trinity Rivers	Not Warranted	
	19	Oregon Coast	Not Warranted	
	20	Washington Coast	Not Warranted	
	21	Middle Columbia River spring-run	Not Warranted	
	22	Upper Columbia River summer/fall-run	Not Warranted	
	23	Southern Oregon and Northern California Coast	Not Warranted	
	24	Deschutes River summer/fall-run	Not Warranted	
Coho Salmon (<i>O. kisutch</i>)	25	Central California Coast	Endangered	
	26	Southern Oregon/Northern California	Threatened	
	27	Lower Columbia River	Threatened	• Critical habitat
	28	Oregon Coast	Not Warranted	
	29	Southwest Washington	Undetermined	
	30	Puget Sound/Strait of Georgia	Species of Concern	
	31	Olympic Peninsula	Not Warranted	
Chum Salmon (<i>O. keta</i>)	32	Hood Canal Summer-run	Threatened	
	33	Columbia River	Threatened	
	34	Puget Sound/Strait of Georgia	Not Warranted	
	35	Pacific Coast	Not Warranted	
Steelhead (<i>O. mykiss</i>)	36	Southern California	Endangered	
	37	Upper Columbia River	Threatened	
	38	Central California Coast	Threatened	
	39	South Central California Coast	Threatened	
	40	Snake River Basin	Threatened	
	41	Lower Columbia River	Threatened	
	42	California Central Valley	Threatened	
	43	Upper Willamette River	Threatened	
	44	Middle Columbia River	Threatened	
	45	Northern California	Threatened	
	46	Oregon Coast	Species of Concern	
	47	Southwest Washington	Not Warranted	
	48	Olympic Peninsula	Not Warranted	
	49	Puget Sound ³	Proposed Threatened	• Critical habitat • Protective Regulations
	50	Klamath Mountains Province	Not Warranted	
Pink Salmon (<i>O. gorbuscha</i>)	51	Even-year	Not Warranted	
	52	Odd-year	Not Warranted	

¹ The ESA defines a “species” to include any distinct population segment of any species of vertebrate fish or wildlife. For Pacific salmon, NOAA Fisheries considers an Evolutionarily Significant Unit, or “ESU,” a “species” under the ESA. For Pacific steelhead, NOAA Fisheries has delineated Distinct Population Segments (DPSs) for consideration as “species” under the ESA

² Updated final listing determinations for 16 salmon species were issued on June 28, 2005 (70 FR 37160). Updated final listing determinations for 10 West Coast steelhead species were issued on January 5, 2006 (71 FR 834). On September 2, 2005, we issued final critical habitat designations for 19 West Coast salmon and steelhead species (70 FR 52488 and 52630).

³ Puget Sound steelhead was proposed for listing as a threatened species on March 29, 2006 (71 FR 15666).