

Federal Aid #:  
TCSP-0012(201)

**US Highway 12: Wallula to Frenchtown Vicinity  
Walla Walla County, Washington**

**FINDING OF NO SIGNIFICANT IMPACT (FONSI)**

Issued pursuant to  
42 USC 4332(2) (c) and USC 128 (a)

**U S Department of Transportation  
Federal Highway Administration**

and

**Washington State Department of Transportation**

(This action complies with Presidential Executive Order 11990 (May 1977), Protection of Wetlands; Sections 106, 110(d), and 110(f) of the National Historic Preservation Act of 1966; and Section 7 of the Endangered Species Act of 1973)

9/2/2010

Date of Approval



Liana Liu, Area Engineer  
Federal Highway Administration

The following persons may be contacted for additional information concerning this document:

Liana Liu  
Area Engineer  
Federal Highway Administration  
711 S. Capitol Way, Suite 501  
Olympia, WA 98501

Jason Smith  
SCR Environmental Manager  
Washington State Department of Transportation  
2809 Rudkin Road  
Union Gap, WA 98903

US Highway 12: Wallula to Frenchtown Vicinity  
Walla Walla County, Washington  
FINDING OF NO SIGNIFICANT IMPACT (FONSI)

The Federal Highway Administration (FHWA) has determined, in accordance with the National Environmental Policy Act (NEPA) and subsequent implementing regulations of the Council on Environmental Quality (40 CFR 1500-1508) and 23 CFR 771, that the selected alternative will have no significant impact on the human environment and does not require an Environmental Impact Statement (EIS). This Finding Of No Significant Impact (FONSI) is based on the Environmental Assessment (EA) and other documents incorporated by reference, and has been independently evaluated by the FHWA and determined to adequately and accurately discuss the need, environmental issues, and impacts of the proposed project and appropriate mitigation measures. It provides sufficient evidence and analysis for determining that an EIS is not required. The FHWA takes full responsibility for the accuracy, scope, and content of the EA, as modified by this FONSI and referenced attachments.

## Project Description

The purpose of the US Highway 12: Wallula to Frenchtown Vicinity project is to improve motorist safety, accommodate increasing traffic volumes, and maintain mobility along this portion of US 12 over the long-term. The need for the project is based on the increased use of US 12 that has been accompanied by a rise in the number of accidents occurring within the project area. Eliminating roadway deficiencies and increasing capacity will lower the number of both property and injury accidents while maintaining mobility. The purpose and need for the project will be met by the selected alternative.

The selected alternative will construct a new roadway north of existing US 12 from near Wallula at Milepost (MP) 304.2, to the Frenchtown Vicinity at MP 328.1. The selected alternative was chosen based on its ability to improve motorist safety, highway capacity and mobility, its feasibility for construction, and its avoidance and minimization of negative effects to social, economic, and natural resources.

## EA Coordination and Comments

The FHWA issued an EA for the project on February 10, 2010. An open house was held on March 10, 2010 to answer questions and solicit comments on the EA. The WSDOT notified the general public of the open house using a variety of communication tools. The open house was attended by 140 individuals. The EA comment period began on February 20, 2010 and ran through March 20, 2010. All EA comments with responses appear in Appendix B.

## Environmental Findings

### Endangered and Threatened Species

Endangered and Threatened Species were evaluated in consultation with both the National Oceanic and Atmospheric Administration's (NOAA) National Marine Fisheries Service (NMFS), and the U.S. Fish and Wildlife Service (USFWS). Findings from the Biological

US Highway 12: Wallula to Frenchtown Vicinity  
Walla Walla County, Washington  
FINDING OF NO SIGNIFICANT IMPACT (FONSI)

Assessment (BA) were evaluated under Section 7 of the Endangered Species Act of 1973 and are summarized and presented in the EA.

Informal consultation with the NMFS and the USFWS resulted in concurrence with the Determination of Effect in the BA for these species and habitats.

The NOAA Fisheries Service has identified Middle Columbia River (MCR) steelhead trout (*Oncorhynchus mykiss*) and critical habitat for Middle Columbia River steelhead trout as threatened species and habitats that may occur within the project area. The Determination of Effect for these species and habitats follows:

- MCR steelhead trout: May affect, not likely to adversely affect
- Critical Habitat for MCR steelhead trout: May affect, not likely to adversely affect

(Please see the NMFS concurrence letter in appendix A)

The USFWS has identified bull trout (*Salvelinus confluentus*), and critical habitat for bull trout as threatened species and habitats that may occur within the project area. The Determination of Effect for these species and habitats follows:

- Bull trout: May affect, not likely to adversely affect
- Critical Habitat for Bull trout: May affect, not likely to adversely affect

(Please see the USFWS) concurrence letter in appendix A)

### **Historic, Cultural, and Archaeological Resources**

Historic, Cultural, and Archaeological Resources were evaluated in consultation with the Confederated Tribes of Umatilla Indian Reservation (CTUIR), and the Yakama Nation (YN). Findings from the Cultural Resources Survey were evaluated under Sections 106, 110(d) and 110(f) of the National Historic Preservation Act of 1966 and are summarized and presented in the EA. No historic properties located within the study corridor would be affected by constructing the selected alternative. The State of Washington Department Of Archaeology and Historic Preservation (DAHP) concurs with this finding (Please see the DAHP concurrence letters in appendix A).

### **Wetlands**

Wetland resources were evaluated under both a Wetland Inventory Report and a Wetland-Biology Report; their findings are summarized and presented in the EA. The results show that the selected alternative avoids impacts to wetlands so that no wetlands within the project area would be affected by constructing the selected alternative.

US Highway 12: Wallula to Frenchtown Vicinity  
Walla Walla County, Washington  
FINDING OF NO SIGNIFICANT IMPACT (FONSI)

**Section 4(f) Resources**

The selected alternative avoids impacts to 4(f) resources so that no historic properties, publicly owned and managed parks, outdoor recreation areas, or wildlife refuges, would be affected by constructing the selected alternative.

**Farms and Farmland**

The following language is added to provide context, and is based on public and agency comments on the EA, regarding impacts to corporate and small farm operations and any resulting mitigation commitments.

Irrigated crops that include corn, potatoes, alfalfa, mint, sod grass-seed, fruit crops, and poplar plantations are grown by industrial-size corporate farms within the western portion of the Phase 8 alignment. Cattle graze on non-irrigated rangeland that extends both north and south of the current highway near Nine Mile Canyon within the eastern portion of Phase 8. Smaller family operated farms and ranches make up the agricultural landscape within Phase 7. Here, a mix of irrigated crops is grown using water diverted from the Walla Walla and Touchet rivers, and Lower Dry Creek. In areas not under irrigation, dryland wheat and grazing has been ongoing for more than a century.

A Geographic Information System (GIS) analysis shows that approximately 305 acres of land operated by corporate farms would be directly impacted by the selected alternative. An additional 628 acres of land currently operated by small farms would be directly impacted. In both cases, the majority of these impacts would result from right-of-way acquisitions. The selected alternative avoids and minimizes impacts to the greatest practicable extent while meeting the project's purpose and need. Examples of how the project avoids, minimizes, and could compensate for these impacts include the following:

- Locate the project along property lines when possible to reduce the amount of remnant land created on farms intersected by the project.
- Phase construction activities to minimize disrupting farm operations and ensure continued access to farms when possible.
- Provide compensation for reconfiguring irrigation systems impacted by the project.
- Provide compensation for loss of crops from temporary construction easements.
- Provide compensation for all necessary right-of-way purchases.

**Alfalfa-Seed Farms**

The Washington State Department of Transportation (WSDOT) recognizes the importance and unique characteristics of the Touchet-Lowden alfalfa-seed growing district within the larger alfalfa-seed production area of Walla Walla County and the state of Washington. This includes the importance of the native alkali-bee (*Nomia melanderi*), as the preferred pollinator for the

US Highway 12: Wallula to Frenchtown Vicinity  
Walla Walla County, Washington  
FINDING OF NO SIGNIFICANT IMPACT (FONSI)

alfalfa seed crop. These bees have unique characteristics that make them a valuable resource to this industry. Alkali-bee beds will be directly impacted by the selected alternative during construction. Indirect impacts to alkali bees will occur by striking vehicles traveling on the new alignment.

The WSDOT has been meeting with alfalfa-seed growers from the Touchet-Lowden growing district to explore mitigation measures for minimizing and monitoring project impacts to alkali bees. The WSDOT and alfalfa-seed growers will utilize information gathered from scientific studies currently underway to determine effective mitigation measures as part of the right-of-way acquisition process. Examples of additional proposed mitigation measures for preserving alkali bees could include the following:

- Contract with entomological experts for studies that assess existing alkali bee populations, determine bee flight-paths, (height, distance, and direction) to and from existing beds, and determine the effectiveness of various barrier types to alter bee flight-paths. This is an on-going coordinated effort by WSDOT, WSU, and the growers in the Touchet-Lowden growing district.
- Where possible, adjust the alignment away from alkali-bee beds to minimize impacts. This would occur during the design of Phase 7B.
- Compensate for impacts to alkali-bee beds where impacts from constructing and operating the project would substantially increase bee mortality when right-of-way funds become available.
- Provide compensation for purchasing additional farmland, and/or provide a transfer of water rights currently held by WSDOT, for impacts that prohibit alfalfa-seed production on remnant parcels when right-of-way funds become available.
- If determined to be effective, economically feasible, and not substantially increase farmland impacts, establish vegetative barriers in locations where the project comes within one-quarter mile of a bee bed. This would occur during design of Phase 7A and 7B.
- Provide a one-time payment option for purchasing leaf-cutter bees as mitigation for impacts to alkali bees.

As planned, the selected alternative avoids, minimizes, and provides effective mitigation for impacts to farms and farming operations to the greatest practicable extent, while concurrently avoiding impacts to other valuable social, economic, and natural resources.

### **Wildlife Habitat**

The following language is added to provide context, and is based on public and agency comments on the EA, regarding impacts to wildlife habitat and wildlife connectivity and any resulting mitigation commitments.

Grazing and agricultural production have dramatically affected upland and riparian native vegetation and wildlife habitat in the Phase 7 and 8 study corridors. Large areas are dominated

US Highway 12: Wallula to Frenchtown Vicinity  
Walla Walla County, Washington  
FINDING OF NO SIGNIFICANT IMPACT (FONSI)

by non-native species such as cheatgrass, knapweed, Russian thistle, goathead, and kochia. Most of the riparian gallery forest that existed along the Walla Walla and Touchet rivers, and Lower Dry Creek during the time of Lewis and Clark is gone, and stream flows have been dramatically reduced by irrigation withdrawals. The Lower Dry Creek stream channel was modified extensively by excavation in the 1960s to increase flood storage. All of these landscape changes have had substantial impacts to native fish and wildlife habitat. Many shrub-steppe grassland obligates rarely occur or have been extirpated from the study area. Examples include greater sage-grouse, Washington ground squirrel, and ferruginous hawk. The landscape within the study area is expected to remain as an agricultural landscape interspersed by remnant patches of native habitat during the foreseeable future. The current trend toward larger, more consolidated industrial farming within Phase 8 is expected to continue.

Currently, the most critical features within the study area for maintaining wildlife populations are Federal Habitat Management Units (HMUs) and the National Resource Conservation Service's (NRCS's) Conservation Reserve Program (CRP) lands. In 2007, Walla Walla County had more than 150,000 acres of arable farmland enrolled in the CRP, ranking it 30th out of more than 2,500 counties nationwide in total acres enrolled (USDA 2007). The CRP land is valuable to wildlife because it provides large areas (in this case, approximately 20 percent of Walla Walla County) where native habitats are allowed and encouraged to re-establish. While this number has remained fairly steady over the last several years, future declines are likely if crop prices increase, particularly winter wheat (USDA 2009). Higher crop prices will reduce the likelihood that farmers will enroll their land in this voluntary program.

Using the Landsat data, "Current Distribution of Sagebrush and Associated Vegetation in the Columbia Basin" (United States Geologic Service (USGS) Forest and Rangeland Ecosystem Science Center, 2005), a WSDOT GIS analysis shows that approximately 112,200 acres, or 13.5 percent, of Walla Walla County's landcover remains as native shrub-steppe and grassland. The proposed project's footprint will impact approximately 200 acres, or 0.18 percent, of this remaining habitat.

Because the total number of upland habitat acres available for preservation or restoration is indeterminable at this time, any commitment to preserving or restoring a specific number of acres is unrealistic. However, WSDOT will provide funds for preservation and/or restoration of uplands through conservation easements and/or restoring publicly owned land. Any commitment from WSDOT for mitigation through conservation easements or restoration activities for impacts to upland habitat must be accompanied by a corresponding commitment from the Walla Walla County Conservation District (WWCCD). The WSDOT asks that the WWCCD demonstrate that the trend of large-scale land conversion from shrub-steppe and grassland to agriculture within Walla Walla County will not continue, and therefore, demographically isolate preserved and restored habitats. At the very least, any land provided as mitigation will have to be protected from encroachment by changes in land-use before the FHWA and WSDOT will consider it as an effective long-term mitigation commitment.

US Highway 12: Wallula to Frenchtown Vicinity  
Walla Walla County, Washington  
FINDING OF NO SIGNIFICANT IMPACT (FONSI)

**Wildlife Connectivity**

Constructing the selected alternative one to four miles north of habitats located within and adjacent to the Wallula Habitat HMU of the McNary National Wildlife Refuge, and frequented by deer and elk, will increase wildlife connectivity on existing US 12 and reduce wildlife/vehicle collisions (WVC). The WSDOT developed a habitat suitability and highway permeability study to help determine where possible mitigation measures could be employed within the corridor to increase wildlife connectivity between habitats and reduce WVC. The selected alternative avoids and minimizes impacts to the greatest practicable extent while meeting the project's purpose and need. Examples of how the project avoids, minimizes, and could compensate for these impacts include the following:

- Increase highway permeability for high- and low-mobility species by moving traffic away from habitats found within and adjacent to the Wallula Habitat Management Unit (HMU) of the McNary Wildlife Refuge, and the Touchet and Walla Walla rivers.
- Construct bridges, preliminarily ranging from 500' to 1,300' long and up to 90' tall, exclusionary wildlife fencing and wildlife escape structures, and bottomless culverts through specific areas of the proposed project based on the Habitat Suitability & Highway Permeability Report.
- Develop and implement a project-specific Roadside Management Plan (RMP) using Integrated Vegetation Management (IVM).
- When right-of-way funds become available for Phase 8, WSDOT will work with local agencies to establish conservation easements and/or restore upland habitat on select land parcels based on results from the Habitat Suitability & Highway Permeability Report in a manner consistent with the conditions stated above.

As planned, the selected alternative avoids, minimizes, and provides effective mitigation for impacts to wildlife habitat and wildlife connectivity to the greatest practicable extent, while concurrently avoiding impacts to other valuable social, economic, and natural resources.

**Commenter Distribution List**

**Agency or Group**

Confederated Tribes of the Umatilla Indian Reservation (CTUIR)

Washington Alfalfa Seed Commission

Washington State Department of Ecology (Ecology) SEPA Review

Washington Department of Fish and Wildlife (WDFW)

Washington Department of Fish and Wildlife (WDFW) SEPA Review

Washington State Department of Natural Resources (DNR)

Washington State Department of Natural Resources (DNR) SEPA Review

Washington State Department of Transportation (WSDOT) Environmental Services Office

US Highway 12: Wallula to Frenchtown Vicinity  
Walla Walla County, Washington  
FINDING OF NO SIGNIFICANT IMPACT (FONSI)

Washington State Legislature  
Walla Walla County Commissioners  
Walla Walla County Conservation District (WWCCD)  
United States Environmental Protection Agency (EPA)

**Individuals**

John Adams	Marilyn Hines
Kirk Baumann	Pamela Buckley Mildon
Jerry and Terry Brown	Carl Nuthak
Melinda and Camille Buckley	Jared Templin
Mike Buckley	Mellissa Webster
Lawrence Dodd	Barbara Zappas

**Conclusion**

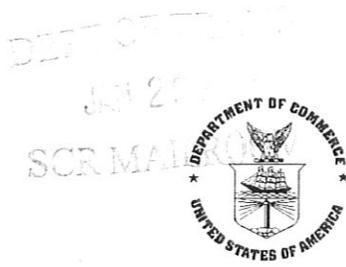
The FHWA has determined, in accordance with NEPA and subsequent implementing regulations 40 CFR 1500-1508 and 23 CFR 771, that the selected alternative will have no significant impact on the human environment and does not require an EIS. This FONSI is based on the US Highway 12: Wallula to Frenchtown Vicinity EA and other documents incorporated by reference, and has been independently evaluated by the FHWA and determined to adequately and accurately discuss the need, environmental issues, and impacts of the proposed project and appropriate mitigation measures.

The FHWA may publish a notice in the Federal Register, pursuant to 23 USC § 139(I), indicating that it has taken final action on approvals for this project. Once published, all claims seeking judicial review of this action will be barred unless such claims are filed within 180 days after the date of publication of the notice, or within such shorter time period as is specified in the Federal Laws pursuant to which judicial review of the Federal agency action is allowed. If no notice is published, then the periods of time that otherwise are provided by the Federal laws governing such claims will apply.

**Attachments**

Appendix A .....Agency Concurrence Letters  
Appendix B .....EA Comments and Responses

Appendix A  
Agency Concurrence Letters



**UNITED STATES DEPARTMENT OF COMMERCE**  
**National Oceanic and Atmospheric Administration**  
NATIONAL MARINE FISHERIES SERVICE  
Northwest Region  
7600 Sand Point Way N.E., Bldg. 1  
Seattle, Washington 98115

NMFS Tracking No.:  
2009/06755

January 25, 2010

Craig Broadhead  
Assistant Environmental Manager  
WSDOT South Central Region  
2809 Rudkin Road, Union Gap  
P.O. Box 12560  
Yakima, WA 98909-2560

RE: Endangered Species Act Section 7 and Magnuson-Stevens Fishery Conservation and Management Act Informal Consultation: US 12 Phase 7 and 8 Wallula and Frenchtown vicinity.

Dear Mr. Broadhead:

This correspondence is in response to your request for informal consultation under the Endangered Species Act (ESA) to evaluate impacts of the above referenced project on Middle Columbia River (MCR) steelhead and designated critical habitat (CH) for MCR steelhead. Additionally, this letter serves to meet the requirements for consultation under the Magnuson-Stevens Fishery Conservation and Management Act (MSA).

### **Endangered Species Act**

The National Marine Fisheries Service (NMFS) has reviewed the Biological Assessment (BA) and Essential Fish Habitat (EFH) analysis received from the Washington State Department of Transportation (WSDOT), a non-Federal representative for the Federal Highway Administration (FHWA), on December 28, 2009. The Federal action by the FHWA is the funding of the project, in whole or in part. NMFS has also reviewed your request for concurrence with effect determinations of "may affect, not likely to adversely affect" for MCR steelhead (*Oncorhynchus mykiss*) and steelhead critical habitat. The NMFS designated MCR steelhead as threatened on January 5, 2006 (70 FR 52630) and designated critical habitat for MCR steelhead on September 2, 2005 (70 FR 52630).

The proposed action will widen US 12 from two to four lanes beginning near Wallula, Washington and will continue south-southeast to Nine Mile Hill. The project also includes the construction of bridges over canyons, streams, and roads that will connect farms and wildlife habitat.

The Touchet River and Dry Creek, both tributaries of the Walla Walla River, will be crossed by full-spanning bridges using spread footings.



The project will not require the use of intermediate piers, nor will it require any pile driving, blasting or in-water work. Equipment will be staged at least 300 feet from the riparian areas.

The project will install oversized culverts for wildlife passage and floodplain connectivity. Irrigation ditches, including the Old Lowden Ditch, two unnamed ditches, Eastside Touchet Ditch, and Westside Touchet Ditch will be relocated where they intersect the project. All irrigation ditches will be piped and appropriately screened to current NMFS standards.

Approximately 0.2 acres of riparian habitat will be temporarily impacted and up to 0.3 acres will be permanently removed. All impacted riparian areas will be restored on-site. Stormwater from all existing (18.75 acres) and new (189.75 acres) impervious surfaces within the project action area will be treated through dispersion and infiltration.

The project action area extends from mileposts 304 to 317 on US 12 and is delimited by the potential effects of stormwater from new and impervious surfaces and by potential impacts from the removal of riparian vegetation within the footprint of the bridges spanning the Touchet River and Dry Creek.

MCR Steelhead begin entering the Walla Walla system in September if conditions are favorable for migration. Steelhead spawning begins in the spring. In the Touchet River, spawning is limited to the upper reaches of the watershed, above the project action area. Steelhead adults and juveniles may use the Touchet River and Dry Creek for migration during winter months when flows are higher and temperatures are lower. Critical habitat for MCR steelhead is designated in Touchet River and Dry Creek.

### **Species Determination**

#### **Middle Columbia River Steelhead**

NMFS has analyzed the potential impacts of the project on MCR Steelhead and determined that the impacts will be discountable and insignificant.

Direct effects of the project will be discountable because juvenile steelhead are not expected to be present in the project action area during the time of summer construction. High in-stream temperatures in Dry Creek and the Touchet River make it very unlikely that juvenile steelhead will be in the project action area. In addition, no in-water work will occur.

Indirect effects from the project will be insignificant because Best Management Practices (BMPs) to minimize mobilization of sediment and potential pollutants will be used and will include the implementation of a Temporary Erosion and Sediment Control Plan (TESC) and a Stormwater Pollution Prevention Plan (SWPPP). Because the Touchet River and Dry Creek will be completely spanned and no in-water work will occur, downstream impacts to water quality from turbidity are not expected. The stormwater

from all existing (18.75 acres) and new (189.75 acres) impervious surfaces will be treated through dispersion and infiltration. Impacts to riparian vegetation will be mitigated on-site through restoration and enhancement. The 0.3 acres of riparian vegetation proposed to be removed at the Touchet River Bridge does not currently provide shade over the river. Therefore, its removal and replacement will have little impact on water temperatures in the Touchet River.

### **Critical Habitat Determination**

NMFS designated critical habitat for the MCR Steelhead Evolutionary Significant Unit (ESU) on September 2, 2005 (70 FR 52630). The designation includes the Touchet River and Dry Creek.

Freshwater primary constituent elements (PCE) of critical habitat include: (1) freshwater spawning sites, (2) freshwater rearing sites, and (3) freshwater migration corridors. The proposed action may potentially affect the latter two of these PCEs.

NMFS expects the effects of the action to be insignificant to designated critical habitat for MCR steelhead for the following reasons: (1) stormwater from all new and existing impervious surface will be treated via infiltration and dispersion, improving water quality of the Touchet River and Dry Creek; (2) removal of 0.3 acres of riparian vegetation at the Touchet River Bridge crossing provides no shading benefit to the stream and removal of this vegetation will have a negligible effect on water temperatures in the Touchet River such that it will not negatively affect the conservation value of critical habitat; (3) temporary impacts to 0.2 acres of riparian vegetation will be offset through restoration on-site with native species, providing better opportunity than existing for large woody debris recruitment, and (4) the roadway realignment will result in significant amounts of traffic being moved to a location further from the Walla Walla River, which will increase the distance between a source of potential stream contaminants and a water body supporting listed fish.

Therefore, NMFS concurs with your finding of “may affect, not likely to adversely affect” for MCR steelhead critical habitat.

This concludes informal consultation on these actions in accordance with 50 CFR402.14(b)(1). The FHWA must re-analyze this ESA consultation: (1) If new information reveals effects of the action that may affect listed species in a way not previously considered; (2) if the action is modified in a manner that causes an effect to the listed species that was not previously considered; or (3) if a new species is listed or critical habitat designated that may be affected by the identified actions.

### **Magnuson-Stevens Fishery Conservation and Management Act**

Federal agencies are required, under section 305(b)(2) of the MSA and its implementing regulations (50 CFR 600 Subpart K) to consult with NMFS regarding actions that are authorized, funded, or undertaken by that agency that may adversely affect Essential Fish

Habitat (EFH). The MSA section 3 defines EFH as “those waters and substrate necessary to fish for spawning, breeding, feeding, or growth to maturity.” If an action would adversely affect EFH, NMFS is required to provide the Federal action agency with EFH conservation recommendations (MSA section 305(b)(4)(A)). This consultation is based, in part, on information provided by the Federal action agency and descriptions of EFH for Pacific salmon contained in Appendix A to Amendment 14 to the Pacific Coast Salmon Plan (August 1999) developed by the Pacific Fishery Management Council and approved by the Secretary of Commerce (September 27, 2000).

The proposed project is described by the BA submitted by WSDOT. The Touchet River is documented as containing spring-run Chinook salmon.

*The EFH Conservation Recommendations:* Because the habitat requirements for the MSA-managed species in the action area are similar to those of the ESA-listed species, and because the conservation measures that FHWA/WSDOT included as part of the proposed action to address ESA concerns are also adequate to avoid, minimize, or otherwise offset potential adverse effects to designated EFH, conservation recommendations pursuant to MSA (section 305(b)(4)(A)) are not necessary. Since NMFS is not providing conservation recommendations at this time, no 30-day response from FHWA/WSDOT is required (MNA section 305(b)(4)(B)).

This concludes consultation under the MSA. If the proposed action is modified in a manner that may adversely affect EFH, or if new information becomes available that affects the basis for NMFS’ EFH conservation recommendations, FHWA/WSDOT will need to reinitiate consultation in accordance with the implementing regulations for EFH at 50 CRF 600.920(1).

If you have any questions, please contact Leslie Durham at the Washington State Habitat Office at (360) 753-9595, by e-mail at [leslie.durham@noaa.gov](mailto:leslie.durham@noaa.gov), or by mail at the letterhead address.

Sincerely,



Barry A. Thom  
Acting Regional Administrator

cc: Douglas Eitemiller, WSDOT  
Liana Liu, FHWA



# United States Department of the Interior



**FISH AND WILDLIFE SERVICE**  
**Washington Fish and Wildlife Office**  
Eastern Washington Field Office  
11103 East Montgomery Drive  
Spokane, Washington 99206

DEPT OF TRANS

FEB 5 - 2010

February 2, 2010

SCRMMAILROOM

Mr. Craig Broadhead  
Washington State Department of Transportation  
South Central Regional Office  
2809 Rudkin Road  
Union Gap, WA 98903-1648

Subject: US 12/ Phases 7 and 8, Wallula to Frenchtown Vicinity Project, Walla Walla County, Washington; FWS Reference 1-9-10-I-173 (File # 807.4000)

Dear Mr. Broadhead:

This letter is in response to your request for informal consultation on the US 12/ Phases 7 and 8, Wallula to Frenchtown Vicinity Project, located in Walla Walla County, Washington. Your letter and enclosed Biological Assessment (BA), dated December 23, 2009, and received in our office on December 28, 2009, requests U.S. Fish and Wildlife Service (Service) concurrence with the determination of "may affect, not likely to adversely affect" for the bull trout (*Salvelinus confluentus*). It is our understanding that this request is being submitted to us by the Washington State Department of Transportation (WSDOT) on behalf of the Federal Highway Administration. This informal consultation has been conducted in accordance with section 7(a)(2) of the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 *et seq.*).

The WSDOT is planning, designing, and constructing a variety of improvements to US Highway 12 between the cities of Burbank and Walla Walla. In the current proposal, Phases 7 and 8, the WSDOT will create a new highway segment four lanes wide north of the existing highway between Wallula and the Frenchtown vicinity west of the city of Walla Walla.

The project will consist of constructing the new four-lane highway over a variety of lands and terrains from agricultural lands to shrub-steppe, with bridges crossing dry canyons, the Touchet River and Dry Creek along the route. Irrigation ditches encountered along the route are proposed to be piped, either by the project or the local irrigation districts prior to construction of the proposed project. All stormwater from this project will be infiltrated with no discharge to surface waters designed into the stormwater system. Any riparian vegetation disturbed by the project will be replanted and /or enhanced after project construction.

TAKE PRIDE  
IN AMERICA 



STATE OF WASHINGTON

**DEPARTMENT OF ARCHAEOLOGY & HISTORIC PRESERVATION**

1063 S. Capitol Way, Suite 106 • Olympia, Washington 98501  
Mailing address: PO Box 48343 • Olympia, Washington 98504-8343  
(360) 586-3065 • Fax Number (360) 586-3067 • Website: [www.dahp.wa.gov](http://www.dahp.wa.gov)

August 10, 2010

Mr. Dean Weaver  
WSDOT Archaeologist  
Eastern, North Central, and South Central Regions  
2714 N. Mayfair Street  
Spokane, WA 99207-2090

In future correspondence please refer to:

Log: 111507-13-FHWA  
Property: US 12, Phases 7-8  
Re: NO Adverse Effect

Dear Mr. Weaver:

Thank you for contacting the Washington State Department of Archaeology and Historic Preservation (DAHP). The US 12, Phases 7-8 project has been reviewed on behalf of the State Historic Preservation Officer under provisions of Section 106 of the National Historic Preservation Act of 1966 (as amended) and 36 CFR Part 800. My review is based upon documentation contained in your communication.

I concur that the current project as proposed will have "NO ADVERSE EFFECT" on National Register eligible or listed historic and cultural resources. If additional information on the project becomes available, or if any archaeological resources are uncovered during construction, please halt work in the area of discovery and contact the appropriate Native American Tribes and DAHP for further consultation.

Thank you for the opportunity to review and comment. If you have any questions, please contact me.

Sincerely,

Lance Wollwage, Ph.D.  
Transportation Archaeologist  
(360) 586-3536  
[lance.wollwage@dahp.wa.gov](mailto:lance.wollwage@dahp.wa.gov)