

# **APPENDIX B**

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## **No Effect Letter**

**DRAFT ENVIRONMENTAL ASSESSMENT**

**Newport Municipal Airport Obstruction Removal**



# memorandum

date April 8, 2022

to Ilon Logan, Federal Aviation Administration

cc Lance Vanderbeck

from Sarah Hartung and Hannah Smiley, ESA

subject Newport Municipal Airport Obstruction Removal Project – Letter of No Effect

## Project Description

The City of Newport (City) proposes to remove approximately 60 acres of vegetation and trees that are obstructions to the approach of Runways 16, 20, and 34 at the Newport Municipal Airport (Airport). Removing these trees and vegetation will allow for a clear approach surface to improve the safety of aircraft operations. Data gathered from evaluating the Airport Geographic Information System Survey as part of the Master Plan Update conducted in 2018 (WHPacific) identified obstructions in the protected airspace. A LiDAR survey (Quantum Spatial, Inc. 2019) confirmed numerous obstructions (trees) penetrating the protected airspace. The City proposes to remove obstructions (trees) within three separate Federal Air Regulations Part 77 *Safe, Efficient Use, and Preservation of the Navigable Airspace* (FAA 2010) approach surfaces:

- Visual approach of Runway 20
- Non-precision instrument approach and threshold siting surfaces of Runway 34.
- Precision instrument approach and threshold siting surfaces of Runway 16.

Areas of trees identified as penetrating the approach and threshold siting surfaces and proposed to be removed are shown on the attached figures. The original number of trees slated for removal were scaled-back markedly in 2020 and 2021 after coordination with landowners and the FAA. The original footprint of clearing all possible obstructions totaled approximately 240 acres, whereas the current proposed footprint of tree removal is approximately 60 acres.

We have prepared this assessment on behalf of the Federal Aviation Administration (FAA) to evaluate potential project impacts to species listed under the Endangered Species Act that under the jurisdiction of the National Marine Fisheries Service (NMFS). We also evaluated the presence of Essential Fish Habitat (EFH) as indicated in the Magnuson Stevens Fishery Conservation and Management Act (Magnuson Stevens Act).

## Species Evaluated

A data review as well as meetings and correspondence with the NMFS have determined that the following threatened species and designated critical habitat have the potential to occur in the vicinity of the project:

- Oregon Coast Coho Salmon (*Oncorhynchus kisutch*) and Critical Habitat

Thiel Creek is designated critical habitat for Oregon Coast Coho Salmon.

## Habitat in the Project Area

Several small tributaries of the Pacific Ocean flow across the study area and vicinity: Henderson Creek, Grant Creek, Thiel Creek, and Moore Creek (Figure 7.0, attached). Thiel Creek is the only stream mapped as critical habitat for federally-listed Oregon Coast Coho Salmon. Coho salmon are present in Thiel Creek and at low numbers in Henderson Creek, but have not been observed in Moore Creek or Grant Creek (Spangler, pers. comm. 2021).

## Effect Determination and Justification

The obstruction removal project would have *no effect* on Oregon Coast Coho Salmon and associated Critical Habitat based on the following reasons:

- Robust erosion and sedimentation control best management practices (BMPs) are proposed near and within wetland and riparian buffers to prevent siltation of in-stream habitat.
- No work is proposed below the ordinary high water mark (OHWM) of fish-bearing streams or in tributaries to fish-bearing streams.
- No work is proposed in the 50-foot riparian buffer of Thiel Creek or Henderson Creek. A few trees are proposed for removal within the 50-foot buffer of Moore Creek, but this stream is not critical habitat.
- No trees that provide streamside shading in critical habitat would be removed.
- No new permanent roads or new permanent impervious surfaces are proposed.
- No temporary stream crossings are proposed.

The no effect determination is based on conservation and minimization measures listed below. Robust erosion and sedimentation control best management practices (BMPs) are proposed near and within wetland and riparian buffers because siltation of in-stream habitat is identified as a major impediment to the recovery of Oregon Coast Coho Salmon (NMFS 2016). These include:

- Trees would be cut at ground level and tree stumps would be left in place to minimize soil disturbance.
- Trees within upland areas (i.e., outside of delineated wetlands and riparian buffers) will be felled and hauled offsite using existing roads.
- Trees within 50 feet of a creek or within a delineated wetland would be left where they fall rather than hauled offsite to benefit aquatic organisms, especially coho in Henderson and Thiel Creeks. In these areas, obstructions will be removed using hand tools and low impact equipment. Heavy equipment such as track rigs will not be used. The contractor will be required to access the site and perform the work using on foot or using wetland mats to protect sensitive vegetation.
- Construction access and staging areas would be located on existing paved or disturbed surfaces in upland areas to the extent practicable. No staging would occur within delineated wetlands or riparian buffers.

All construction staging and construction access areas will be restored to previous contours, de-compacted, and seeded with native groundcover species within one year of construction. Any natural areas disturbed due to obstruction removal would be restored with native groundcover and/or native shrub species as appropriate.

- Wetlands and riparian setbacks will be flagged prior to construction to prevent inadvertent or unnecessary encroachment.
- Require emergency spill response and clean-up equipment to be available on site during all construction activities.

- In the Henderson Creek drainage basin:
  - Tree removal in wetland buffers and tributary stream buffers would occur during the dry season (late July to mid-September) to eliminate the chance of erosion and sedimentation below the OHWM. Refer to Figure 7.1 for notes on timing restrictions.
  - Erosion and sedimentation control BMPs (silt fencing, straw wattles, coir fabric, etc.) would be installed and inspected twice-weekly inspections to prevent soil from mobilizing outside of work areas and into fish-bearing streams.
  - Soils would be stabilized with an appropriate seed mix (may include sterile grass or a native upland forest herbaceous mix) immediately after tree removal and inter-planted by the next growing season with native shrubs or short-statured trees such as vine maple, red-osier dogwood, cascara, and Douglas hawthorn (i.e., if trees are removed in the late summer/early fall, soil stabilization would occur that same fall, and inter-planting would be accomplished the following spring).
- In the Thiel Creek drainage basin:
  - Tree removal within 50 feet of wetlands and seeps/streams would occur during the dry season (late July to mid-September) to eliminate the chance of erosion and sedimentation below the OHWM. Refer to Figure 7.2 for notes on timing restrictions. These areas are outside of suitable habitat for the marbled murrelet, northern spotted owl and Pacific marten which occurs south of the creek. Refer to the Biological Assessment for more details (ESA 2022).
  - Erosion and sedimentation control BMPs (silt fencing, straw wattles, coir fabric, etc.) would be installed and inspected twice-weekly inspections to prevent soil from mobilizing outside of work areas and into fish-bearing streams.
  - Soils would be stabilized with an appropriate seed mix (may include sterile grass or a native upland forest herbaceous mix) immediately after tree removal and inter-planted by the next growing season with native shrubs or short-statured trees such as vine maple, red-osier dogwood, cascara, and Douglas hawthorn (i.e., if trees are removed in the late summer/early fall, soil stabilization would occur that same fall, and inter-planting would be accomplished the following spring).
- In the Moore Creek drainage basin:
  - Although no listed fish species are mapped for Moore Creek, timing restrictions on tree removal within the 50-foot buffer and adjacent wetlands are included to minimize impacts to aquatic organisms such as cutthroat trout per input from ODFW (Spangler, pers. comm. 2022).

### **Essential Fish Habitat**

The project is located within mapped EFH for Coho, but is not within a habitat area of particular concern (NMFS 2022). The Magnuson-Stevens Act mandates that NMFS must identify EFH for federally managed marine fish. Federal agencies are required to consult with NMFS on all activities, or proposed activities, authorized, funded, or undertaken by the agency that may adversely affect EFH.

The obstruction removal project would have *no effect* on EFH based on the following reasons:

- Robust erosion and sedimentation control BMPs are proposed near and within wetland and riparian buffers to prevent siltation of in-stream habitat (see conservation and minimization measures described above).
- No work is proposed below the OHWM of fish-bearing streams or in tributaries to fish-bearing streams.

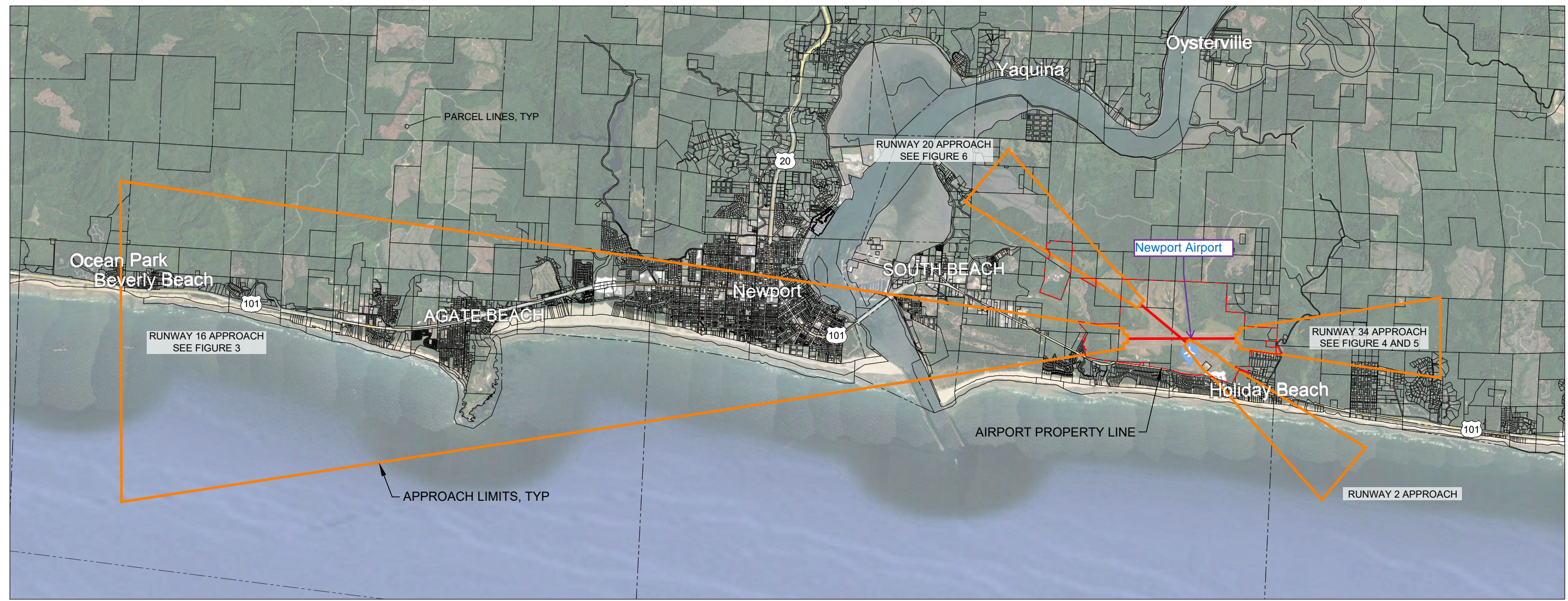
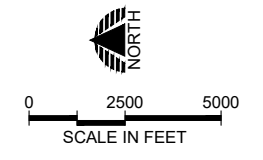
- No work is proposed in the 50-foot riparian buffer of Thiel Creek (EFH) or Henderson Creek (EFH). A few trees are proposed for removal within the 50-foot buffer of Moore Creek, but this stream does not meet the definition of EFH because it is not known to support Coho per ODFW. Additionally, Moore Creek is not considered ESH by Oregon Department of State Lands (DSL, 2021).
- No new permanent roads or new permanent impervious surfaces are proposed.
- No temporary stream crossings are proposed.

We believe that assessment satisfies the FAA’s responsibilities under Section 7(c) of the Endangered Species Act and the Magnuson-Stevens Act at this time. We will continue to remain aware of any change in status of these species and will be prepared to reevaluate potential project impacts if necessary.

## References

- DSL (Department of State Lands). 2018. Essential Salmon Habitat Map. URL: <https://maps.dsl.state.or.us/esh/>
- ESA (Environmental Science Associates). 2022. Newport Municipal Airport Obstruction Removal: Biological Assessment. Prepared for City of Newport and FAA. January 2022.
- FAA (Federal Aviation Administration). 2010. 14 Code of Federal Regulations Part 77 *Safe, Efficient Use, and Preservation of the Navigable Airspace*. 75 Federal Register 42296.
- NMFS (National Marine Fisheries Service). 2016. Recovery Plan for Oregon Coast Coho Salmon (*Oncorhynchus kisutch*).
- NMFS (National Marine Fisheries Service). 2017. Magnuson-Stevens Fishery Conservation and Management Act.
- NMFS (National Marine Fisheries Service). 2021. Oregon Coast Coho salmon critical habitat. URL: [https://www.westcoast.fisheries.noaa.gov/publications/gis\\_maps/maps/salmon\\_steelhead/critical\\_habitat/coho/coho\\_orc\\_update.pdf](https://www.westcoast.fisheries.noaa.gov/publications/gis_maps/maps/salmon_steelhead/critical_habitat/coho/coho_orc_update.pdf)
- NMFS (National Marine Fisheries Service). 2022. Essential Fish Habitat Mapper. URL: <https://www.habitat.noaa.gov/apps/efhmapper>.
- Oregon Biodiversity Information Center (ORBIC). 2019. Data system search for rare, threatened, and endangered plant and animal records for the Newport Municipal Airport Environmental Assessment Project. Institute for Natural Resources, Oregon State University and Portland State University.
- Quantum Spatial, Inc. 2019. KONP Obstruction Analysis Report. Newport Municipal Airport.
- Spangler. 2021 and 2002. Personal communication between John Spangler, ODFW and Sarah Hartung, ESA on September 29, 2021 and February 25, 2022.
- WHPacific. 2018. Airport Master Plan Update. Newport Municipal Airport. Final Report February 2018.





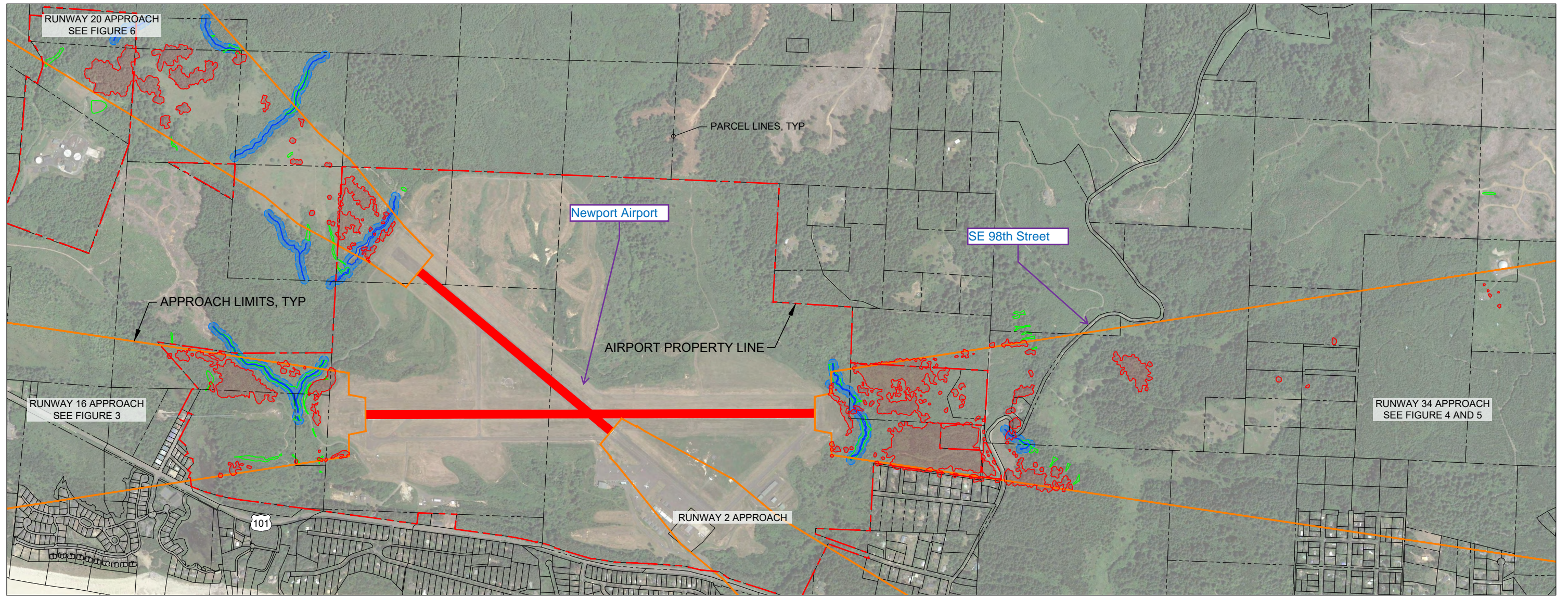
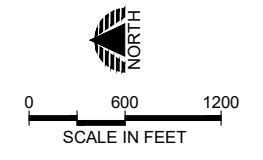
**PRELIMINARY  
NOT FOR CONSTRUCTION  
12/02/2021**

NEWPORT MUNICIPAL AIRPORT  
APPROACH OBSTRUCTION REMOVAL  
**NEWPORT MUNICIPAL AIRPORT  
APPROACH AREAS**



12/02/21 - 11:56am - JWade - P:\N\mp011-obstruction removal\0400CAD\DWG\Sheets\EXH-Site.dwg





**PRELIMINARY  
NOT FOR CONSTRUCTION  
12/02/2021**

NEWPORT MUNICIPAL AIRPORT  
APPROACH OBSTRUCTION REMOVAL

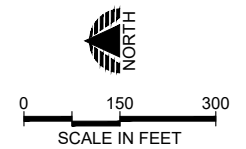
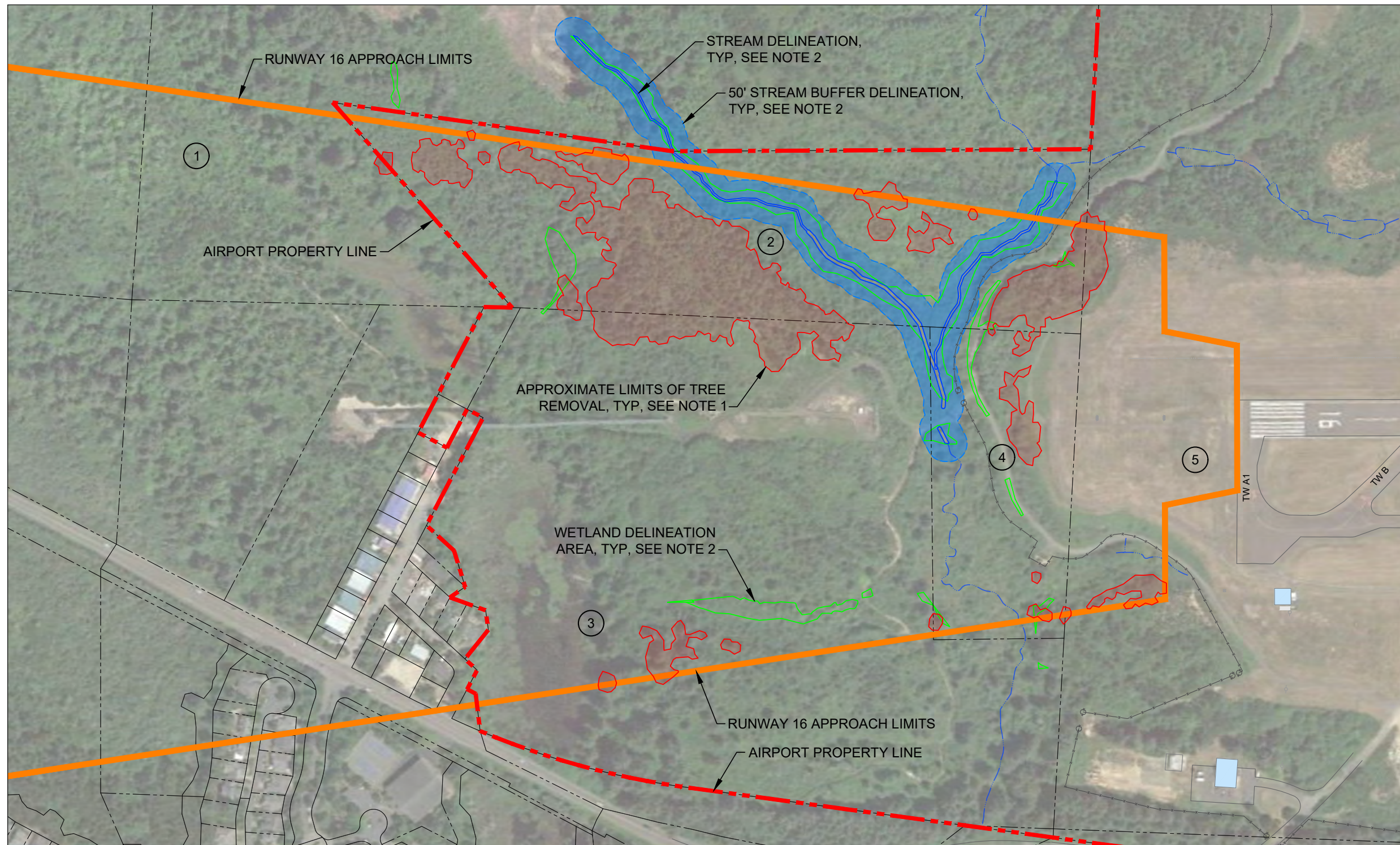
**OBSTRUCTION REMOVAL PLAN**



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12/02/21 - 11:57am - JWade - P:\N\mp011-obstruction removal\0400CAD\DWG\Sheets\EXH-Site.dwg



TAG	PARCEL ID	OWNER	TREE REMOVAL
1	11-11-29-00-00300-00	LANDWAVES INC	0.04 AC
2	11-11-29-00-00400-00	CITY OF NEWPORT	5.81 AC
3	11-11-29-00-01402-00	CITY OF NEWPORT	1.70 AC
4	11-11-29-00-01401-00	CITY OF NEWPORT	0.50 AC
5	11-11-29-00-01100-00	CITY OF NEWPORT	0.45 AC

- NOTES:
- LIMITS OF TREE REMOVAL SHOWN OUTSIDE OF STUDY AREA REPRESENT CANOPIES OF TREES TO BE REMOVED.
  - STREAM, BUFFERS AND WETLAND AREAS PROVIDED BY ESA, DATED OCT 19, 2021.

**PRELIMINARY  
NOT FOR CONSTRUCTION  
12/02/2021**

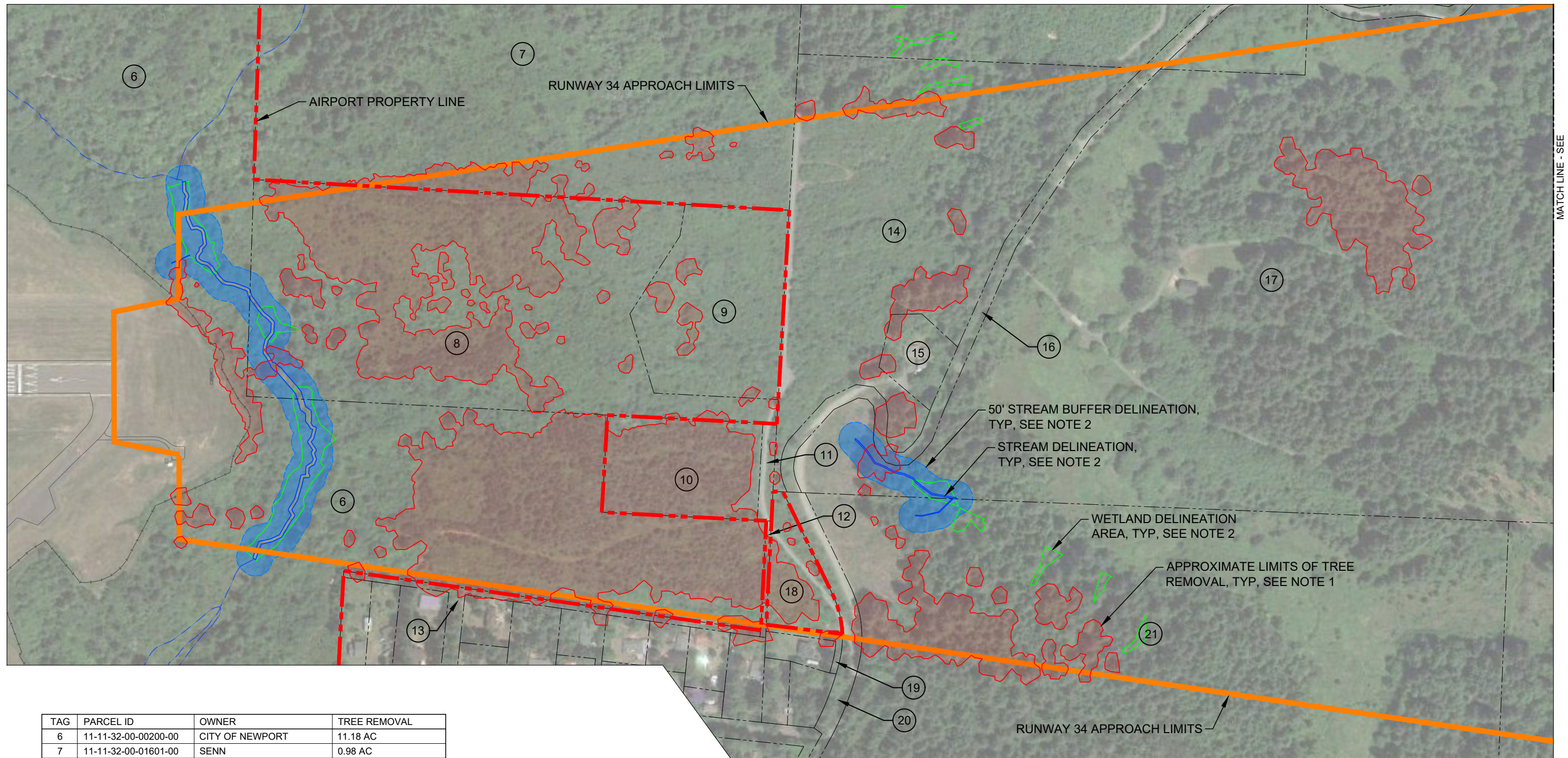
NEWPORT MUNICIPAL AIRPORT  
APPROACH OBSTRUCTION REMOVAL

**RUNWAY 16 APPROACH**





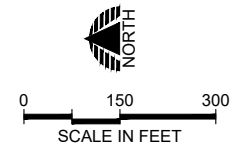
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TAG	PARCEL ID	OWNER	TREE REMOVAL
6	11-11-32-00-00200-00	CITY OF NEWPORT	11.18 AC
7	11-11-32-00-01601-00	SENN	0.98 AC
8	11-11-32-00-01602-00	CITY OF NEWPORT	8.68 AC
9	11-11-32-00-01604-00	CITY OF NEWPORT	0.38 AC
10	11-11-32-00-00201-00	STATE OF OREGON	2.80 AC
11	11-11-32-00-01603-00	FERRIS	0.03 AC
12	11-11-32-00-01600-00	LINCOLN COUNTY	0.09 AC
13	11-11-32-CC-OROAD-00	ROW	0.50 AC
14	12-11-05-00-00800-00	STEEL STRING INC	1.50 AC
15	12-11-05-00-00600-00	STEEL STRING INC	0.11 AC
16	12-11-05-00-OROAD-00	ROW	0.10 AC
17	12-11-05-00-00803-00	STEEL STRING INC	2.55 AC
18	12-11-06-00-00100-00	CITY OF NEWPORT	0.53 AC
19	12-11-06-00-00200-00	WATTS	0.06 AC
20	12-11-06-00-OROAD-01	ROW	0.08 AC
21	12-11-06-00-00600-00	STEEL STRING INC	3.03 AC

- NOTES:
- LIMITS OF TREE REMOVAL SHOWN OUTSIDE OF STUDY AREA REPRESENT CANOPIES OF TREES TO BE REMOVED.
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12/02/2021**



NEWPORT MUNICIPAL AIRPORT  
APPROACH OBSTRUCTION REMOVAL

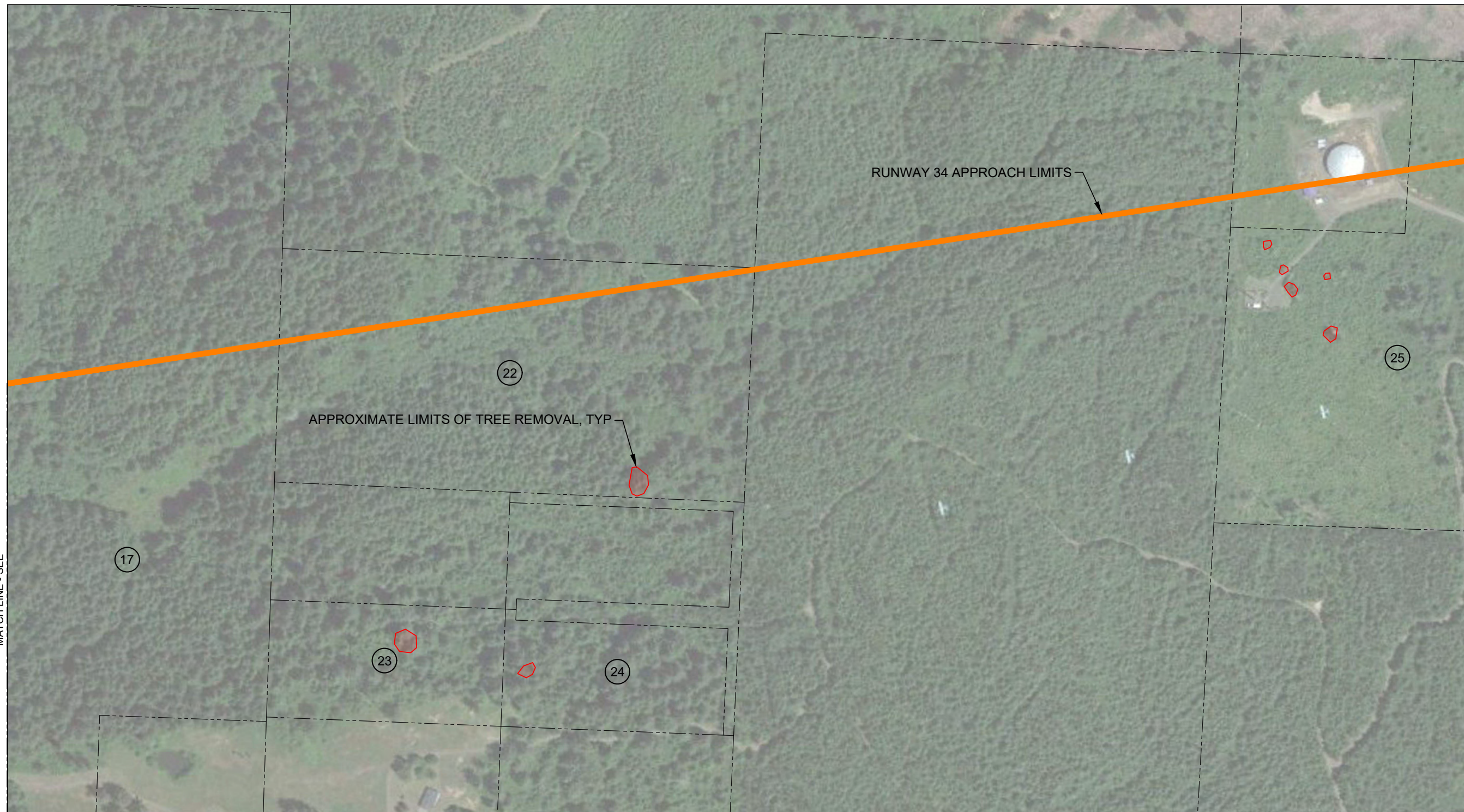
**RUNWAY 34 APPROACH (North)**

**PRECISION APPROACH**  
ENGINEERING  
5125 Southwest Hout Street  
Corvallis, OR 97333  
541-754-0043



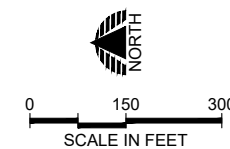
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MATCH LINE - SEE



TAG	PARCEL ID	OWNER	TREE REMOVAL
17	12-11-05-00-00803-00	STEEL STRING INC	2.55 AC
22	12-11-05-00-00802-00	WEYERHAEUSER CO	0.08 AC
23	12-11-05-CB-00200-00	STEEL STRING INC	0.08 AC
24	12-11-05-CB-00700-00	STEEL STRING INC	0.03 AC
25	12-11-00-00-03400-00	EMERY INVESTMENTS INC	0.08 AC

**PRELIMINARY  
NOT FOR CONSTRUCTION  
12/02/2021**



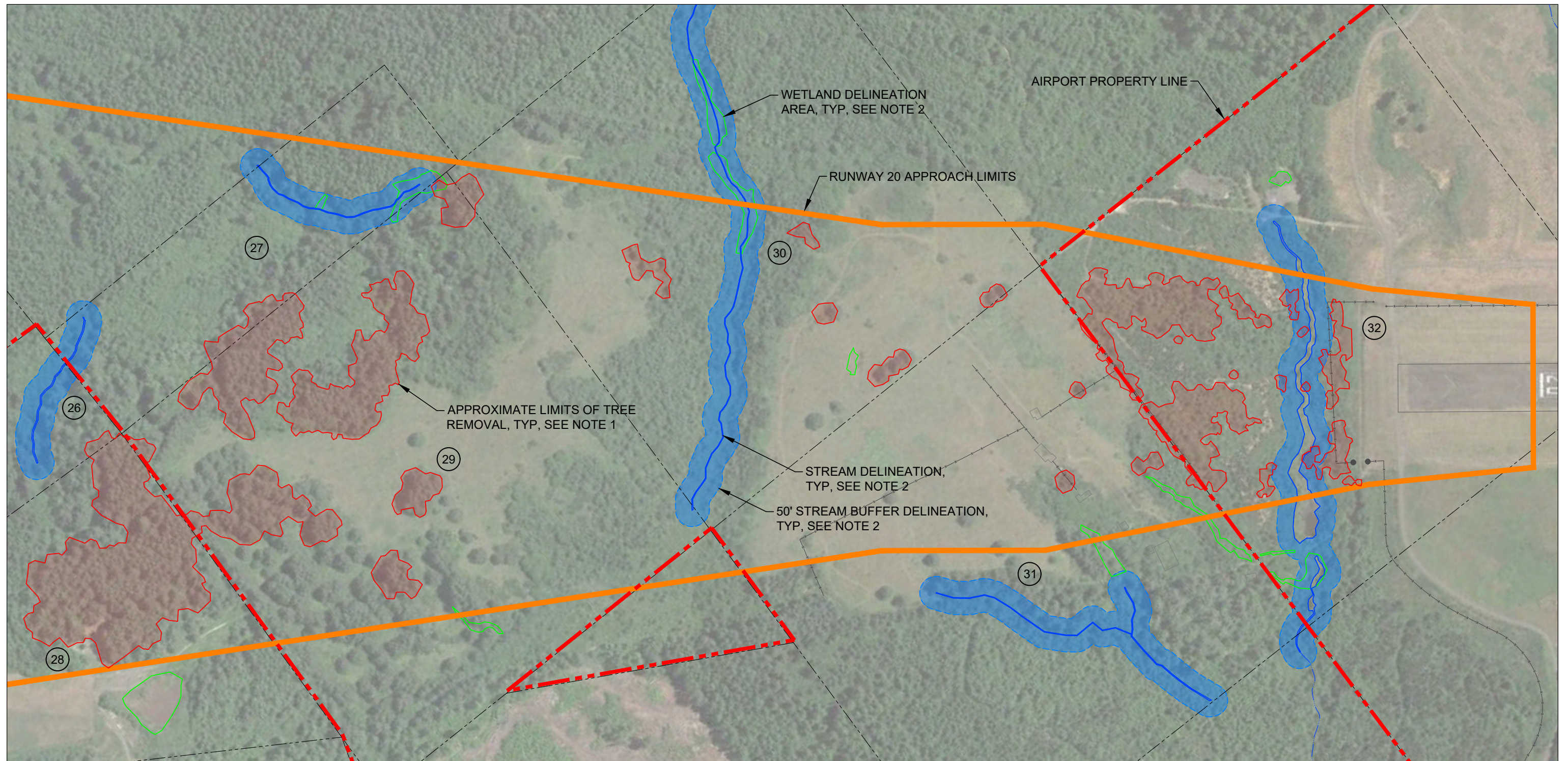
NEWPORT MUNICIPAL AIRPORT  
APPROACH OBSTRUCTION REMOVAL

**RUNWAY 34 APPROACH (South)**





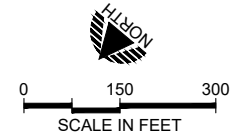
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TAG	PARCEL ID	OWNER	TREE REMOVAL
26	11-11-21-00-01600-00	CITY OF NEWPORT	0.06 AC
27	11-11-28-00-00700-00	HALL	0.25 AC
28	11-11-20-00-02700-00	CITY OF NEWPORT	4.80 AC
29	11-11-29-00-00100-00	HALL	5.90 AC
30	11-11-29-00-00600-00	HALL	0.72 AC
31	11-11-29-00-00500-00	HALL	0.54 AC
32	11-11-29-00-01000-00	CITY OF NEWPORT	3.70 AC

- NOTES:
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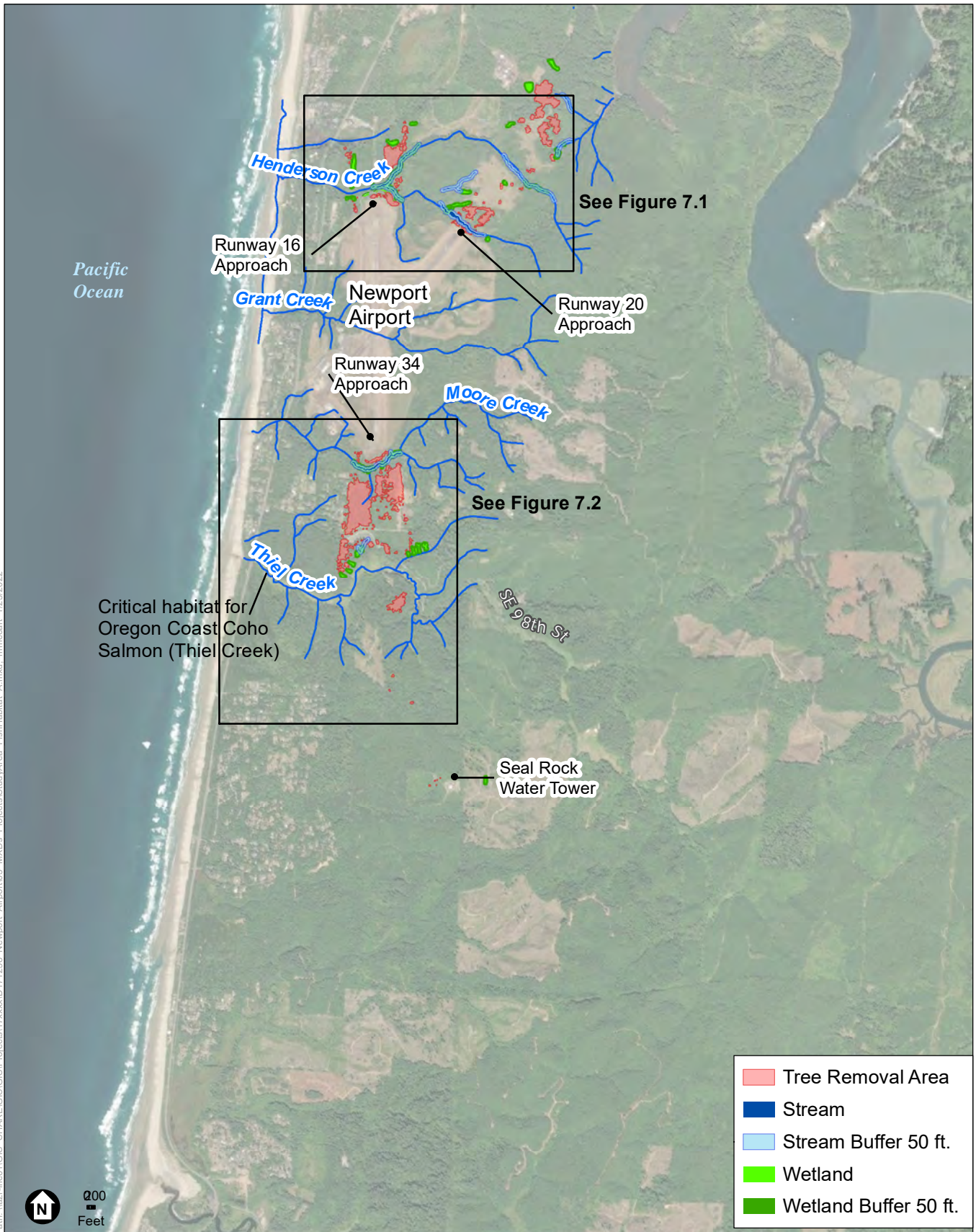


NEWPORT MUNICIPAL AIRPORT  
APPROACH OBSTRUCTION REMOVAL

**RUNWAY 20 APPROACH**

**PRECISION APPROACH**  
ENGINEERING  
5125 Southwest Hout Street  
Corvallis, OR 97333  
541-754-0043



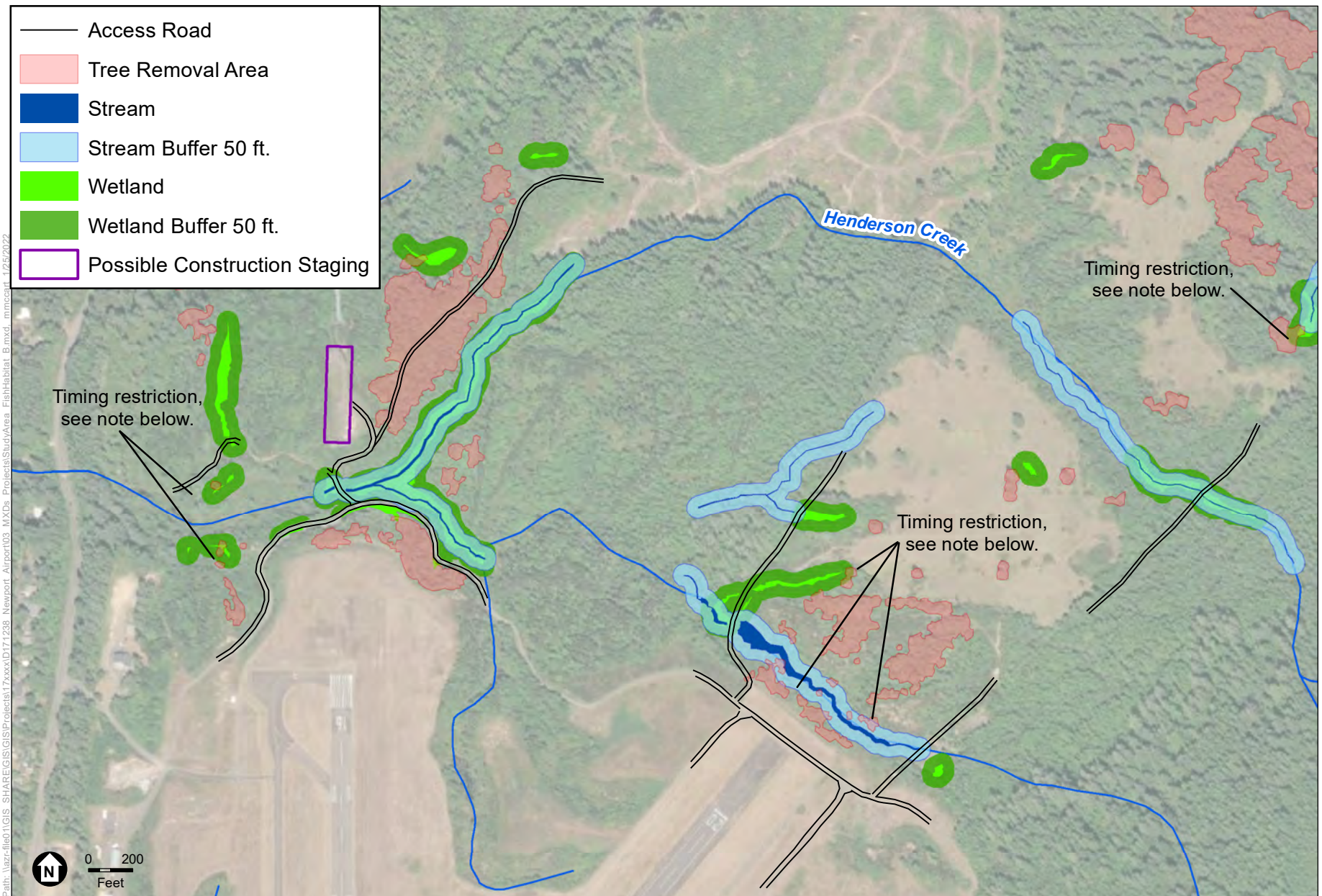


SOURCE: ESRI, 2020; Weyerhaeuser, 2021; Precision Approach Engineering, 2019

Newport Airport Obstruction Removal Phase 2

**Figure 7.0**  
Study Area Overview and Fish Habitat





SOURCE: ESRI, 2020; Weyerhaeuser, 2021; Precision Approach Engineering, 2019

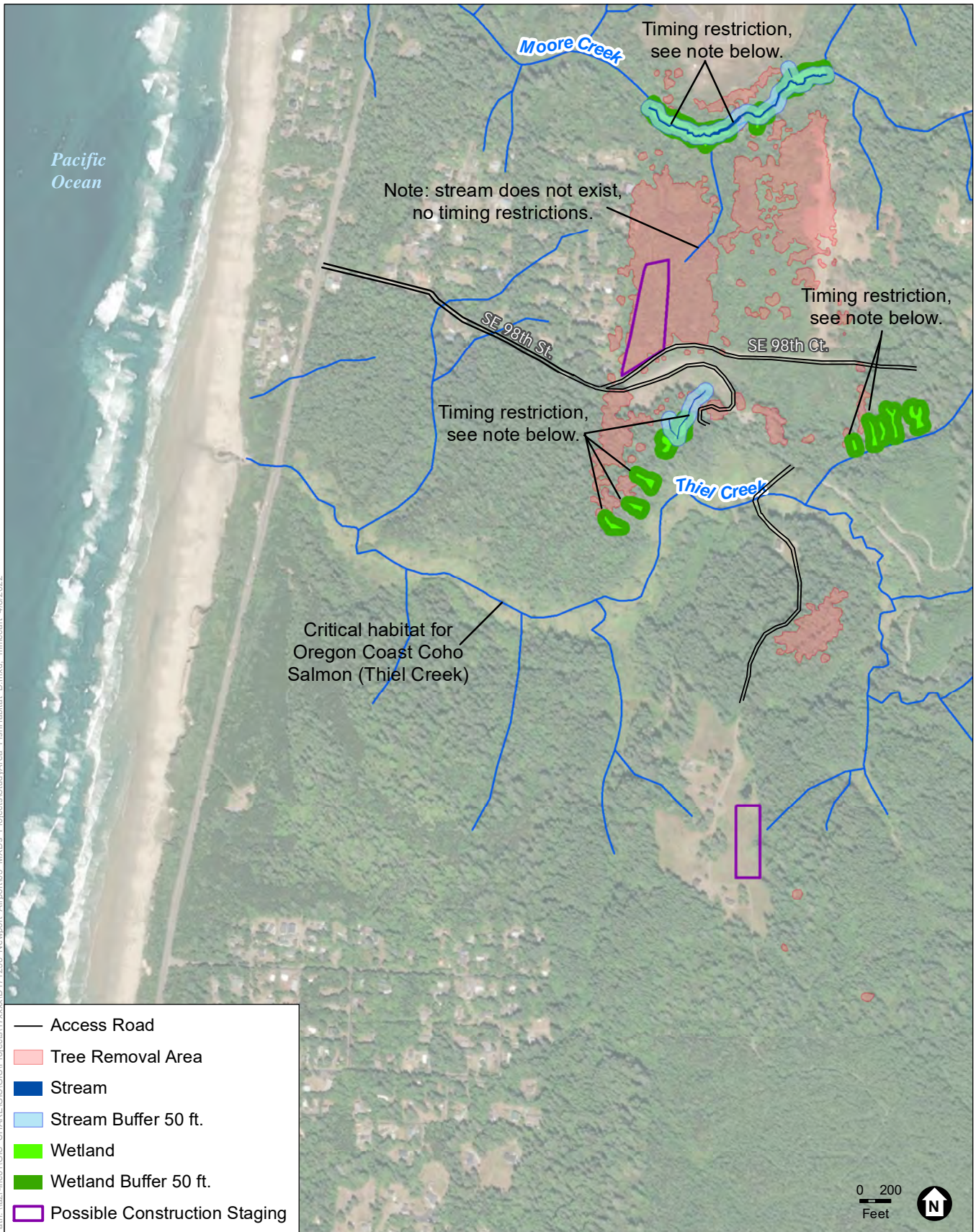
Newport Airport Obstruction Removal Phase 2

Note: Tree removal within wetland and stream buffers that drain to Henderson Creek and other fish-bearing waters are restricted to the dry season (late July to mid-September) to limit erosion and sedimentation.

**Figure 7.1**  
Henderson Creek Construction Timing Restrictions







SOURCE: ESRI, 2020; Weyerhaeuser, 2021; Precision Approach Engineering, 2019

Newport Airport Obstruction Removal Phase 2



Note: Tree removal within wetland and stream buffers are restricted to the dry season (late July to mid-September) to limit erosion and sedimentation.

**Figure 7.2**  
Thiel Creek  
Construction Timing Restrictions