

APPENDIX A

Biological Assessment

DRAFT ENVIRONMENTAL ASSESSMENT

Newport Municipal Airport Obstruction Removal

Final

NEWPORT MUNICIPAL AIRPORT OBSTRUCTION REMOVAL

Biological Assessment

Prepared for
City of Newport and Federal Aviation Administration

January 2022



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NEWPORT AIRPORT OBSTRUCTION REMOVAL

Biological Assessment

Introduction

Background

This Biological Assessment (BA) evaluates the effects of an obstruction (vegetation) removal project at the Newport Municipal Airport (Airport) on the marbled murrelet (*Brachyramphus marmoratus*), northern spotted owl (*Strix occidentalis caurina*), the coastal distinct population segment of the Pacific marten (*Martes caurina*), and designated critical habitat. All are listed as threatened under the federal Endangered Species Act of 1973, as amended. The nearest critical habitat for the marbled murrelet is 0.5 mile from a water tower at the southern boundary of where identified obstructions (trees) would be removed. The nearest critical habitat for northern spotted owl and Pacific marten (proposed critical habitat) is over two miles east/southeast of the southern obstruction removal area in the Siuslaw National Forest. This BA also provides justification for a no effect determination for the western snowy plover (*Charadrius nivosus nivosus*). The Airport is a designated general aviation facility, owned and operated by the City of Newport (City).

The City proposes to clear approximately 63 acres of vegetation (tall trees and shrubs) that are obstructions to the approach ends of the airport runways.

Obstructions would occur on Airport and adjacent properties. Removing these trees and vegetation will allow for a clear 20:1 approach surface to be maintained. The approach surface is critical in allowing aircraft to execute lands in a manner that is safe to the aircraft, nearby environmental resources, residences, and the general public. Approximately three acres need to be removed from occupied marbled murrelet habitat and potential suitable northern spotted owl and Pacific marten habitat south of the Airport within the approach to Runway 34.

The proposed project requires funding and approval from the Federal Aviation Administration (FAA), the lead agency for Section 7 Endangered Species Act consultation. Refer to separate documentation for No Effect determination related to Oregon coho salmon under the jurisdiction of the National Marine Fisheries Service (NMFS) (ESA 2021).

Occupied vs Contiguous Habitat

Occupied marbled murrelet habitat is defined as habitat that has been surveyed to protocol and breeding behavior has been observed. The current protocol was developed by the Pacific Seabird Group (Evans Mack et al. 2003) and relies on a series of standardized audio-visual surveys. A revised survey protocol is under development (ODFW 2021).

Contiguous habitat is habitat adjacent to occupied habitat that is similar in structure. This habitat has not been surveyed but is considered to be occupied by breeding murrelets.

This BA was developed using 2021 protocol survey data provided by Weyerhaeuser, existing data from the Oregon Biodiversity Information Center (ORBIC), species list and information from the U.S. Fish and Wildlife Service (USFWS), literature reviews, and field reconnaissance conducted in the study area in 2019.

Consultation History

USFWS staff attended three public agency meetings regarding the project, although the availability of protocol survey data from Weyerhaeuser were not known when the meetings occurred. Meeting dates are as follows: October 11, 2018; November 21, 2019; and September 29, 2021.

Project Description

Project Summary

The City proposes to remove obstructions from Federal Air Regulations (FAR) Part 77 airspace approach surfaces at the Airport to improve the safety of aircraft operations. The Airport is located at 135 SE 84th Street, Newport, in the South Beach Urban Renewal District, Lincoln County, Oregon. The Airport itself and the properties where obstructions are proposed to be removed are entirely within the Newport city limits (with the exception of a few parcels), and are zoned as either Industrial, Public Structures, or High Density Multi-Family. Refer to **Figures 1, 2 and 7 (Appendix A)** for a depiction of the study area setting in relation to the City of Newport and the extent of trees proposed for removal.

The City proposes to remove obstructions (primarily tall trees) within three separate FAR Part 77 approach surfaces:

- Visual approach of Runway 20 (north of the Airport).
- Non-precision instrument approach and threshold siting surfaces of Runway 34 (south of the Airport).
- Precision instrument approach and threshold siting surfaces of Runway 16 (north of the Airport).

Light Detection and Ranging (LiDAR) was flown in 2018 for the study area and processed in February 2019 to identify tall trees penetrating the 3D FAA regulated airspace. 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 63 acres affecting 32 separate tax lots north and south of the Airport (**Figures 1-6**). The proposed project would be constructed between 2022 and 2024.

Project Components

The project consists of removing tall vegetation (trees and shrubs/saplings) from the FAA regulated airspaces north and south of the Airport. The crowns of trees proposed for removal are outlined in red on **Figure 2** and shown in green on **Figure 7**. No new facilities, roads, or impervious surfaces are proposed as part of the project. The contractor selected for the project would access obstructions from existing disturbed areas including paved and unpaved airport access roads, private roads as well as old logging roads and paths (**Figure 8**). Staging would occur in existing disturbed areas that are already cleared of vegetation. Tree removal would occur during daylight hours (i.e., not at dawn or dusk). The total footprint of proposed tree removal per area is summarized in Table 1 below.

TABLE 1.
SUMMARY OF TREE REMOVAL IMPACTS

Area	Footprint of obstruction removal (ac)
Occupied marbled murrelet habitat (Parcel ID 12-11-05-00-00802-00)	<0.1
Contiguous suitable habitat (Parcel IDs 12-11-05-00-00803-00; 12-11-05-CB-00200-00; and 12-11-05-CB-00700-00)	3.0
Remainder of the project (considered unsuitable forested habitat)	60.0
Total	63.1

Avoidance, Minimization, and Conservation Measures

The following list summarizes the measures incorporated into the project to avoid and minimize impacts on the environment and Endangered Species Act-listed species and habitat during construction.

1. No tree removal is proposed in occupied/contiguous habitat (as shown on **Figures 7 and 8**) during the combined marbled murrelet, northern spotted owl, and Pacific marten breeding/denning season (February 1 to September 15).
2. Tree removal in occupied/contiguous habitat would occur during daylight hours (i.e., not at dawn or dusk).
3. Minimization measures incorporated into the design of the project include reducing the footprint of obstructions that could be removed from the FAA regulated airspaces from approximately 240 acres to 63 acres.
4. Work areas will be confined to the minimum area needed to complete the action.
5. Construction vehicles and equipment will be stored, fueled, and maintained in designated staging areas, making use of existing disturbed areas that area already cleared of vegetation.
6. Areas permanently disturbed (tree removal areas) will be restored following removal with native groundcover and shrubs.

-
7. No new facilities, roads, or impervious surfaces are proposed as part of the project. The contractor selected for the project would access obstructions from existing disturbed areas including paved and unpaved airport access roads, private roads as well as old logging roads and paths (**Figure 8**).

Study Area and Action Area

The proposed project would occur on various publicly and privately owned parcels north and south of the airfield. The study area consists of the footprint of obstructions proposed for removal as well as access roads and staging areas. Refer to the attached preliminary site plans for a list of affected tax lots, property owners, and approximate extent of obstructions proposed for removal (**Appendix A**).

The action area encompasses all areas affected directly or indirectly by the proposed project. The action area for this project includes the project footprint (including construction access and staging areas) and areas within an approximately 825-foot radius of the project footprint that may be affected by construction noise, as described below.

Proposed Tree Removal Areas Existing Conditions

The proposed study area north and south of the Airport consists of hilly terrain in the foothills and headlands of the Central Oregon Coast Range. The temperate forests of the area have been altered through fire, logging and development of roads. In areas that have been significantly disturbed, second-growth forest and shrub layers have very dense vegetation. Four streams flow westerly through the study area and into the Pacific Ocean (from north to south): Henderson Creek, Grant Creek, Moore Creek, and Thiel Creek (**Figure 7**). With the exception of Moore Creek, these drainages are typified by steep slopes and narrow valley bottoms. Elevations in the area range from 20 feet to 275 feet above mean sea level.

Tree removal north of the Airport would occur on shrubland, forested terraces and hillslopes, and riparian habitat (**Exhibits 1 and 2**). The forests in this area consist of mid-seral / mid-structural, thinned stands of western hemlock (*Tsuga heterophylla*) and Sitka spruce (*Picea sitchensis*). The understory is dense and consists of salal (*Gaultheria shallon*), evergreen huckleberry (*Vaccinium ovatum*) and sword fern (*Polystichum munitum*). In areas where wetlands have been delineated, the vegetation is dominated by Douglas spirea (*Spiraea douglasii*), twinberry honeysuckle (*Lonicera involucrata*), red alder (*Alnus rubra*), and slough sedge (*Carex obnupta*) (ESA 2019).

These wooded areas north of the Airport have not been surveyed for listed species, but are not considered potential suitable habitat for marbled murrelet, northern spotted owl, or Pacific marten due to lack of complex forest structure, habitat fragmentation, and close proximity to human activity.



Exhibit 1. Typical mid-seral forested conditions north of Henderson Creek on City property, May 2019.



Exhibit 2. Typical riparian habitat along Henderson Creek includes young red alder and dense undergrowth, May 2019.

Tree removal south of the Airport would occur along Moore Creek (**Exhibit 3**) just south of the end of Runway 34; the wooded areas between SE 98th Street and Moore Creek (**Exhibit 4**); and areas south of SE 98th Street (**Exhibits 5–7**). The riparian habitat along Moore Creek consists of young trees and palustrine emergent wetlands dominated by slough sedge (**Exhibit 3**).



Exhibit 3. Palustrine emergent wetland along Moore Creek on City property, May 2019.

The habitat south of Moore Creek but north of SE 98th Street, consists of young Douglas fir (*Pseudotsuga menziesii*) trees with some alders and willows (*Salix* spp.) as well as Scotch broom (*Cytisus scoparius*) (**Exhibit 4**). Trees range in height from 20 to 50 feet, with most of the trees between 35 and 45 feet high (Quantum Spatial, Inc. 2019). Adjacent wooded areas on City property are young mixed deciduous/coniferous trees that are generally 40 to 50 feet high. A couple of the trees in this area are 90 feet high, but are isolated. These trees would not provide suitable marbled murrelet nesting habitat and



Exhibit 4. Young Douglas-fir trees on City property, south of Moore Creek and north of SE 98th Street, May 2019.

lacks the older forest complexity, snags and downed wood that is preferred by the marbled murrelet, northern spotted owl, and Pacific marten.

The trees proposed for removal on occupied and contiguous marbled murrelet habitat on private land to the south consist of conifers that exceed 100 feet in height (Quantum Spatial, Inc. 2019) and are generally larger than 15 inches in diameter at breast height (dbh) with some exceeding 25 inches dbh (**Exhibits 5 and 6**). The forest in this area south of Thiel Creek is characterized by mid-successional to late-successional with varying densities of undergrowth. The approximate 2.5-acre patch of trees proposed for removal on Steel String property (Parcel ID 12-11-05-00-00803-00, **Figure 5**) ranges in height from 113 to 189 feet (Quantum Spatial, Inc. 2019). The forest on this parcel has some late-successional characteristics, but has a sparse shrub and subcanopy layer with few snags and pieces of large downed wood that may be suitable for Pacific marten (**Exhibit 5**). The 2.5-acre patch is anticipated to be only marginally suitable for marbled murrelet and northern spotted owl due to lack of multiple canopy layers.



Exhibit 5. Typical conifer forest contiguous with occupied marbled murrelet habitat south of SE 98th Street on Steel String property (Parcel ID 12-11-05-00-00803-00). Note sparse shrub layer, May 2019.

The forest on Weyerhaeuser land in occupied murrelet habitat (Parcel ID 12-11-05-00-00802-00) is typified by large Sitka spruce trees with a dense shrub layer (**Exhibit 6**).



Exhibit 6. Typical large Sitka spruce on Weyerhaeuser property (Parcel ID 12-11-05-00-00802-00), May 2019.

The trees proposed for removal on Emery Investments Inc. (Parcel ID 12-11-00-00-03400-00) property adjacent to the Seal Rock water tower (**Figure 5**) are isolated and do not provide suitable habitat for the listed species (**Exhibit 7**).



Exhibit 7. Isolated tall trees proposed for removal adjacent to the Seal Rock water tower (Parcel ID 12-11-00-00-03400-00), May 2019.

Status / Presence of Listed Species and Designated Critical Habitat in the Action Area

A list of threatened and endangered species that may occur in the proposed study area was obtained from the USFWS on November 11, 2021 (**Appendix B**). Listed species and associated critical habitat addressed in this BA are presented in **Table 2**.

TABLE 2.
LISTED SPECIES, CRITICAL HABITAT, AND PRESENCE WITHIN THE ACTION AREA

Species and Federal Listing	Critical Habitat Status	Breeding Season	Occupied habitat within Study area?
Marbled murrelet Listed as Threatened in 1992 (57 Federal Register [FR] 45328).	Critical habitat areas were originally Designated in 1996, revised in 2011, and finalized in 2016 (81 FR 51348). The study area is not within designated critical habitat. The nearest designated critical habitat is located approximately 0.5 mile east of the southern part of the study area (Figure 7).	Mid-April to Mid-September	Yes, on Weyerhaeuser land, tax map 12-11-05-00-00802-00
Northern spotted owl Listed as Threatened in 1990 (55 FR 26114).	Critical habitat areas were Designated in 1992, revised in 2008, and again in 2012 (77 FR 71876). The study area is not within designated critical habitat. The nearest proposed critical habitat is located approximately 2 miles east of the southern part of the study area (Figure 7).	February 1 through August 31	No, but potential suitable habitat presumed present south of Thiel Creek based on murrelet survey (Weyerhaeuser 2021).
Pacific marten Listed as Threatened in 2020 (85 FR 63806).	Critical habitat areas were Proposed October 25, 2021 (86 FR 58831). The study area is not within designated critical habitat. The nearest proposed critical habitat is the same area designated as critical habitat for the northern spotted owl, located approximately 2 miles east of the southern part of the study area (Figure 7).	Mid-April to Mid-September	No, but potential suitable habitat presumed present south of Thiel Creek based on murrelet survey (Weyerhaeuser 2021).

Species Not Analyzed in this BA: Western Snowy Plover (No Effect)

The western snowy plover is a small, federal threatened shorebird that resides in marine shoreline habitat, specifically coastal dunes, the upper intertidal zone, as well as beaches at creek and river mouths and salt pans at lagoons and estuaries (77 FR 36728). None of these habitats occur within the action area nor would they be affected by the project. The nearest critical habitat is located outside of Lincoln City, several miles to the north of the study area. Due to the absence of suitable habitat in the study area, the project would have no effect on the western snowy plover.

Marbled Murrelet

The marbled murrelet is a small seabird that breeds in coastal forests in British Columbia, Washington, Oregon, and California. Breeding pairs generally lay one egg during the nesting season and may not breed every year. No nest structure is built, but the egg is laid on a horizontal branch with moss or lichen. General habitat attributes are characteristic throughout its range, including the presence of nesting

platforms, adequate canopy cover over the nest, landscape condition, and distance to the marine environment. Nest sites typically occur in mature and old-growth coniferous forests but are also found in younger forests containing suitable nesting platforms. Wildfires and timber harvest are major threats contributing to the on-going loss of marbled murrelet nesting habitat (USFWS 2019).

Stand age is a key indicator of marbled murrelet habitat. There is a positive correlation between stand age and the presence of potential nesting platforms; the older a coniferous tree becomes, the more likely it is to have suitable nesting platforms for marbled murrelets.

An essential structural component of suitable marbled murrelet habitat is the presence of potential nesting platforms (USFWS 2012). In general, old-growth, mature, or younger coniferous forests with appropriate structures can provide these platforms. The USFWS defines a suitable nesting platform as a relatively flat surface at least 10 centimeters (4 inches) in diameter and located a minimum of 10 meters (33 feet) high in the live crown of a coniferous tree. Another important attribute of nesting habitat is vertical and horizontal cover around potential nest platforms to protect chicks and adults from predation while allowing adults access to nest platforms (USFWS 2012).

Marbled murrelets have occupied small patches of habitat within larger areas of unsuitable habitat, and some occupied sites have included large, residual trees in low densities; over 20 percent of occupied sites in Oregon were less than 80 years old (USFWS 2012).

Presence in the Action Area: Occupied marbled murrelet breeding behavior (flight at canopy height) was observed on Weyerhaeuser land south of SE 98th Street on parcel ID 12-11-05-00-00802-00 during 2021 protocol surveys (Weyerhaeuser 2021) (**Figures 7 and 8**). Based on guidance from the USFWS, adjacent or contiguous habitat that is similar in structure is also considered occupied habitat. Consequently, adjacent forested habitat on Steel String property (parcel IDs 12-11-05-00-00803-00; 12-11-05-CB-00200-00, and 12-11-05-CB-00700-00) is considered contiguous habitat.

Northern Spotted Owl

Northern spotted owls primarily utilize late successional mature and old-growth forests with large diameter coniferous trees, snags, downed wood, and a closed canopy with multiple canopy layers for nesting and roosting (Davis et al. 2016). Foraging habitat for northern spotted owls is similar but may not contain suitable nesting structures to support successful breeding pairs (Sovern et al. 2015). The range of this species is from southwestern British Columbia through western Washington, western Oregon, and the Klamath Mountains and Coast Ranges of northwestern California south to San Francisco Bay (55 FR 26114).

The northern spotted owl is a nocturnal owl species and resident of structurally complex forests. It prefers late successional mature and old-growth forest or forests with old-growth characteristics. Preferred nesting and roosting habitats include a multi-story forest containing a diversity of tree species, moderate to dense canopy cover (>60 percent) dominated by large trees with a high incidence of cavities or broken tops, sufficient open space below the canopy for flight, and an accumulation of woody debris on the ground (USFWS 2011).

Northern spotted owls usually nest in tree and snag cavities or in broken tops of large trees. They less frequently nest in mistletoe clumps and abandoned raptor and raven nests (Zeiner et al. 1990). Northern spotted owl are territorial, although home ranges of adjacent pairs can overlap. The size of the home range varies with geography and availability of prey species.

Northern spotted owl will feed on a variety of prey items, including small mammals, birds, amphibians, reptiles, and insects (Zeiner et al. 1990; USFWS 2011). Foraging habitat for northern spotted owl is similar to nesting and roosting habitat but may not contain suitable nesting structures to support successful breeding pairs (Sovern et al. 2015).

The northern spotted owl is a long-lived species, with a long reproductive life span. It is monogamous, but pairs do not necessarily breed every year. Breeding generally begins at two to five years of age. Following courtship, breeding may start as early as mid-February, and the female typically lays one to four eggs by late-March or April. The male delivers food to the female and the young while the female is brooding. Juvenile owls fledge in late-May or June; however, they still depend on food provided by their parents until about September (Zeiner et al. 1990; USFWS 2011).

Presence in the Action Area: There are no documented occurrences of northern spotted owl in or near the action area (ORBIC 2019). Weyerhaeuser surveyed for northern spotted owls according to protocol in the spring and summer of 2021 on parcel ID 12-11-05-00-00802-00 (the same parcel where marbled murrelets were detected), but no northern spotted owls were seen or heard (Hane, personal communication, 2021).

Pacific Marten

The Pacific marten is a medium-sized, solitary carnivore related to weasels, minks, otters, and fishers (85 FR 63806). Pacific martens are territorial and dominant males will maintain home ranges that encompass one or more female's home ranges. Male home ranges are larger than female home ranges and can cover 0.8 to 10.5 mi.² (512 to 6,720 acres) (WDFW 2021). Pacific martens are primarily carnivorous and prey on small mammals, birds, insects, but also consume berries and other fruits depending on availability. Pacific martens generally select older forest stands that are structurally complex (e.g., late-successional, old growth, large-conifer, mature, late-seral). These forests generally have multiple canopy layers, snags and other decay elements, dense understory, and have a biologically complex structure and composition. Small patches of forest are in less suitable for the Pacific marten because their primary predator, the bobcat, is more abundant fragmented forests than large unbroken tracks (86 FR 58831).

Den sites most often consist of large diameter trees (live or dead) with cavities, but may also include hollow logs, crevices under rocks, log piles, and squirrel nests (86 FR 58831). Pacific martens breed in the summer, bearing one to five young (WDFW 2021). Young are independent by late summer. According to a Northern California study, the denning season for coastal martens extends from mid-April to mid-September (Delheimer, et al. 2021).

Presence in the Action Area: There are no documented occurrences of Pacific marten in or near the action area (ORBIC 2019). The nearest population of Pacific marten is anticipated to occur in the Siuslaw

National Forest over two miles east of the southern project boundary. The Siuslaw National Forest is proposed critical habitat for the Pacific marten and is considered the northernmost distribution of coastal martens in Oregon (86 FR 58831).

Analysis of Effects of the Action

Direct Effects

No direct effects are anticipated to occur to either marbled murrelets, northern spotted owls, or Pacific martens because trees are proposed to be removed from occupied/contiguous habitat after September 14 and before February 1 when no breeding birds or denning Pacific martens would be present. Marbled murrelets generally nest from mid-April to mid-September (September 15), northern spotted owl generally breed from February 1 through August 31, and the denning season for Pacific marten generally extends from mid-April to mid-September (September 15).

The action area includes the area surrounding the project that would be subject to increased noise from construction equipment and activities during project work. The area of potential noise disturbance was determined for the project using noise analysis from USFWS (2020) entitled, “*Estimating the Effects of Auditory and Visual Disturbance to Northern Spotted Owls and Marbled Murrelets in Northwestern California.*” Inputs for the noise analysis were based on the following:

- Ambient daytime noise levels adjacent to occupied/contiguous marbled murrelet habitat and potential suitable northern spotted owl habitat is considered to be “low” or 61–70 decibels (dB), which includes sounds from residences located along SE Cedar Street.
- The loudest piece of equipment anticipated for the project (and the associated average maximum sound level at 50 feet) is likely to be a logging truck (97 dB) categorized as a “very high” action-generated sound level. Obstruction removal would occur during daylight hours.

Using Table 1 from USFWS (2020) (reproduced below), the disturbance distance for construction equipment generating “very high” sound levels is 250 meters or 825 feet—i.e., logging truck activity within 825 feet of nesting activity is expected to result in “take” of marbled murrelets or northern spotted owls. However, the nearest logging truck activity that may occur in the vicinity of occupied/contiguous marbled murrelet habitat and potential northern spotted owl and Pacific marten habitat during the breeding season would be over 1,000 feet away along SE 98th Street or near the Seal Rock water tower (**Figure 7**). No logging or tree removal is proposed to occur near potential nesting/denning habitat during the combined marbled murrelet, northern spotted owl and Pacific marten breeding/denning season (February 1 – September 15).

Table 1. Estimated disturbance distance (in feet) due to elevated action-generated sound levels affecting the northern spotted owl and marbled murrelet, by sound level.

Existing (Ambient) Pre-Project Sound Level (dB) ^{1, 2}	Anticipated Action-Generated Sound Level (dB) ^{2, 3}			
	Moderate (71-80)	High (81-90)	Very High (91-100)	Extreme (101-110)
“Natural Ambient” ⁴ (< = 50)	50 (165) ^{5,6}	150 (500)	400 (1,320)	400 (1,320)
Very Low (51-60)	0	100 (330)	250 (825)	400 (1,320)
Low (61-70)	0	50 (165)	250 (825)	400 (1,320)
Moderate (71-80)	0	50 (165)	100 (330)	400 (1,320)
High (81-90)	0	50 (165)	50 (165)	150 (500)

Source: USFWS (2020). Disturbance distances are presented in meters and (feet).

Indirect Effects

Habitat modification or tree removal is proposed to affect approximately three acres of occupied and contiguous marbled murrelet habitat (see Table 1), which is also considered potential suitable northern spotted owl and Pacific marten habitat. Tree removal in occupied/contiguous habitat would affect two percent of the surrounding suitable forest (approximately 140 acres) and is not expected to adversely impair the ability of marbled murrelets, northern spotted owl or Pacific marten to reproduce in the area. Several mature trees with large limbs and sufficient canopy cover will remain in the Thiel Creek riparian zone and in areas outside of the FAA regulated airspace that could provide suitable habitat for these species that depend on late successional forests.

Noise generated from the project would likely be from chainsaws, backhoes, dozers, or logging trucks. These noise sources would occur more than 1,000 feet away from occupied/contiguous marbled murrelet and potential northern spotted owl and Pacific marten habitat and are anticipated to have minimal impacts. Refer to the section on construction noise analysis for more details.

The wooded areas north of the Airport where obstruction removal is proposed do not provide suitable habitat for the marbled murrelet, the northern spotted owl or Pacific marten. These areas lack late successional mature and old-growth forest structural characteristics and are close to human disturbances and large openings that reduce the suitability of the forest because of the ability of competitors/predators (i.e., barred owls, red-tailed hawks, bobcats etc.) to readily access potential nests.

Effects from Interrelated and Interdependent Actions

An interdependent activity is an activity that has no independent utility apart from the proposed project. An interrelated activity is an activity that is part of a larger action and depends on the larger action for its justification.

The proposed project consists of removing tall trees from regulated airspace to maintain safe conditions for landing aircraft and is not part of a larger action or series of actions that depend on the obstruction removal. Effects from activities associated with the various elements of the project, including construction staging and access, are considered in the direct and indirect effects analyses for this BA.

Cumulative Effects

Cumulative effects are those effects of future state or private activities, not involving federal activities, that are reasonably certain to occur within the action area of the federal action subject to consultation (50 CFR 402.02).

The City of Newport's Capital Improvement Plan (CIP) for fiscal years 2021-2022 to 2026-2027 was reviewed to determine potential future projects within the action area, which is effectively limited to the City-owned Airport property for the purposes of this consultation. The CIP does not identify any projects planned for the Airport, either federal or non-federal.

Finding of Effect

The following effect determinations for listed species and critical habitat are made for the Newport Airport Obstruction Removal Project:

Marbled Murrelet, Northern Spotted Owl, and Pacific Marten: May Affect, Not Likely to Adversely Affect (NLAA).

Critical Habitat: No Effect.

The following justifications are provided for these determinations for all three species:

- Tree removal is not proposed in designated or proposed critical habitat for the marbled murrelet, northern spotted owl or Pacific marten.
- Tree removal in occupied/contiguous habitat (as shown on **Figures 7 and 8**) would occur outside of the combined marbled murrelet, northern spotted owl and Pacific marten breeding/denning season (February 1 to September 15) to avoid the potential for take.
- Tree removal in occupied/contiguous habitat would occur during daylight hours (i.e., not at dawn or dusk).
- Obstruction removal that may occur prior to September 15 in areas north of Thiel Creek off of SE 98th Street or near the Seal Rock water tower (both > 1,000 feet from occupied/contiguous habitat) are anticipated to have minimal noise impacts due to the distance from potential marbled murrelet and northern spotted owl nesting and Pacific marten denning areas.
- Tree removal would be limited in scope and scale affecting just under three acres (2.74 acres), or two percent of the occupied and contiguous habitat patch (totaling approximately 140 acres) outlined on **Figures 7 and 8**.

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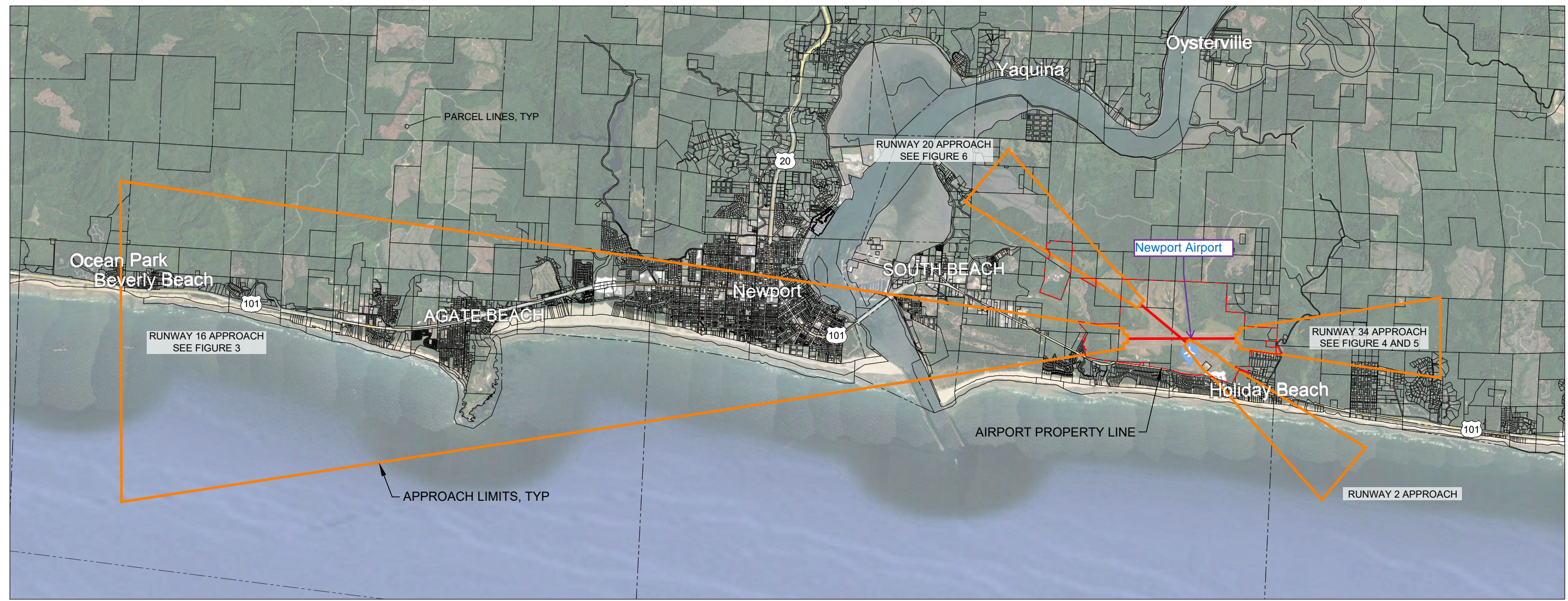
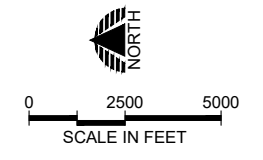
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Appendix A

Figures

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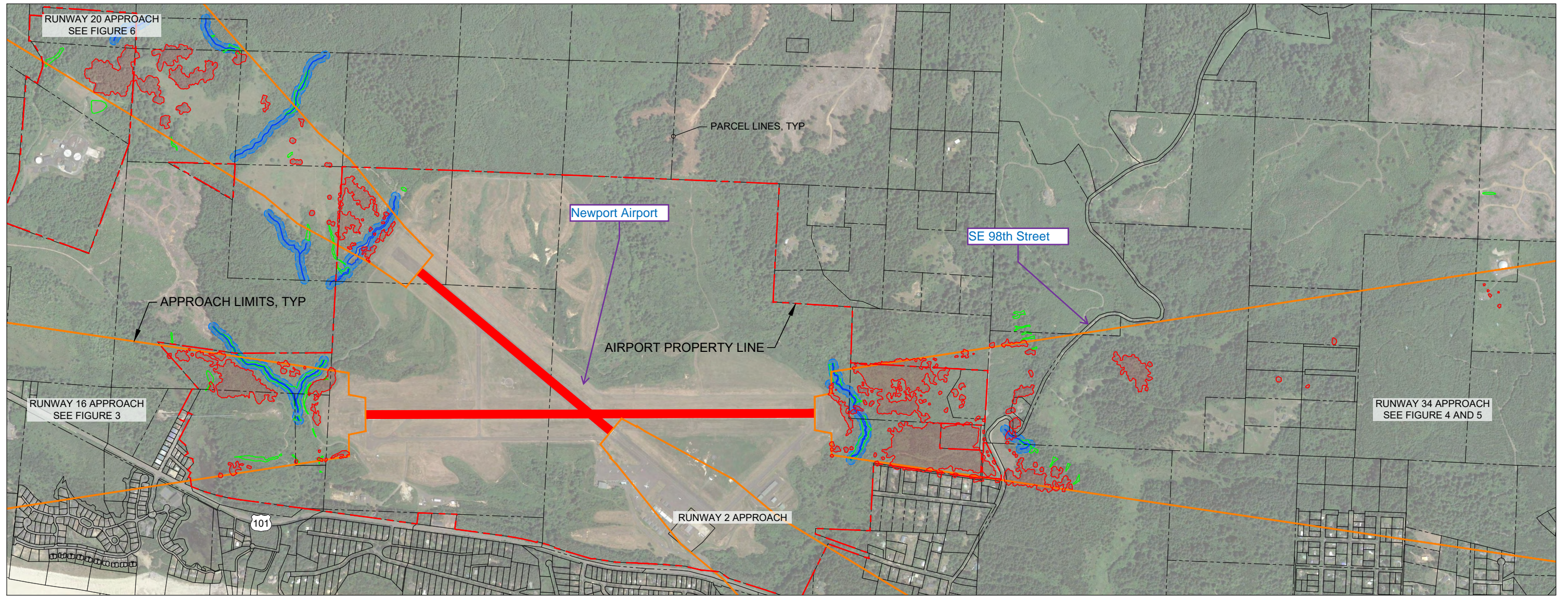
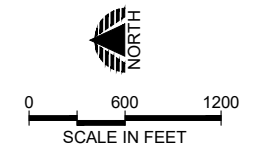


**PRELIMINARY
NOT FOR CONSTRUCTION
12/02/2021**

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**

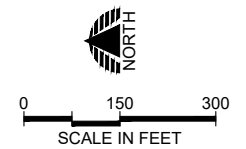
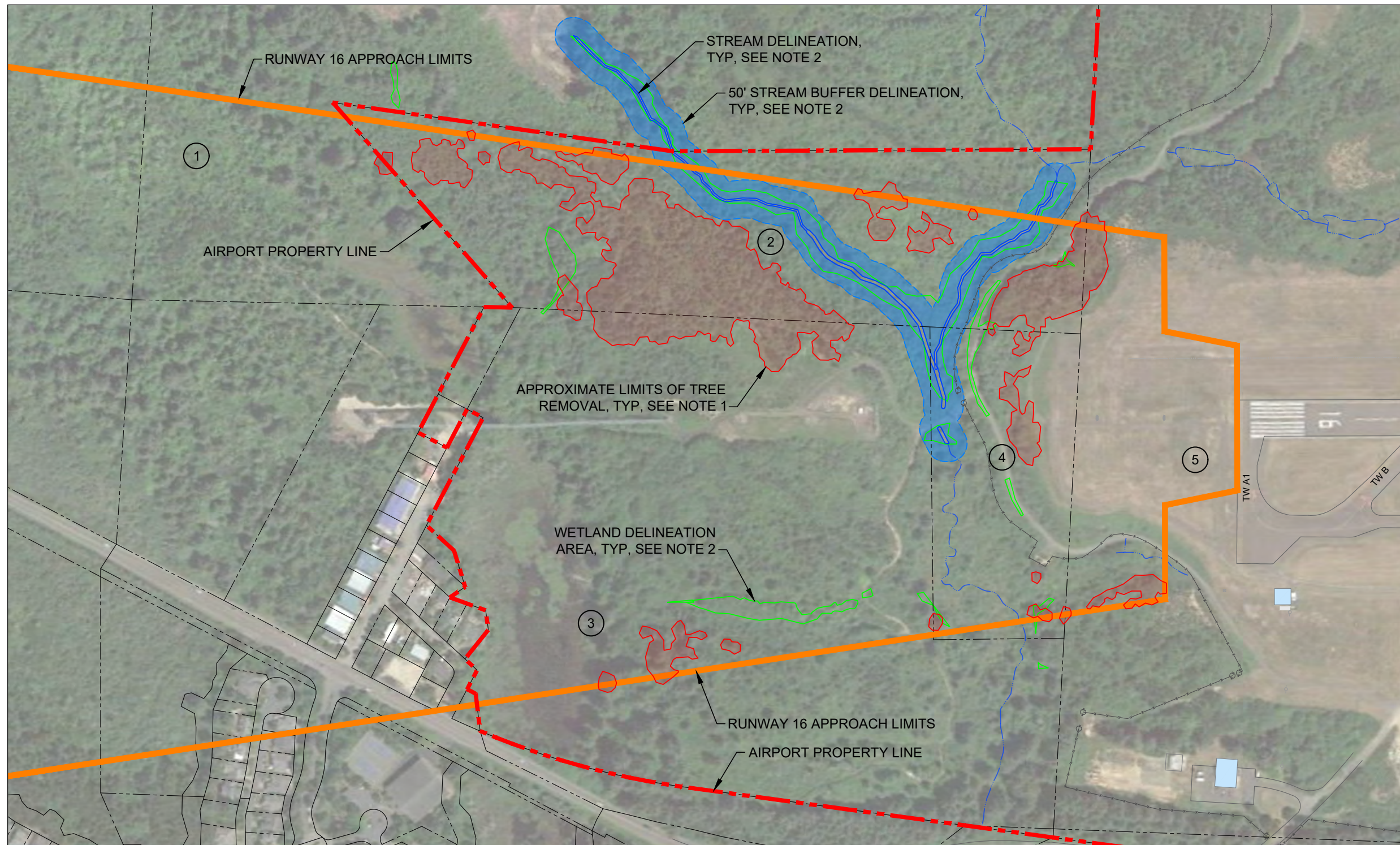
NEWPORT MUNICIPAL AIRPORT
APPROACH OBSTRUCTION REMOVAL

OBSTRUCTION REMOVAL PLAN



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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.

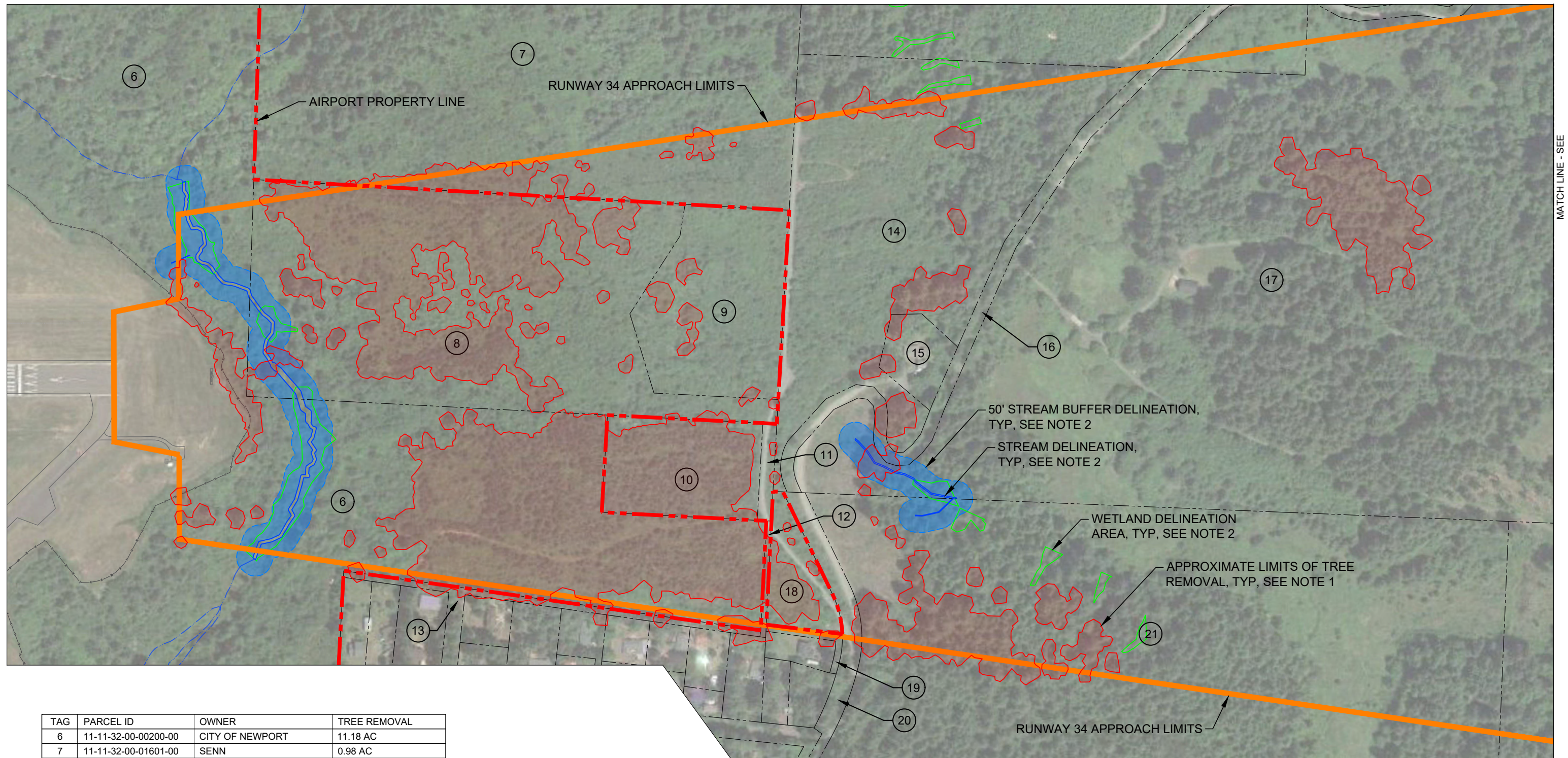
**PRELIMINARY
NOT FOR CONSTRUCTION
12/02/2021**

NEWPORT MUNICIPAL AIRPORT
APPROACH OBSTRUCTION REMOVAL

RUNWAY 16 APPROACH



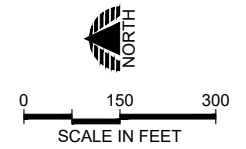
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6	11-11-32-00-00200-00	CITY OF NEWPORT	11.18 AC
7	11-11-32-00-01601-00	SENN	0.98 AC
8	11-11-32-00-01602-00	CITY OF NEWPORT	8.68 AC
9	11-11-32-00-01604-00	CITY OF NEWPORT	0.38 AC
10	11-11-32-00-00201-00	STATE OF OREGON	2.80 AC
11	11-11-32-00-01603-00	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.
 - STREAM, BUFFERS AND WETLAND AREAS PROVIDED BY ESA, DATED OCT 19, 2021.

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



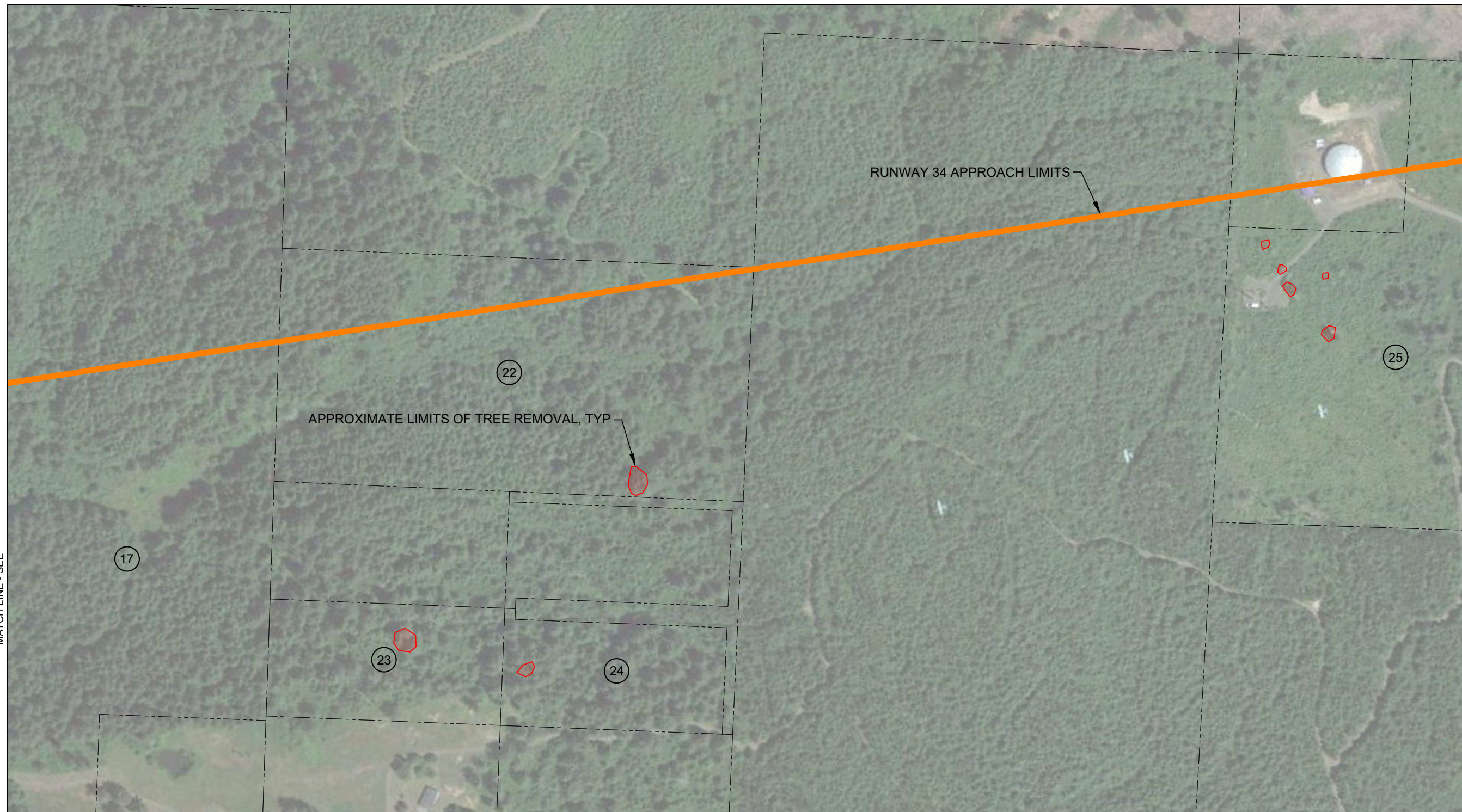
NEWPORT MUNICIPAL AIRPORT
APPROACH OBSTRUCTION REMOVAL

RUNWAY 34 APPROACH (North)



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MATCH LINE - SEE

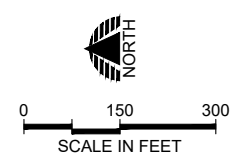


RUNWAY 34 APPROACH LIMITS

APPROXIMATE LIMITS OF TREE REMOVAL, TYP

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**

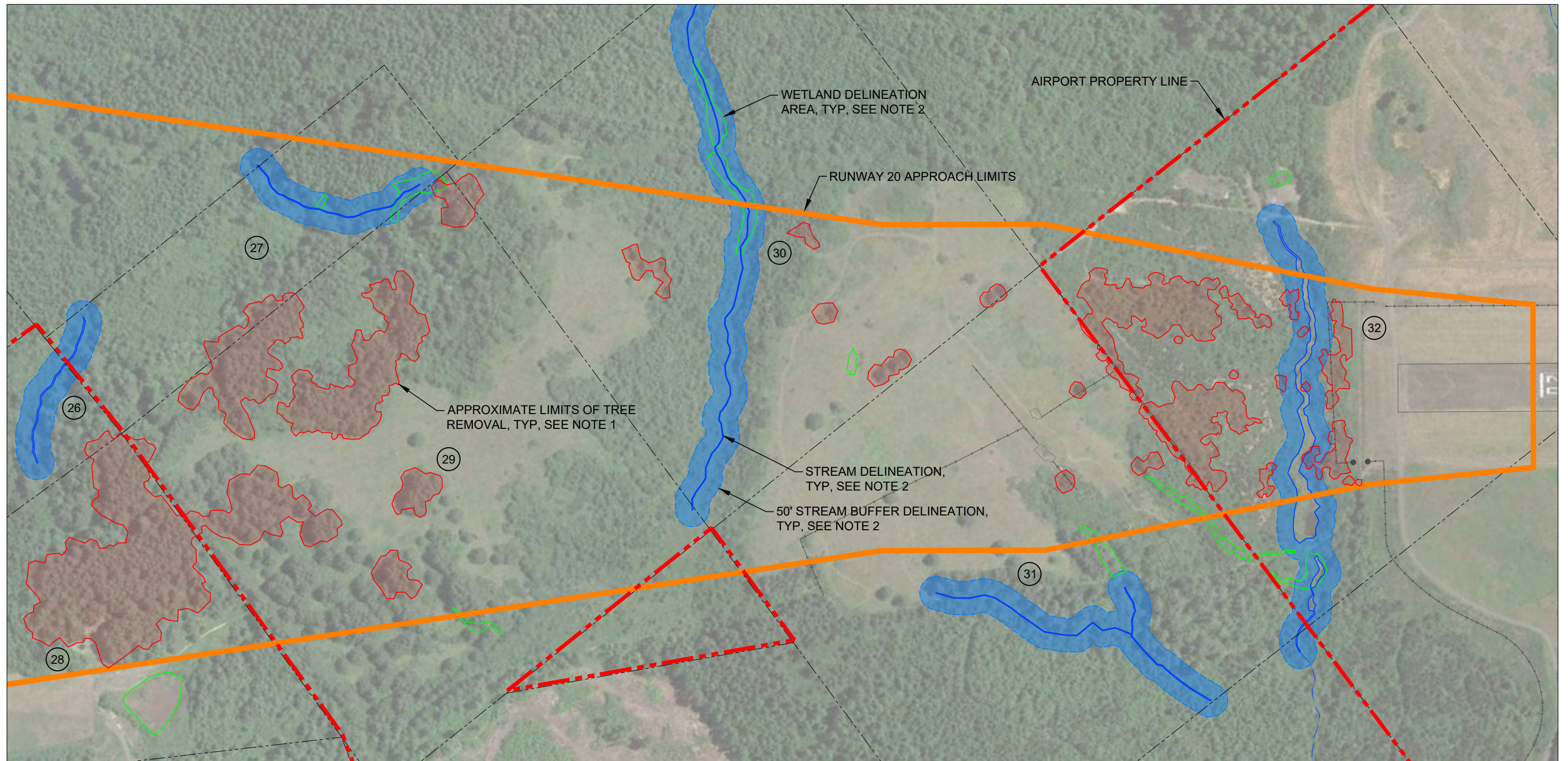


NEWPORT MUNICIPAL AIRPORT
APPROACH OBSTRUCTION REMOVAL

RUNWAY 34 APPROACH (South)



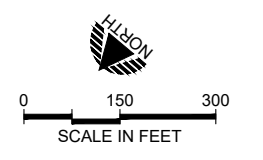
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TAG	PARCEL ID	OWNER	TREE REMOVAL
26	11-11-21-00-01600-00	CITY OF NEWPORT	0.06 AC
27	11-11-28-00-00700-00	HALL	0.25 AC
28	11-11-20-00-02700-00	CITY OF NEWPORT	4.80 AC
29	11-11-29-00-00100-00	HALL	5.90 AC
30	11-11-29-00-00600-00	HALL	0.72 AC
31	11-11-29-00-00500-00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

- NOTES:
- 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.

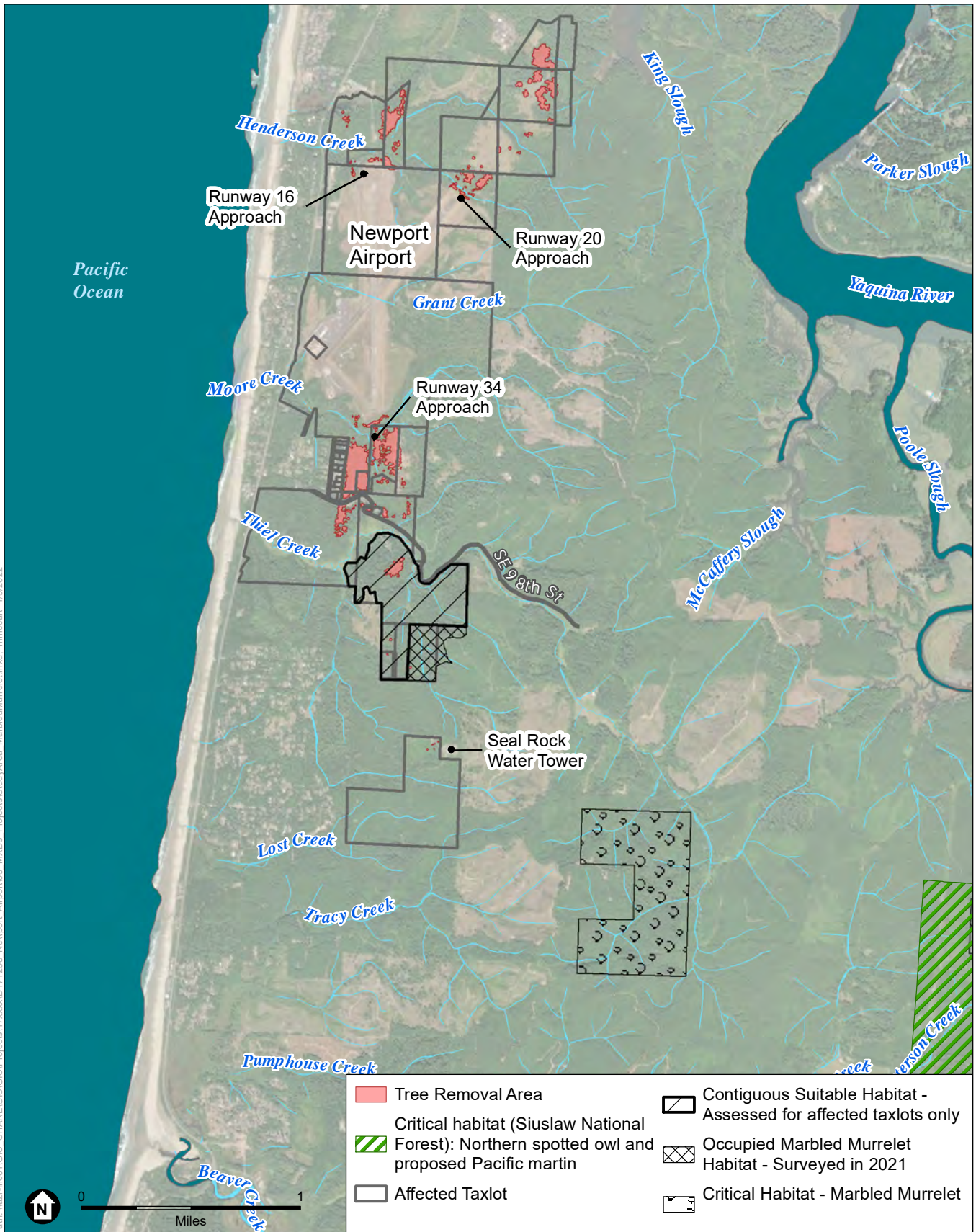
**PRELIMINARY
NOT FOR CONSTRUCTION
12/02/2021**



NEWPORT MUNICIPAL AIRPORT
APPROACH OBSTRUCTION REMOVAL

RUNWAY 20 APPROACH

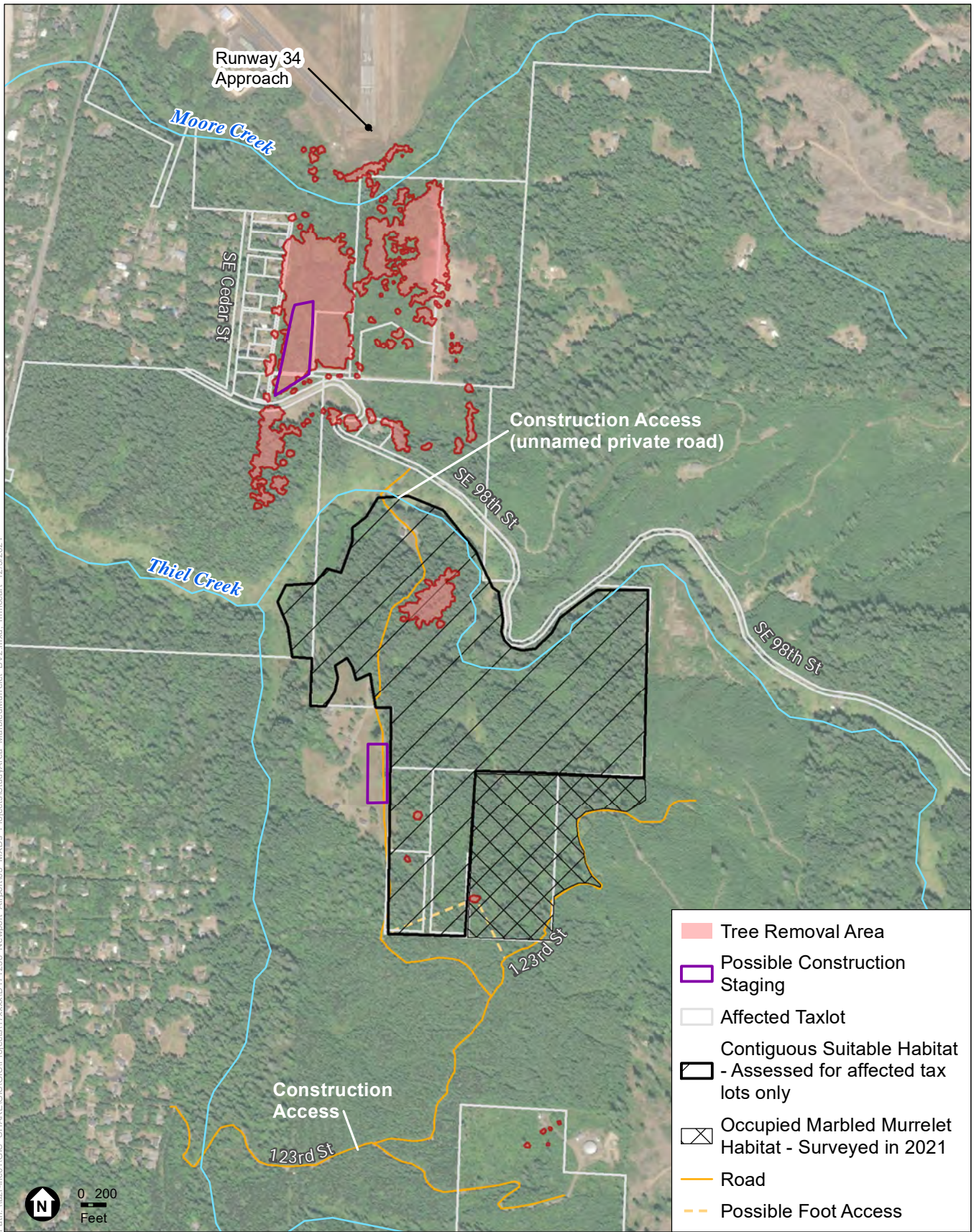
PRECISION APPROACH
ENGINEERING
5125 Southwest Hout Street
Corvallis, OR 97333
541-754-0043



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

Newport Airport Obstruction Removal Phase 2

Figure 7
Study Area Overview and Critical Habitat



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

Newport Airport Obstruction Removal Phase 2

Figure 8
Construction Access and Staging

Appendix B

USFWS Species List



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United States Department of the Interior



FISH AND WILDLIFE SERVICE

Oregon Fish And Wildlife Office

2600 Southeast 98th Avenue, Suite 100

Portland, OR 97266-1398

Phone: (503) 231-6179 Fax: (503) 231-6195

<https://www.fws.gov/oregonfwo/articles.cfm?id=149489416>

In Reply Refer To:

November 11, 2021

Consultation Code: 01EOFW00-2022-SLI-0095

Event Code: 01EOFW00-2022-E-00244

Project Name: Newport Airport Obstruction Removal Project

Subject: List of threatened and endangered species that may occur in your proposed project location or may be affected by your proposed project

To Whom It May Concern:

The enclosed species list identifies threatened, endangered, proposed and candidate species, as well as proposed and final designated critical habitat, that may occur within the boundary of your proposed project and/or may be affected by your proposed project. The species list fulfills the requirements of the U.S. Fish and Wildlife Service (Service) under section 7(c) of the Endangered Species Act (Act) of 1973, as amended (16 U.S.C. 1531 *et seq.*).

New information based on updated surveys, changes in the abundance and distribution of species, changed habitat conditions, or other factors could change this list. Please feel free to contact us if you need more current information or assistance regarding the potential impacts to federally proposed, listed, and candidate species and federally designated and proposed critical habitat. Please note that under 50 CFR 402.12(e) of the regulations implementing section 7 of the Act, the accuracy of this species list should be verified after 90 days. This verification can be completed formally or informally as desired. The Service recommends that verification be completed by visiting the ECOS-IPaC website at regular intervals during project planning and implementation for updates to species lists and information. An updated list may be requested through the ECOS-IPaC system by completing the same process used to receive the enclosed list.

The purpose of the Act is to provide a means whereby threatened and endangered species and the ecosystems upon which they depend may be conserved. Under sections 7(a)(1) and 7(a)(2) of the Act and its implementing regulations (50 CFR 402 *et seq.*), Federal agencies are required to utilize their authorities to carry out programs for the conservation of threatened and endangered species and to determine whether projects may affect threatened and endangered species and/or designated critical habitat.

A Biological Assessment is required for construction projects (or other undertakings having similar physical impacts) that are major Federal actions significantly affecting the quality of the human environment as defined in the National Environmental Policy Act (42 U.S.C. 4332(2)(c)). For projects other than major construction activities, the Service suggests that a biological evaluation similar to a Biological Assessment be prepared to determine whether the project may affect listed or proposed species and/or designated or proposed critical habitat. Recommended contents of a Biological Assessment are described at 50 CFR 402.12.

If a Federal agency determines, based on the Biological Assessment or biological evaluation, that listed species and/or designated critical habitat may be affected by the proposed project, the agency is required to consult with the Service pursuant to 50 CFR 402. In addition, the Service recommends that candidate species, proposed species and proposed critical habitat be addressed within the consultation. More information on the regulations and procedures for section 7 consultation, including the role of permit or license applicants, can be found in the "Endangered Species Consultation Handbook" at:

<http://www.fws.gov/endangered/esa-library/pdf/TOC-GLOS.PDF>

Please be aware that bald and golden eagles are protected under the Bald and Golden Eagle Protection Act (16 U.S.C. 668 *et seq.*), and projects affecting these species may require development of an eagle conservation plan (http://www.fws.gov/windenergy/eagle_guidance.html). Additionally, wind energy projects should follow the wind energy guidelines (<http://www.fws.gov/windenergy/>) for minimizing impacts to migratory birds and bats.

Guidance for minimizing impacts to migratory birds for projects including communications towers (e.g., cellular, digital television, radio, and emergency broadcast) can be found at:

<http://www.fws.gov/migratorybirds/CurrentBirdIssues/Hazards/towers/towers.htm>;

<http://www.towerkill.com>; and

[http://](http://www.fws.gov/migratorybirds/CurrentBirdIssues/Hazards/towers/comtow.html)

www.fws.gov/migratorybirds/CurrentBirdIssues/Hazards/towers/comtow.html.

We appreciate your concern for threatened and endangered species. The Service encourages Federal agencies to investigate opportunities for incorporating conservation of threatened and endangered species into project planning processes as a means of complying with the Act. If you have questions regarding your responsibilities under the Act, please contact the Endangered Species Division at the Service's Oregon Fish and Wildlife Office at (503) 231-6179. For information regarding listed marine and anadromous species under the jurisdiction of NOAA Fisheries Service, please see their website (http://www.nwr.noaa.gov/habitat/habitat_conservation_in_the_nw/habitat_conservation_in_the_nw.html).

Please include the Consultation Tracking Number in the header of this letter with any request for consultation or correspondence about your project that you submit to our office.

Attachment(s):

- Official Species List
-

Official Species List

This list is provided pursuant to Section 7 of the Endangered Species Act, and fulfills the requirement for Federal agencies to "request of the Secretary of the Interior information whether any species which is listed or proposed to be listed may be present in the area of a proposed action".

This species list is provided by:

Oregon Fish And Wildlife Office

2600 Southeast 98th Avenue, Suite 100

Portland, OR 97266-1398

(503) 231-6179

Project Summary

Consultation Code: 01EOFW00-2022-SLI-0095

Event Code: Some(01EOFW00-2022-E-00244)

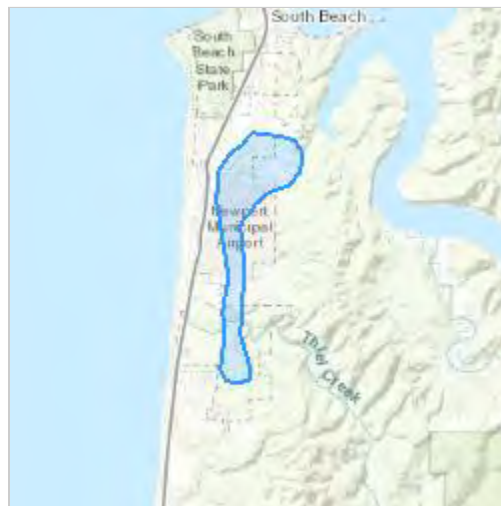
Project Name: Newport Airport Obstruction Removal Project

Project Type: TRANSPORTATION

Project Description: The City of Newport (City) proposes to remove obstructions from Federal Air Regulations (FAR) Part 77 airspace approach surfaces at the Newport Municipal Airport (Airport) 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 identified obstructions in the protected airspace. A LiDAR survey (Quantum Spatial, Inc. 2019) confirmed numerous obstructions (trees) penetrating the protected airspace.

Project Location:

Approximate location of the project can be viewed in Google Maps: <https://www.google.com/maps/@44.57426325,-124.05783486009176,14z>



Counties: Lincoln County, Oregon

Endangered Species Act Species

There is a total of 8 threatened, endangered, or candidate species on this species list.

Species on this list should be considered in an effects analysis for your project and could include species that exist in another geographic area. For example, certain fish may appear on the species list because a project could affect downstream species.

IPaC does not display listed species or critical habitats under the sole jurisdiction of NOAA Fisheries¹, as USFWS does not have the authority to speak on behalf of NOAA and the Department of Commerce.

See the "Critical habitats" section below for those critical habitats that lie wholly or partially within your project area under this office's jurisdiction. Please contact the designated FWS office if you have questions.

-
1. [NOAA Fisheries](#), also known as the National Marine Fisheries Service (NMFS), is an office of the National Oceanic and Atmospheric Administration within the Department of Commerce.

Mammals

NAME	STATUS
Pacific Marten, Coastal Distinct Population Segment <i>Martes caurina</i> There is proposed critical habitat for this species. The location of the critical habitat is not available. Species profile: https://ecos.fws.gov/ecp/species/9081	Threatened

Birds

NAME	STATUS
Marbled Murrelet <i>Brachyramphus marmoratus</i> Population: U.S.A. (CA, OR, WA) There is final critical habitat for this species. The location of the critical habitat is not available. Species profile: https://ecos.fws.gov/ecp/species/4467	Threatened
Northern Spotted Owl <i>Strix occidentalis caurina</i> There is final critical habitat for this species. The location of the critical habitat is not available. Species profile: https://ecos.fws.gov/ecp/species/1123	Threatened
Western Snowy Plover <i>Charadrius nivosus nivosus</i> Population: Pacific Coast population DPS-U.S.A. (CA, OR, WA), Mexico (within 50 miles of Pacific coast) There is final critical habitat for this species. The location of the critical habitat is not available. Species profile: https://ecos.fws.gov/ecp/species/8035	Threatened

Reptiles

NAME	STATUS
Leatherback Sea Turtle <i>Dermochelys coriacea</i> There is final critical habitat for this species. The location of the critical habitat is not available. Species profile: https://ecos.fws.gov/ecp/species/1493	Endangered
Loggerhead Sea Turtle <i>Caretta caretta</i> Population: North Pacific Ocean DPS No critical habitat has been designated for this species. Species profile: https://ecos.fws.gov/ecp/species/1110	Endangered
Olive Ridley Sea Turtle <i>Lepidochelys olivacea</i> Population: Wherever found, except when listed as endangered under 50 CFR 224.101 No critical habitat has been designated for this species. Species profile: https://ecos.fws.gov/ecp/species/1513	Threatened

Insects

NAME	STATUS
Monarch Butterfly <i>Danaus plexippus</i> No critical habitat has been designated for this species. Species profile: https://ecos.fws.gov/ecp/species/9743	Candidate

Critical habitats

THERE ARE NO CRITICAL HABITATS WITHIN YOUR PROJECT AREA UNDER THIS OFFICE'S JURISDICTION.
