

# **Finding of No Significant Impact for the Gaston Road Bridge Replacement Right-of-Way Permit Wapato Lake National Wildlife Refuge**

## **Introduction**

The U. S. Fish and Wildlife Service (Service) developed an Environmental Assessment (EA) to evaluate the effects associated with either issuing or denying a Right-of-Way (ROW) permit to Washington County, Oregon, which would allow the County to replace the existing Gaston Road Bridge (#1246) in the Wapato Lake National Wildlife Refuge (NWR, Refuge) (USFWS 2020a).

The National Wildlife Refuge System Administration Act of 1966, as amended by the National Wildlife Refuge System Improvement Act of 1997, 16 U.S.C. 668dd-668ee (NWRSA), provides the Service with discretion to permit the use of a national wildlife refuge for any purpose, whenever it is determined that the use is a compatible use. A compatible use is a proposed or existing use that, based on sound professional judgment, will not materially interfere with or detract from the fulfillment of the National Wildlife Refuge System (NWR) mission or the purposes of the refuge (603 FW 2). A use is determined to be compatible or not through a process known as a compatibility determination (CD). A CD is a written determination signed and dated by the Project Leader and Regional Chief signifying that a proposed use of a national wildlife refuge is, or is not, compatible. If a use is not compatible as initially proposed, it may be modified with stipulations (terms and conditions) that avoid or minimize potential adverse impacts, making the use compatible. If the use cannot be modified with stipulations sufficient to ensure compatibility, the use cannot be allowed.

## **Purpose and Need**

The purpose of the proposed action is to ensure that allowing Washington County to replace the Gaston Road Bridge across Wapato Creek is an appropriate and compatible use of the Refuge and would not materially interfere with or detract from the fulfillment of Refuge purposes, the NWR mission, and the Service's priorities and mandates as outlined in the NWRSA (16 U.S.C. 668dd(a)(4)). The need for this action is to respond to Washington County's application for an ROW permit.

The existing bridge crosses Wapato Creek at River Mile 1.8. It is a timber bridge consisting of five spans and has twelve 1-foot round piers within the active channel. The bridge was originally built in 1958 with reconstruction work conducted in 1996. The bridge is currently load-limited and has a substandard width of 22.3 feet. The bridge serves a public need by linking the town of Gaston to Newberg and is an important route between Gaston and a large rural agricultural area. The bridge has reached the end of its functional life span.

## **Alternatives Considered**

### **Alternative A – Issue ROW Permit [Proposed Action Alternative]**

Under the Proposed Action Alternative, the Service would issue an ROW permit to Washington County upon a finding that the bridge could be replaced in a manner that is compatible with the mission of the NWR and the purposes of Wapato Lake NWR.

The proposed replacement bridge would consist of a single 83-foot span that fully spans the regulated stream channel ordinary high water marks (OHWM) and the functional floodplain (1.5 times average channel width). The structure would consist of side-by-side precast, prestressed slab beams with an asphalt-wearing surface. The bridge substructure would consist of cast-in-place concrete end bents supported on 16-inch pipe piles outside the Wapato Creek OHWM. The bridge would be wider than the existing bridge, with two 12-foot lanes and two 6-foot shoulders, and would be raised slightly higher than the existing bridge. The adjoining roadway would be widened and raised accordingly. The bridge and adjoining road would be moved north several feet in order to center it in the existing Washington County Right-of-Way. The new bridge would include a small pedestrian plaza with a memorial to a Washington County public works employee.

#### **Alternative B – Deny ROW Permit [No Action Alternative]**

Under Alternative B, the No Action/Deny ROW Permit Alternative, the Service would deny the ROW permit upon a finding that the proposed use is incompatible with the mission of the NWRS and the purposes of Wapato Lake NWR.

#### **Comparison of Effects**

##### **Alternative A – Proposed Action Alternative**

Granting Washington County an ROW permit to replace the Gaston Road Bridge would result in minor impacts to terrestrial wildlife species and habitat that includes the permanent loss of 0.07 acres of a scrub-shrub wetland that serves as songbird nesting habitat. The County proposes to mitigate the wetland impact by purchasing 0.087 scrub-shrub wetland credits from the Tualatin Environmental Bank in Hillsboro, Oregon. Wapato Creek water quality would be improved through the construction of bioslopes to treat stormwater runoff. Temporarily disturbed ground would be reseeded with a native seed mix.

Based on a review of geologic and hydrologic processes, past land use, records searches, results of field identification, consultation efforts, and the scope of current activities, the Service made the determination that the project should be considered a “no historic properties affected” outcome under 36 CFR 800.4.d.1, the implementing regulations of the NHPA Section 106.

The Service also completed an Endangered Species Act section 7 consultation, which concluded the project would not affect listed salmonids.

The Service’s CD determined that in order to ensure project compatibility with Refuge purposes, Washington County would be required to adhere to the following stipulations (USFWS 2020b):

- The Refuge will evaluate the ROW on an annual basis to ensure that additional Refuge resources are not being impacted as a result of the ROW.
- Access for construction will be restricted to the ROW and the areas delineated by the Special Use Permit for a Temporary Construction Easement. Access following construction will be limited to maintenance activities.
- All disturbed areas that contain soil and plants will be reseeded by the County with Service-approved species and will be sprayed for weeds with Service-approved herbicides, as appropriate.

- Consistent with regulations at 50 CFR 25.21 (h), the Service reserves the right to modify terms and conditions of the ROW permit in the future, as necessary to ensure the continued compatibility with the use and occupancy of the land.

Granting the ROW permit with these stipulations meets the purpose and need in that the Service meets its obligation to ensure the use is compatible with Refuge purposes and responds to the County's request to replace the bridge.

#### **Alternative B – No Action Alternative**

Under Alternative B, the Service would deny the ROW permit upon a finding that issuing the permit would materially interfere with or detract from the fulfillment of the NWRS mission or the purposes of the national wildlife refuge. The Gaston Road Bridge would not be replaced and environmental conditions would remain as they are today. Because there are no water quality facilities associated with the existing bridge, stormwater runoff would continue to enter Wapato Creek untreated, a long-term negative impact. Alternative B meets the Service's need to respond to the County's request for an ROW permit, but would not meet the County's proposal to replace the bridge.

#### **Public Involvement**

As part of the public review process, the Draft EA was made available for a 15-day comment period from July 17 to August 1, 2020. Links to the Draft EA were posted on the Refuge's website so the public could view and download them in Portable Document Format (PDF). Comments or requests for additional information could be submitted through email, fax, or U.S. mail.

#### **Public Comments**

No substantive public comments were received.

#### **Decision**

Alternative A was selected because there would be no significant impacts to the human environment related to replacing the existing Gaston Road Bridge, and water quality in the creek should improve marginally with the addition of bioslopes to treat stormwater runoff prior to it entering the creek. In addition, the Compatibility Determination demonstrated that, with the incorporation of stipulations to protect Refuge resources, replacing the bridge can be done in a manner that will not materially interfere with or detract from the fulfillment of the National Wildlife Refuge System (NWRS) mission or the purposes of the Refuge. As such, the Service can allow the use and issue an ROW permit.

## **Conclusions**

Based on our review and evaluation of the information contained in the EA and the lack of public comments received, I have determined that implementing Alternative A will not constitute a major Federal action significantly affecting the quality of the human environment within the meaning of section 102(2)(C) of the National Environmental Policy Act of 1969. The proposed action is not without precedent and is not similar to actions that would normally require preparation of an Environmental Impact Statement (EIS). Accordingly, preparation of an EIS for the proposed action is not required. Interested parties are being notified of our decision.

Project Leader  
Tualatin River National Wildlife Refuge Complex

Regional Chief, Columbia-Pacific Northwest Region  
National Wildlife Refuge System

## **Supporting References**

U.S. Fish and Wildlife Service. 2020a. Environmental Assessment for the Gaston Road Bridge Replacement Right-of-Way Permit. Wapato National Wildlife Refuge. 21 pp.

U.S. Fish and Wildlife Service. 2020b. Compatibility Determination to Grant a Right of Way for Bridge Replacement Wapato National Wildlife Refuge. 4 pp.

Note: This Finding of No Significant Impact and supporting references are available for public review at the Tualatin River National Wildlife Refuge Complex, 19255 SW Pacific Highway (99W), Sherwood, OR 97140. These documents can also be found on the Internet at [https://www.fws.gov/refuge/Tualatin\\_River/](https://www.fws.gov/refuge/Tualatin_River/).