Washington State Department of Transportation
Paula J. Hammond
Secretary of Transportation

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April 29, 2010

Ms. Yamilée Volcy
Federal Highway Administration
711 South Capitol Way, Suite 501
Olympia, WA 98501-0943

Re: No Effect Determination for the US 395 North Spokane Corridor Redesign Project

Dear Ms. Volcy,

The Washington State Department of Transportation (WSDOT) proposes a redesign for the existing US 395 North Spokane Corridor Project from the Spokane River north to the partially constructed interchange at Francis/Freya Streets (Mile Post 159.0 – 161.97). The alignment will stretch approximately three miles and include eight lanes, two overpasses, and two interchanges. Relocation of five miles of BNSF tracks will also be required to provide needed right of way (ROW).

Planned construction includes the following:

- remove existing houses, roads, and utility lines from the new ROW
- realign approximately five miles of existing BNSF railroad
- cut/fill to construct the roadbed
- construct overpasses and interchanges
- pave and stripe the new alignment

The project will require 1.25 million cubic yards of cut and 1.5 million cubic yards of fill. The southern limit of the project will begin 180 feet from the Spokane River. The area to be cleared and grubbed is approximately 100 acres in size, and it lies within or adjacent to the developed city limit of Spokane.

The equipment needed to complete the work may include, but is not limited to, excavator, wheel and track bulldozers, dump truck, grader, scraper, paver, striping truck, sweeper, and crane.

Construction may start as early as summer 2010. The project footprint is limited to the areas slated for cut and fill as well as adjacent areas utilized for equipment staging. The project action area (PAA), driven by elevated project noise, is considered to be equal to the project footprint because the footprint lies within, or adjacent to, the developed city

limits, and construction noise is expected to quickly attenuate to baseline levels of the surrounding area. Although the project occurs within 180 feet of the Spokane River, best management practices (BMPs) implemented during construction will prevent any material from entering the river.

Vegetation within the PAA is dominated by landscape plants and non-native grasses rooted on disturbed soils of unpaved roads, open areas, and railroad property.

The Department of Fish and Wildlife Priority Habitats and Species (PHS) Geographic Information Systems database was referenced on April 26, 2010 to confirm whether or not listed species or their critical habitats may be impacted by the project. According to the PHS database, no Endangered Species Act (ESA) listed species have been documented within or near the PAA. Geoffrey Gray, WSDOT Biologist, conducted an assessment of the existing baseline field conditions during a field visit to the PAA on April 6, 2010, including an analysis of the project location, adjacent land use, and proximity to any listed species or their habitats.

In addition, a list of species and critical habitat protected under the ESA in Spokane County was obtained from the US Fish and Wildlife Service (USFWS) and the National Marine Fisheries Service (NMFS) web sites, both of which were accessed on April 26, 2010. An analysis for each listed species/critical habitat is presented in Table 1.

Table 1. Spokane County Species List, Effect Determination, and Supporting Rationale

Species Listed	Effect Determination and Supporting Rationale
Bull trout (T) (*Salvelinus confluentus*) Columbia River DPS	Due to the implementation of BMPs, the terrestrial PAA does not include an aquatic action area. Thus, the project will have **no effect** on bull trout because suitable habitat is not present within the PAA.
Water howellia (T) *Howellia aquatilis*	This species is found in wetland habitat which is not located within the project footprint. Since suitable habitat is lacking, the project will have **no effect** on water howellia.
Spalding's silene (T) *Silene spaldingii*	This species is found in open grassland, dominated by Idaho fescue, and scattered conifers and shrubs. The project footprint is completely disturbed as it occurs within or adjacent to the city limits of Spokane. Due to the absence of suitable habitat, the project will have **no effect** on Spalding's silene.
Ute ladies' -tresses (T) (*Spiranthes diluvialis*)	This species is found in wetland habitat which is not located within the project footprint. Since suitable habitat is lacking, the project will have **no effect** on Ute ladies'-tresses.

The PAA is located outside the regulatory limits of all ESA-listed salmonid species under the jurisdiction of NMFS.

The Magnuson-Stevens Fishery Conservation and Management Act, as amended by the Sustainable Fisheries Act of 1996, requires federal agencies to consult with National Oceanic and Atmospheric Administration Fisheries on activities that may adversely affect Essential Fish Habitat (EFH). The Pacific Fisheries Management Council has designated EFH for the Pacific Salmon Fishery, federally managed groundfish, and coastal pelagic fisheries. The Pacific salmon management unit includes Chinook (*Oncorhynchus tshawytscha*), coho (*Oncorhynchus kisutch*), and pink (*Oncorhynchus gorbuscha*) salmon. Because the PAA does not include an aquatic action area, the project will have **no adverse effect** on Essential Fish Habitat for Pacific salmon.

Therefore, it is determined that completion of the project, as proposed, will have **no effect** on any species listed under the ESA by the USFWS or NMFS. No further consultation is required at this time. It is our understanding that this satisfies our responsibilities under Section 7(c) of the ESA. We will continue to remain aware of any change in species status or project activities and will be prepared to re-evaluate potential project impacts if necessary.

Please call Geoffrey Gray at 509-577-1756 if you require additional information or have any questions about this project.

Sincerely,

Tammie Williams
Environmental Manager
WSDOT Eastern Region

cc: Biology file

Attachment 1: Project Location

Attachment 2: Site Photos

Photo 1. Southern end of project near Spokane River. View toward southwest.

Photo 2. At East Marietta Avenue. View toward north.

Photo 3. Near East Grace Avenue. View toward southwest.

Photo 4. At Cleveland Avenue. View toward north.