

## Airport Hazards (CEST and EA)

### Valor Place Apartments, 2080 Queen Ave SE, Albany, OR

General policy	Legislation	Regulation
It is HUD's policy to apply standards to prevent incompatible development around civil airports and military airfields.		24 CFR Part 51 Subpart D
References		
<a href="https://www.hudexchange.info/environmental-review/airport-hazards">https://www.hudexchange.info/environmental-review/airport-hazards</a>		

1. To ensure compatible land use development, you must determine your site's proximity to civil and military airports. Is your project within 15,000 feet of a military airport or 2,500 feet of a civilian airport?

No → *Based on the response, the review is in compliance with this section. Continue to the Worksheet Summary below. Provide a map showing that the site is not within the applicable distances to a military or civilian airport.*

Yes → *Continue to Question 2.*

2. Is your project located within a Runway Potential Zone/Clear Zone (RPZ/CZ) or Accident Potential Zone (APZ)?

Yes, project is in an APZ → *Continue to Question 3.*

Yes, project is an RPZ/CZ → *Project cannot proceed at this location.*

No, project is not within an APZ or RPZ/CZ

→ *Based on the response, the review is in compliance with this section. Continue to the Worksheet Summary below. Provide a map showing that the site is not within either zone.*

3. Is the project in conformance with DOD guidelines for APZ?

Yes, project is consistent with DOD guidelines without further action.

**Explain how you determined that the project is consistent:**

→ *Based on the response, the review is in compliance with this section. Continue to the Worksheet Summary below. Provide any documentation supporting this determination.*

No, the project cannot be brought into conformance with DOD guidelines and has not been approved. → *Project cannot proceed at this location.*

- Project is not consistent with DOD guidelines, but it has been approved by Certifying Officer or HUD Approving Official.

**Explain approval process:**

**If mitigation measures have been or will be taken, explain in detail the proposed measures that must be implemented to mitigate for the impact or effect, including the timeline for implementation.**

→ *Based on the response, the review is in compliance with this section. Continue to the Worksheet Summary below. Provide any documentation supporting this determination.*

### **Worksheet Summary**

#### **Compliance Determination**

Provide a clear description of your determination and a synopsis of the information that it was based on, such as:

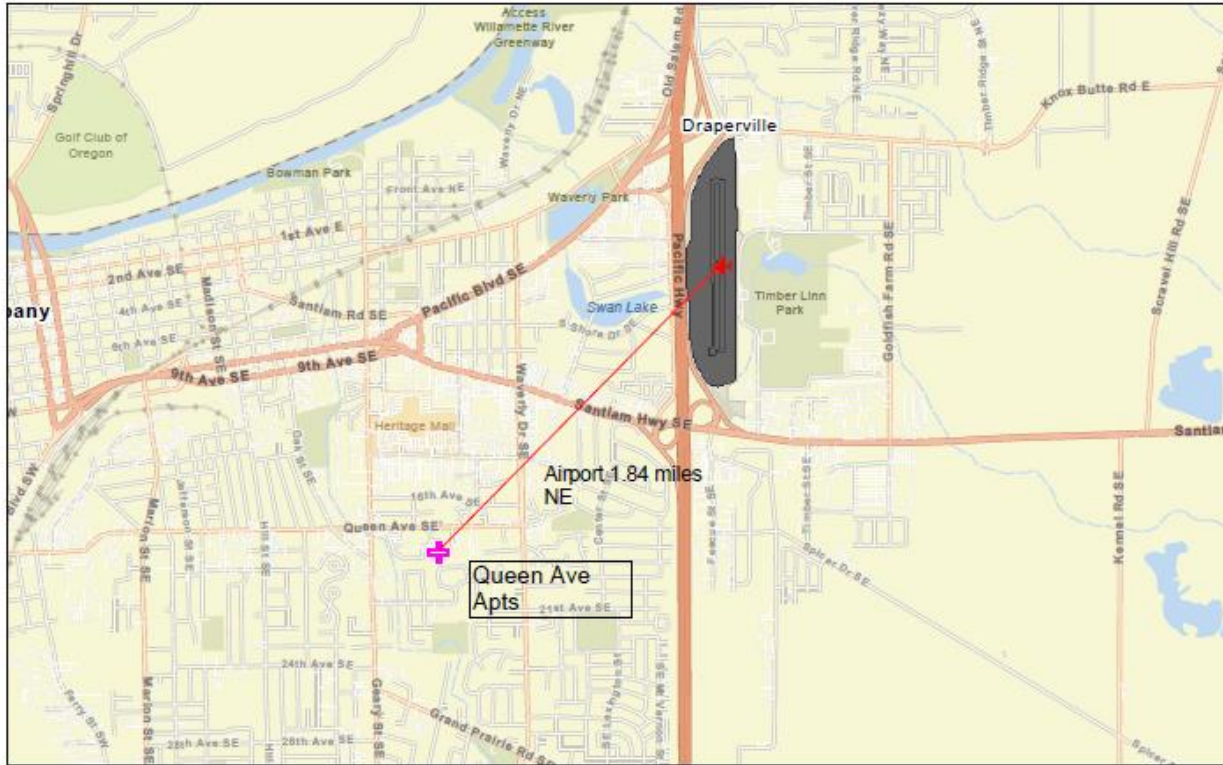
- Map panel numbers and dates
- Names of all consulted parties and relevant consultation dates
- Names of plans or reports and relevant page numbers
- Any additional requirements specific to your region

Albany's Municipal Airport is not a primary commercial service or military airport. A map has been provided showing the project site location and the airport location. The project is not within 15,000 feet of a military airport or 2,500 feet of a civilian airport. The project is in

**Are formal compliance steps or mitigation required?**

- Yes  
 No

# 1. Airport Location



November 20, 2023

- ✚ Search Result (point)
- ✚ Airport Points
- Airport Polygons

1:36,110  
0 0.2 0.4 0.5 mi  
0 0.35 0.7 1.4 km  
Oregon State Parks, State of Oregon GEO, Esri, HERE, Garmin, SafeGraph, GeoTechnologies, Inc, METNUSA, USGS, Bureau of Land Management

**Designated Primary and Commercial Service Airports in  
Idaho, Oregon and Washington  
Covered by 24 CFR Part 51D  
CY 2013 Enplanements (As of 1/26/15)**

Attached is a revised list of designated primary and commercial service airports covered by 24 CFR Part 51D. A primary airport is one that serves at least .01 percent of all passengers enplaned at commercial service airports. Airports with scheduled service of 2,500 or more passengers enplaned are listed as 'Other Commercial Service Airports.'

For a link directly to the Federal Aviation Administration's data, please visit:  
[http://www.faa.gov/airports\\_airtraffic/airports/planning\\_capacity/passenger\\_allcargo\\_stats/passenger](http://www.faa.gov/airports_airtraffic/airports/planning_capacity/passenger_allcargo_stats/passenger)

**Please note that all military airports must be considered under HUD's regulations at 24 CFR 51(D); they are not included on this list.**

<u>REGION/ STATE</u>	<u>AIRPORT LOCATION</u>	<u>AIRPORT NAME</u>
<b>IDAHO</b>	<b><u>Primary Airports</u></b>	
	<b>Location</b>	<b>Name</b>
	Boise	Boise Air Terminal - Gowen Field
	Hailey	Friedman Memorial
	Idaho Falls	Idaho Falls Regional
	Lewiston	Lewiston-Nez Perce County
	Pocatello/Arbon Valley	Pocatello Regional
	Twin Falls	Joslin Field-Magic Valley Regional
	<b><u>Other Commercial Service Airports</u></b>	
	None	
<b>OREGON</b>	<b><u>Primary Airports</u></b>	
	<b>Location</b>	<b>Name</b>
	Eugene	Mahlon Sweet Field
	Klamath Falls	Klamath Falls
	Medford	Rogue Valley International
	North Bend	Southwest Oregon Regional
	Portland	Portland International
	Redmond	Roberts Field
	<b><u>Other Commercial Service Airports</u></b>	
	Pendleton	Eastern Oregon Regional

**WASHINGTON Primary Airports**

Bellingham	Bellingham International
Friday Harbor	Friday Harbor
Pasco	Tri-Cities
Pullman/Moscow, ID	Pullman-Moscow Regional
Seattle	Boeing Field/King County-Intl
Seattle	Seattle-Tacoma International
Spokane	Spokane International
Walla Walla	Walla Walla Regional
Wenatchee	Pangborn Memorial
Yakima	Yakima Air Terminal

**WA Other Commercial Service Airports**

None

## Flood Insurance (CEST and EA)

### Valor Place Apartments, 2080 Queen Ave SE, Albany, OR

General requirements	Legislation	Regulation
Certain types of federal financial assistance may not be used in floodplains unless the community participates in National Flood Insurance Program and flood insurance is both obtained and maintained.	Flood Disaster Protection Act of 1973 as amended (42 USC 4001-4128)	24 CFR 50.4(b)(1) and 24 CFR 58.6(a) and (b); 24 CFR 55.1(b).
<b>Reference</b>		
<a href="https://www.hudexchange.info/environmental-review/flood-insurance">https://www.hudexchange.info/environmental-review/flood-insurance</a>		

**1. Does this project involve mortgage insurance, refinance, acquisition, repairs, construction, or rehabilitation of a structure, mobile home, or insurable personal property?**

No. This project does not require flood insurance or is excepted from flood insurance. → *Continue to the Worksheet Summary.*

Yes → *Continue to Question 2.*

**2. Provide a FEMA/FIRM map showing the site.**

The Federal Emergency Management Agency (FEMA) designates floodplains. The [FEMA Map Service Center](#) provides this information in the form of FEMA Flood Insurance Rate Maps (FIRMs). For projects in areas not mapped by FEMA, use the best available information to determine floodplain information. Include documentation, including a discussion of why this is the best available information for the site. Provide FEMA/FIRM floodplain zone designation, panel number, and date within your documentation.

**Is the structure, part of the structure, or insurable property located in a FEMA-designated Special Flood Hazard Area?**

No → *Continue to the Worksheet Summary.*

Yes → *Continue to Question 3.*

**3. Is the community participating in the National Flood Insurance Program or has less than one year passed since FEMA notification of Special Flood Hazards?**

Yes, the community is participating in the National Flood Insurance Program.

For loans, loan insurance or loan guarantees, flood insurance coverage must be continued for the term of the loan. For grants and other non-loan forms of financial assistance, flood insurance coverage must be continued for the life of the building irrespective of the transfer of ownership. The amount of coverage must equal the total project cost or the maximum coverage limit of the National Flood Insurance Program, whichever is less

Provide a copy of the flood insurance policy declaration or a paid receipt for the current annual flood insurance premium and a copy of the application for flood insurance.

→ *Continue to the Worksheet Summary.*

Yes, less than one year has passed since FEMA notification of Special Flood Hazards.

If less than one year has passed since notification of Special Flood Hazards, no flood Insurance is required.

→ *Continue to the Worksheet Summary.*

No. The community is not participating, or its participation has been suspended.

Federal assistance may not be used at this location. Cancel the project at this location.

### **Worksheet Summary**

#### **Compliance Determination**

Provide a clear description of your determination and a synopsis of the information that it was based on, such as:

- Map panel numbers and dates
- Names of all consulted parties and relevant consultation dates
- Names of plans or reports and relevant page numbers
- Any additional requirements specific to your region

The project is not located in a FEMA- designated Special Flood Hazard Area and includes no activities that would require further evaluation under this section. The project does not require flood insurance or is excepted from flood insurance. The project complies with Flood Insurance requirements.

#### **Are formal compliance steps or mitigation required?**

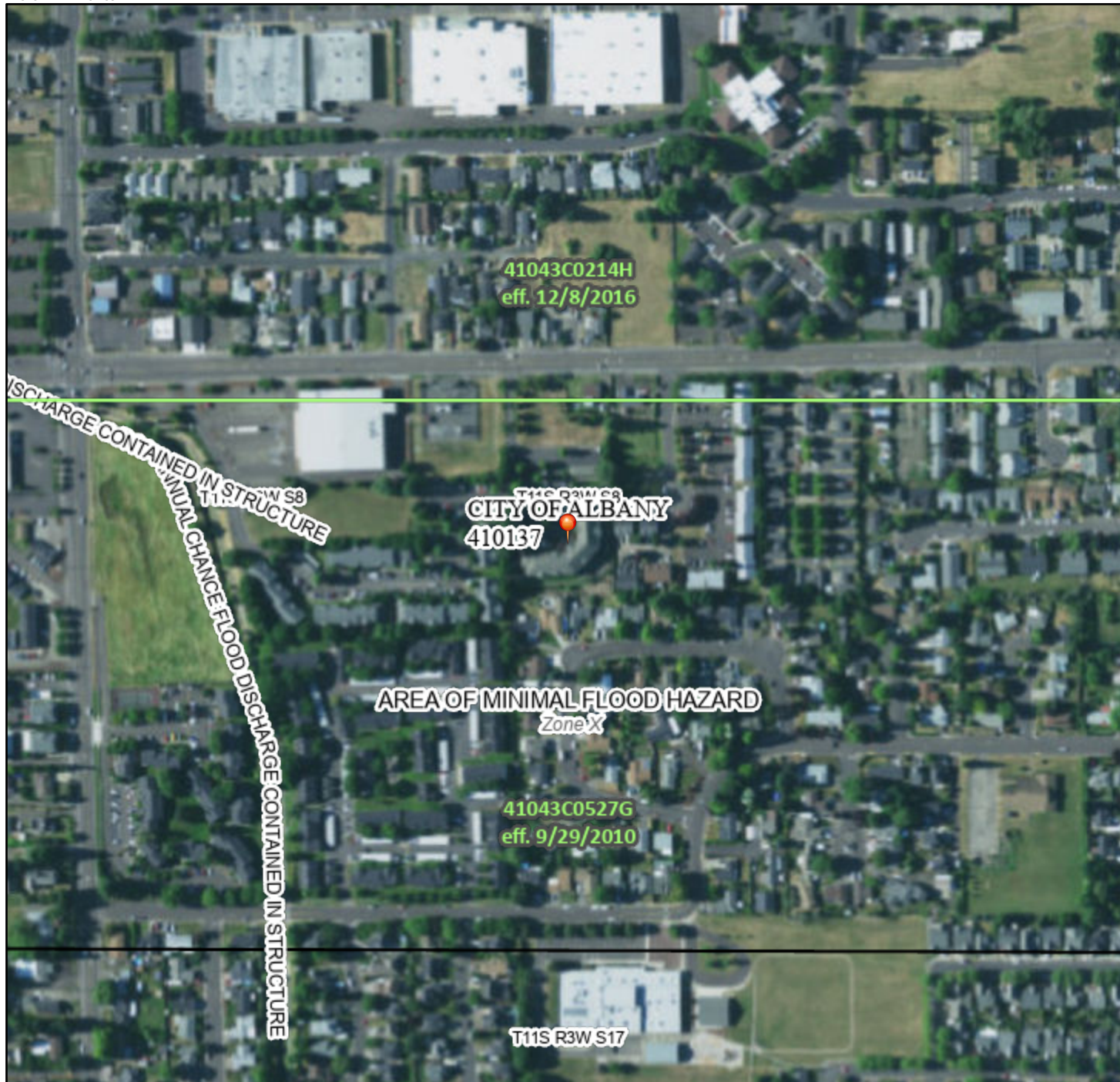
Yes

No

# National Flood Hazard Layer FIRMMette



123°5'2"W 44°37'39"N



## Legend

SEE FIS REPORT FOR DETAILED LEGEND AND INDEX MAP FOR FIRM PANEL LAYOUT

SPECIAL FLOOD HAZARD AREAS		Without Base Flood Elevation (BFE) <i>Zone A, V, A99</i>
		With BFE or Depth <i>Zone AE, AO, AH, VE, AR</i>
		Regulatory Floodway
OTHER AREAS OF FLOOD HAZARD		0.2% Annual Chance Flood Hazard, Areas of 1% annual chance flood with average depth less than one foot or with drainage areas of less than one square mile <i>Zone X</i>
		Future Conditions 1% Annual Chance Flood Hazard <i>Zone X</i>
		Area with Reduced Flood Risk due to Levee. See Notes. <i>Zone X</i>
		Area with Flood Risk due to Levee <i>Zone D</i>
OTHER AREAS		NO SCREEN Area of Minimal Flood Hazard <i>Zone X</i>
		Effective LOMRs
GENERAL STRUCTURES		Area of Undetermined Flood Hazard <i>Zone D</i>
		Channel, Culvert, or Storm Sewer
		Levee, Dike, or Floodwall
OTHER FEATURES		20.2 Cross Sections with 1% Annual Chance
		17.5 Water Surface Elevation
		Coastal Transect
		Base Flood Elevation Line (BFE)
		Limit of Study
		Jurisdiction Boundary
		Coastal Transect Baseline
		Profile Baseline
		Hydrographic Feature
MAP PANELS		Digital Data Available
		No Digital Data Available
		Unmapped
		The pin displayed on the map is an approximate point selected by the user and does not represent an authoritative property location.



This map complies with FEMA's standards for the use of digital flood maps if it is not void as described below. The basemap shown complies with FEMA's basemap accuracy standards

The flood hazard information is derived directly from the authoritative NFHL web services provided by FEMA. This map was exported on **1/12/2023 at 6:57 PM** and does not reflect changes or amendments subsequent to this date and time. The NFHL and effective information may change or become superseded by new data over time.

This map image is void if the one or more of the following map elements do not appear: basemap imagery, flood zone labels, legend, scale bar, map creation date, community identifiers, FIRM panel number, and FIRM effective date. Map images for unmapped and unmodernized areas cannot be used for regulatory purposes.



## Air Quality (CEST and EA)

### Valor Place Apartments, 2080 Queen Ave SE, Albany, OR

General Requirements	Legislation	Regulation
The Clean Air Act is administered by the U.S. Environmental Protection Agency (EPA), which sets national standards on ambient pollutants. In addition, the Clean Air Act is administered by States, which must develop State Implementation Plans (SIPs) to regulate their state air quality. Projects funded by HUD must demonstrate that they conform to the appropriate SIP.	Clean Air Act (42 USC 7401 et seq.) as amended particularly Section 176(c) and (d) (42 USC 7506(c) and (d))	40 CFR Parts 6, 51 and 93
<b>Reference</b>		
<a href="https://www.hudexchange.info/environmental-review/air-quality">https://www.hudexchange.info/environmental-review/air-quality</a>		

#### Scope of Work

1. Does your project include new construction or conversion of land use facilitating the development of public, commercial, or industrial facilities OR five or more dwelling units?

Yes → *Continue to Question 2.*

No. *Based on the response, the review is in compliance with this section. Continue to the Worksheet Summary below. Provide any documents used to make your determination.*

#### Air Quality Attainment Status of Project's County or Air Quality Management District

2. Is your project's air quality management district or county in non-attainment or maintenance status for any criteria pollutants?

Follow the link below to determine compliance status of project county or air quality management district: <http://www.epa.gov/oaqps001/greenbk/>

No, project's county or air quality management district is in attainment status for all criteria pollutants

→ *Based on the response, the review is in compliance with this section. Continue to the Worksheet Summary below. Provide any documents used to make your determination.*

Yes, project's management district or county is in non-attainment or maintenance status for one or more criteria pollutants.

Describe the findings:

→ Continue to Question 3.

3. Determine the **estimated emissions levels of your project for each of those criteria pollutants** that are in non-attainment or maintenance status on your project area. Will your project exceed any of the *de minimis* or *threshold* emissions levels of non-attainment and maintenance level pollutants or exceed the screening levels established by the state or air quality management district?

No, the project will not exceed *de minimis* or threshold emissions levels or screening levels

→ Based on the response, the review is in compliance with this section. Continue to the Worksheet Summary below. Explain how you determined that the project would not exceed *de minimis* or threshold emissions.

Yes, the project exceeds *de minimis* emissions levels or screening levels.

→ Continue to Question 4. Explain how you determined that the project would not exceed *de minimis* or threshold emissions in the Worksheet Summary.

4. For the project to be brought into compliance with this section, all adverse impacts must be mitigated. Explain in detail the exact measures that must be implemented to mitigate for the impact or effect, including the timeline for implementation.

### **Worksheet Summary**

#### **Compliance Determination**

Provide a clear description of your determination and a synopsis of the information that it was based on, such as:

- Map panel numbers and dates
- Names of all consulted parties and relevant consultation dates
- Names of plans or reports and relevant page numbers
- Any additional requirements specific to your region

The project's county or air quality management district is in attainment status for all criteria pollutants. This is documented by the NAAQS map of counties designated nonattainment or maintenance and the NEPAassist report. The project is in compliance with the Clean Air Act.

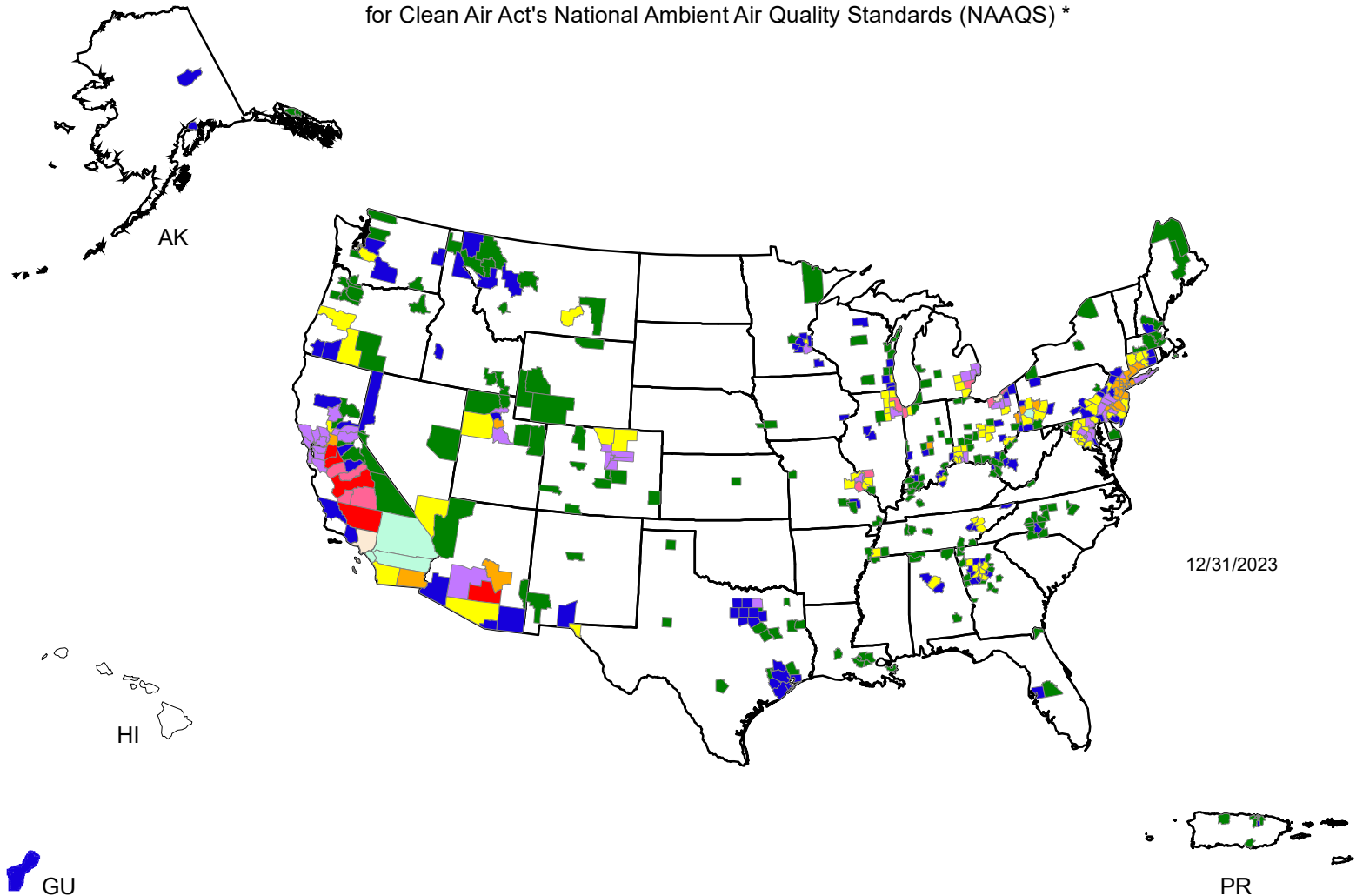
**Are formal compliance steps or mitigation required?**

Yes

No

# Counties Designated "Nonattainment" or "Maintenance"

for Clean Air Act's National Ambient Air Quality Standards (NAAQS) \*



## Legend \*\*

- County Designated Nonattainment or Maintenance for 9 NAAQS Pollutants
- County Designated Nonattainment or Maintenance for 8 NAAQS Pollutants
- County Designated Nonattainment or Maintenance for 7 NAAQS Pollutants
- County Designated Nonattainment or Maintenance for 6 NAAQS Pollutants
- County Designated Nonattainment or Maintenance for 5 NAAQS Pollutants
- County Designated Nonattainment or Maintenance for 4 NAAQS Pollutants
- County Designated Nonattainment or Maintenance for 3 NAAQS Pollutants
- County Designated Nonattainment or Maintenance for 2 NAAQS Pollutants
- County Designated Nonattainment or Maintenance for 1 NAAQS Pollutants

\* The National Ambient Air Quality Standards (NAAQS) are health standards for Carbon Monoxide, Lead (1978 and 2008), Nitrogen Dioxide, 8-hour Ozone (2008), Particulate Matter (PM-10 and PM-2.5 (1997, 2006 and 2012), and Sulfur Dioxide.(1971 and 2010)

\*\* Included in the counts are counties designated for NAAQS and revised NAAQS pollutants. Revoked 1-hour (1979) and 8-hour Ozone (1997) are excluded. Partial counties, those with part of the county designated nonattainment and part attainment, are shown as full counties on the map.

## Coastal Zone Management Act (CEST and EA)

**Valor Place Apartments, 2080 Queen Ave SE, Albany, Oregon**

General requirements	Legislation	Regulation
Federal assistance to applicant agencies for activities affecting any coastal use or resource is granted only when such activities are consistent with federally approved State Coastal Zone Management Act Plans.	Coastal Zone Management Act (16 USC 1451-1464), particularly section 307(c) and (d) (16 USC 1456(c) and (d))	15 CFR Part 930
References		
<a href="https://www.onecpd.info/environmental-review/coastal-zone-management">https://www.onecpd.info/environmental-review/coastal-zone-management</a>		

Projects located in the following states must complete this form.

Alabama	Florida	Louisiana	Mississippi	Ohio	Texas
Alaska	Georgia	Maine	New Hampshire	Oregon	Virgin Islands
American Samona	Guam	Maryland	New Jersey	Pennsylvania	Virginia
California	Hawaii	Massachusetts	New York	Puerto Rico	Washington
Connecticut	Illinois	Michigan	North Carolina	Rhode Island	Wisconsin
Delaware	Indiana	Minnesota	Northern Mariana Islands	South Carolina	

### 1. Is the project located in, or does it affect, a Coastal Zone as defined in your state Coastal Management Plan?

Yes → Continue to Question 2.

No → Based on the response, the review is in compliance with this section. Continue to the Worksheet Summary below. Provide a map showing that the site is not within a Coastal Zone.

### 2. Does this project include activities that are subject to state review?

Yes → Continue to Question 3.

No → Based on the response, the review is in compliance with this section. Continue to the Worksheet Summary below. Provide documentation used to make your determination.

### 3. Has this project been determined to be consistent with the State Coastal Management Program?

Yes, with mitigation. → Continue to Question 4.

Yes, without mitigation. → Based on the response, the review is in compliance with this section. Continue to the Worksheet Summary below. Provide documentation used to make your determination.

No, project must be canceled.

Project cannot proceed at this location.

**4. Explain in detail the proposed measures that must be implemented to mitigate for the impact or effect, including the timeline for implementation.**

→ *Continue to the Worksheet Summary below. Provide documentation of the consultation (including the State Coastal Management Program letter of consistency) and any other documentation used to make your determination.*

**Worksheet Summary**

**Compliance Determination**

Provide a clear description of your determination and a synopsis of the information that it was based on, such as:

- Map panel numbers and dates
- Names of all consulted parties and relevant consultation dates
- Names of plans or reports and relevant page numbers
- Any additional requirements specific to your region

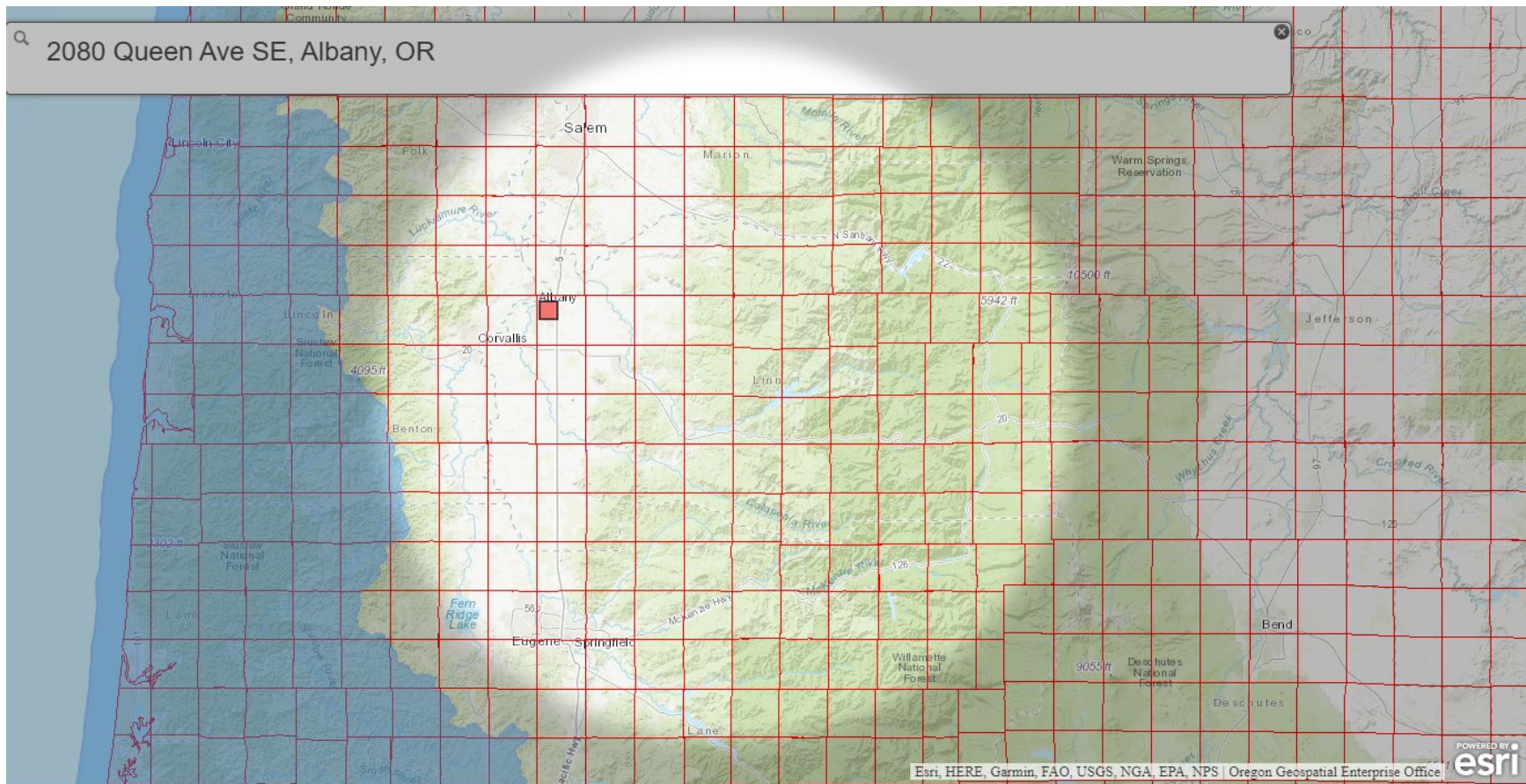
[This project is not in or does not affect a Coastal Zone as defined in the state Coastal Management Plan. The project complies with the Coastal Zone Management Act.](#)

**Are formal compliance steps or mitigation required?**

Yes

No

## 5. Coastal Management



**Contamination and Toxic Substances (Multifamily and Non-Residential Properties)**  
**Valor Place Apartments, 2080 Queen Ave SE, Albany, OR**

General requirements	Legislation	Regulations
It is HUD policy that all properties that are being proposed for use in HUD programs be free of hazardous materials, contamination, toxic chemicals and gases, and radioactive substances, where a hazard could affect the health and safety of the occupants or conflict with the intended utilization of the property.		24 CFR 58.5(i)(2) 24 CFR 50.3(i)
<b>Reference</b>		
<a href="https://www.hudexchange.info/programs/environmental-review/site-contamination">https://www.hudexchange.info/programs/environmental-review/site-contamination</a>		

**1. How was site contamination evaluated? <sup>1</sup> Select all that apply.**

- ASTM Phase I ESA
- ASTM Phase II ESA
- Remediation or clean-up plan
- ASTM Vapor Encroachment Screening
- None of the above

→ Provide documentation and reports and include an explanation of how site contamination was evaluated in the Worksheet Summary.

Continue to Question 2.

**2. Were any on-site or nearby toxic, hazardous, or radioactive substances found that could affect the health and safety of project occupants or conflict with the intended use of the property? (Were any recognized environmental conditions or RECs identified in a Phase I ESA and confirmed in a Phase II ESA?)**

- No Explain:

The Phase I Environmental Site Assessment identified a potential historic use of the site as a commercial truck hauling and fueling facility. Given this finding, the recommendation was to take soil samples from the portion of the site near to these historical activities. Soil and ground water samples were tested where there was potential risk of contamination based on field screening and background research. Per the Phase II Environmental Assessment, the soil samples were not contaminated, and no recognized environmental conditions (RECs) were found. As a result, no remediation efforts were suggested.

Continue to the Worksheet Summary below.

<sup>1</sup> HUD regulations at 24 CFR § 58.5(i)(2)(ii) require that the environmental review for multifamily housing with five or more dwelling units or non-residential property include the evaluation of previous uses of the site or other evidence of contamination on or near the site. For acquisition and new construction of multifamily and nonresidential properties HUD strongly advises the review include an ASTM Phase I Environmental Site Assessment (ESA) to meet real estate transaction standards of due diligence and to help ensure compliance with HUD’s toxic policy at 24 CFR §58.5(i) and 24 CFR §50.3(i). Also note that some HUD programs require an ASTM Phase I ESA.

Yes.

→ Describe the findings, including any recognized environmental conditions (RECs), in Worksheet Summary below. Continue to Question 3.

### 3. Mitigation

Document the mitigation needed according to the requirements of the appropriate federal, state, tribal, or local oversight agency. If the adverse environmental effects cannot be mitigated, then HUD assistance may not be used for the project at this site.

#### Can adverse environmental impacts be mitigated?

Adverse environmental impacts cannot feasibly be mitigated

→ Project cannot proceed at this location.

Yes, adverse environmental impacts can be eliminated through mitigation.

→ Provide all mitigation requirements<sup>2</sup> and documents. Continue to Question 4.

### 4. Describe how compliance was achieved. Include any of the following that apply: State Voluntary Clean-up Program, a No Further Action letter, use of engineering controls<sup>3</sup>, or use of institutional controls<sup>4</sup>.

#### If a remediation plan or clean-up program was necessary, which standard does it follow?

Complete removal

→ Continue to the Worksheet Summary.

Risk-based corrective action (RBCA)

→ Continue to the Worksheet Summary.

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<sup>2</sup> Mitigation requirements include all clean-up actions required by applicable federal, state, tribal, or local law. Additionally, provide, as applicable, the long-term operations and maintenance plan, Remedial Action Work Plan, and other equivalent documents.

<sup>3</sup> Engineering controls are any physical mechanism used to contain or stabilize contamination or ensure the effectiveness of a remedial action. Engineering controls may include, without limitation, caps, covers, dikes, trenches, leachate collection systems, signs, fences, physical access controls, ground water monitoring systems and ground water containment systems including, without limitation, slurry walls and ground water pumping systems.

<sup>4</sup> Institutional controls are mechanisms used to limit human activities at or near a contaminated site, or to ensure the effectiveness of the remedial action over time, when contaminants remain at a site at levels above the applicable remediation standard which would allow for unrestricted use of the property. Institutional controls may include structure, land, and natural resource use restrictions, well restriction areas, classification exception areas, deed notices, and declarations of environmental restrictions.



## **Worksheet Summary**

### **Compliance Determination**

Provide a clear description of your determination and a synopsis of the information that it was based on, such as:

- Map panel numbers and dates
- Names of all consulted parties and relevant consultation dates
- Names of plans or reports and relevant page numbers
- Any additional requirements specific to your region

The current and historic uses of the project area and surrounding area were identified to aid in determining potential contamination risks through a Phase I Environmental Site Assessment (ESA). Per a Phase II ESA report, the soil and groundwater samples tested and were not contaminated, and no recognized environmental conditions (RECs) were found in those samples. The Vapor Encroachment Screen research and findings indicate no vapor encroachment conditions are present on the site. This project is in compliance. See the Phase I Environmental Site Assessment dated May 31, 2023 and Phase II Environmental Site Assessment dated April 22, 2024, both by Evren Northwest, Inc.

**Are formal compliance steps or mitigation required?**

Yes

No

## Endangered Species Act (CEST and EA)

General requirements	ESA Legislation	Regulations
Section 7 of the Endangered Species Act (ESA) mandates that federal agencies ensure that actions that they authorize, fund, or carry out shall not jeopardize the continued existence of federally listed plants and animals or result in the adverse modification or destruction of designated critical habitat. Where their actions may affect resources protected by the ESA, agencies must consult with the Fish and Wildlife Service and/or the National Marine Fisheries Service (“FWS” and “NMFS” or “the Services”).	The Endangered Species Act of 1973 (16 U.S.C. 1531 <i>et seq.</i> ); particularly section 7 (16 USC 1536).	50 CFR Part 402
References		
<a href="https://www.hudexchange.info/environmental-review/endangered-species">https://www.hudexchange.info/environmental-review/endangered-species</a>		

### 1. Does the project involve any activities that have the potential to affect species or habitats?

No, the project will have No Effect due to the nature of the activities involved in the project.  
 → *Based on the response, the review is in compliance with this section. Continue to the Worksheet Summary below. Provide any documents used to make your determination.*

No, the project will have No Effect based on a letter of understanding, memorandum of agreement, programmatic agreement, or checklist provided by local HUD office.

Explain your determination:

→ *Based on the response, the review is in compliance with this section. Continue to the Worksheet Summary below. Provide any documents used to make your determination.*

Yes, the activities involved in the project have the potential to affect species and/or habitats. → *Continue to Question 2.*

### 2. Are federally listed species or designated critical habitats present in the action area?

Obtain a list of protected species from the Services. This information is available on the [FWS Website](#) or you may contact your [local FWS](#) and/or [NMFS](#) offices directly.

No, the project will have No Effect due to the absence of federally listed species and designated critical habitat.

→ *Based on the response, the review is in compliance with this section. Continue to the Worksheet Summary below. Provide any documents used to make your determination. Documentation*

*may include letters from the Services, species lists from the Services' websites, surveys or other documents and analysis showing that there are no species in the action area.*

- Yes, there are federally listed species or designated critical habitats present in the action area. → *Continue to Question 3.*

**3. What effects, if any, will your project have on federally listed species or designated critical habitat?**

- No Effect: Based on the specifics of both the project and any federally listed species in the action area, you have determined that the project will have absolutely no effect on listed species or critical habitat.  
→ *Based on the response, the review is in compliance with this section. Continue to the Worksheet Summary below. Provide any documents used to make your determination. Documentation should include a species list and explanation of your conclusion, and may require maps, photographs, and surveys as appropriate.*

- May Affect, Not Likely to Adversely Affect: Any effects that the project may have on federally listed species or critical habitats would be beneficial, discountable, or insignificant.  
→ *Continue to Question 4, Informal Consultation.*

- Likely to Adversely Affect: The project may have negative effects on one or more listed species or critical habitat.  
→ *Continue to Question 5, Formal Consultation.*

**4. Informal Consultation is required**

Section 7 of ESA (16 USC. 1536) mandates consultation to resolve potential impacts to endangered and threatened species and critical habitats. If a HUD-assisted project may affect any federally listed endangered or threatened species or critical habitat, then compliance is required with Section 7. See 50 CFR Part 402 Subpart B Consultation Procedures.

**Did the Service(s) concur with the finding that the project is Not Likely to Adversely Affect?**

- Yes, the Service(s) concurred with the finding.  
→ *Based on the response, the review is in compliance with this section. Continue to Question 6 and provide the following:*
- (1) A biological evaluation or equivalent document*
  - (2) Concurrence(s) from FWS and/or NMFS*
  - (3) Any other documentation of informal consultation*

*Exception: If finding was made based on procedures provided by a letter of understanding, memorandum of agreement, programmatic agreement, or checklist provided by local HUD office, provide whatever documentation is mandated by that agreement.*

No, the Service(s) did not concur with the finding. → Continue to Question 5.

**5. Formal consultation is required**

Section 7 of ESA (16 USC 1536) mandates consultation to resolve potential impacts to federally listed endangered and threatened species and critical habitats. If a HUD assisted project may affect any endangered or threatened species or critical habitat, then compliance is required with Section 7. See 50 CFR Part 402 Subpart B Consultation Procedures.

→ Once consultation is complete, the review is in compliance with this section. Continue to Question 6 and provide the following:

- (1) A biological assessment, evaluation, or equivalent document
- (2) Biological opinion(s) issued by FWS and/or NMFS
- (3) Any other documentation of formal consultation

The Responsible Entity, the City of Albany, held a consultation with NMFS and NOAA on March 6, 2024 to review the Stormwater Quality and Detention Plan. The city submitted the stormwater quality plans to NMFS on April 19, 2024. NOAA and NMFS staff reviewed the post-construction stormwater management plan and found it is consistent with the biological opinion issued to the HUD on July 25, 2016 (HUD Stormwater Programmatic Biological Opinion) for project design, stormwater treatment quality, stormwater facilities' operation and maintenance, and relevant design criteria for construction practices.

NMFS provided a concurrence letter dated June 5, 2024 (Attached to this worksheet). NMFS/NOAA's Opinion concluded the project will not meet NMFS' post-construction flow control criteria for the water quality storm event but recognize this is due to engineering and regulatory design constraints.

**6. For the project to be brought into compliance with this section, all adverse impacts must be mitigated. Explain in detail the proposed measures that will be implemented to mitigate for the impact or effect, including the timeline for implementation.**

Mitigation as follows will be implemented:

SEE BELOW

No mitigation is necessary.

**Explain why mitigation will not be made here:**

NMFS found the stormwater design acceptable and made no EFH Conservation Recommendations for this project. Conditions for maintenance, inspection, monitoring and reporting included below and the letter from NMFS providing concurrence with the HUD Stormwater Programmatic Biological Opinion is attached.

## **Worksheet Summary**

### **Compliance Determination**

Provide a clear description of your determination and a synopsis of the information that it was based on, such as:

- Map panel numbers and dates
- Names of all consulted parties and relevant consultation dates
- Names of plans or reports and relevant page numbers
- Any additional requirements specific to your region

1. The RE obtained an Official Species List for the subject property using the USFWS Information for Planning and Consultation (IPaC) website accessed at <https://ecos.fws.gov/ipac/>. According to the Official Species List, nine (9) federally-listed species have the potential to be present within the project area (Marbled Murrelet, Northern Spotted Owl, Streaked Horned Lark, Yellow-billed Cuckoo, Western Pond Turtle, Fender's Blue Butterfly, Monarch Butterfly, Kincaid's Lupine, Willamette Daisy). No critical habitats were identified within the project area. Based on an analysis of the habitat requirements of these species and the physical characteristics of the subject property, no suitable habitat is believed to be present for any of the identified species, as detailed in the attached Species Conclusion Table.

2. All new development projects in Oregon are subject to review by the National Marine Fisheries Service (NMFS)/ National Oceanic and Atmospheric Association (NOAA). According to the NOAA Protected Resources App, accessed at: <https://www.webapps.nwfsc.noaa.gov/portal/apps/webappviewer/index.html?id=7514c715b8594944a6e468dd25aaacc9>, there are no identified protected sites within the subject property boundaries and the project area does not overlap with federally listed or proposed species and designated or proposed critical habitats covered by NOAA fisheries. The NOAA Map shows a Critical Habitat for the Steelhead as being west of the subject property.

3. The RE consulted with Kristine Sclafani with USFWS and Brad Rawls with NMFS/NOAA on March 6, 2024, regarding the NOAA Programmatic Agreement and HUD SWP Biological Opinion issued on July 25, 2016. NMFS/NOAA's opinion is that the stormwater quality and maintenance plan and actions below meet the conditions of the 2016 HUD SWP Biological Opinion.

4. At the March 6, 2024, consultation, USFWS staff concurred that the project site is in an urban developed area where critical habitat is unlikely for the 9 federally-listed species listed in #1 above. Additionally, the site had prior developments that likely already impacted any potential habitat.

5. NMFS provided a concurrence letter dated June 5, 2024. With the concurrence from NMFS that the project is consistent with the 2016 HUD SWP Biological Opinion, the review is complete and satisfies the HUD NEPA requirements.

**Are formal compliance steps or mitigation required?**

Yes

No

1. Inspection, monitoring, and maintenance of stormwater facilities will occur in accordance with the procedures described in Private Stormwater Facilities Operations and Maintenance Agreement (City of Albany 2024)
2. Inspection, monitoring, and maintenance of stormwater facilities will be the responsibility of the following entities: Donna Holt, Executive Director, Linn-Benton Housing Authority; [donn@l-bha.org](mailto:donn@l-bha.org); 541-918-7314
3. The Opinion requires the Responsible Entity to submit a project completion report for this project within 60-days of the end of construction.

**Valor Place Apartments, 2080 Queen Ave SE, Albany**

# **Endangered Species Act & Magnuson-Stevens Act Guidance for HUD Projects in Oregon**

**Prepared in collaboration with the U.S. Fish and Wildlife Service and the National  
Marine Fisheries Service**

<b>General Requirements</b>	<b>Legislation</b>	<b>HUD Regulations</b>
Section 7(a)(2) of the Endangered Species Act mandates that actions that are authorized, funded, or carried out by Federal agencies do not jeopardize the continued existence of plants and animals that are listed, or result in the adverse modification or destruction of designated critical habitat.	The Endangered Species Act of 1973; 16 U.S.C. 1531 et seq.	24 CFR 58.5(e) 24 CFR 50.4(e)
Section 305(b)(2) of the Magnuson-Stevens Fishery Conservation and Management Act (MSA) requires Federal agencies to consult with NOAA Fisheries on any action that they authorize, fund, or undertake that may adversely affect essential fish habitat (EFH).	Magnuson-Stevens Fishery Conservation and Management Act; 16 U.S.C. 1801	

The purpose of this document is to assist the U.S. Department of Housing and Urban Development (HUD) and their responsible entities<sup>1</sup> (REs) in meeting their compliance and documentation obligations under the Endangered Species Act (ESA) and the Magnuson-Stevens Fisheries Conservation and Management Act (MSA). The ESA is administered jointly by the U.S. Fish and Wildlife Service (USFWS) and the National Marine Fisheries Service (NMFS) [collectively, “the Services”], while the MSA is administered solely by the NMFS. Nearly all HUD projects, including HUD funded, financed, subsidized, or guaranteed projects constitute a federal action requiring project review for compliance with the ESA and MSA.

The ESA requires all federal agencies to use their authorities to help conserve “*listed species*” (i.e., those listed as “*threatened*” or “*endangered*” under the ESA). Therefore, as HUD staff or designated REs, you are responsible for minimizing the effects of your actions on ESA-listed species, designated critical habitat, and habitats identified in recovery plans. An ESA effects analysis must consider all effects to ESA-listed species and designated critical habitat caused by a proposed action. Few HUD actions occur within designated critical habitat, where direct injury or harm to ESA-listed species or critical habitat is likely to occur or easy to discern. More often, however, some types of HUD projects have the potential to effect ESA-listed species and their critical habitats that are far removed from the actual project location.

The MSA requires federal agencies to evaluate the effect of their actions on habitats used by a range of marine species that are commercially harvested. These habitats are identified as “essential fish habitat” (EFH).<sup>2</sup> In many cases, projects that have the potential to affect critical habitat designated under the ESA have similar effects on EFH, particularly with respect to Chinook and coho salmon, which are regulated species under both the ESA and MSA. Project assessment for ESA and MSA impacts are typically conducted concurrently, as the species and habitats regulated by both acts tend to overlap.

This document is intended to describe the circumstances under which a finding of “*no effect*” on ESA- and MSA-regulated species, their critical habitats, and EFH occurring in Oregon might be appropriate. A project that reaches a finding of “*no effect*” does not require coordination with, or approval from, the USFWS and

<sup>1</sup> A Responsible entity is a unit of local government (state, county, city) designated by HUD under 24 Code of Federal Regulations (CRF) Part 58.

<sup>2</sup> Essential Fish Habitat (EFH) has been designated for Pacific salmon (Chinook, coho, and pink salmon), coastal pelagic species, groundfish, and highly migratory species.

NMFS, and documenting a finding of “no effect” satisfies the ESA/MSA review obligations by HUD. Note that, a finding of “no effect” would preclude NMFS or USFWS issuing liability protection for violations of the ESA, and is based on the premise the project would not result in the take<sup>3</sup> of an ESA-listed species or result in adverse effects to critical habitat/EFH. However, if this determination is made in error, or if take does occur, HUD or the RE bears liability for such take.

HUD or the RE is solely responsible for making a finding of effect for a project and cannot defer responsibility to an external party. USFWS and NMFS rarely issue any correspondence for a “no effect” finding, except when there is strong disagreement about that finding. If you make a “no effect” finding for your project, document the circumstances and reason for your decision in a memo to the project file, as this will aid HUD should the project be reviewed internally or by another party. The worksheets presented in Part A and Part B of this document should be included in a project’s Environmental Review Record to document what finding of effect was reached. Since USFWS and NMFS manage and regulate different species and habitats, it is entirely possible to reach a different finding of effect for each Service.

Making an appropriate effects determination for both the ESA and MSA is an essential part of carrying out HUD’s obligation to use its federal authority to help conserve listed species. While there are a great number of HUD activities that will have “no effect” on federally-listed species, designated critical habitat, and EFH, there are a number of activities that will require further analysis, documentation, and consultation with USFWS and/or NMFS. As there are minor variations in process, this guidance is separated into multiple parts:

- Part A** Describes the “no effect” determination process for species and habitats under USFWS’ jurisdiction;
- Part B** Describes the “no effect” determination process for species and habitats under NMFS’ jurisdiction;
- Part C** Describes the process to initiate consultation with USFWS and/or NMFS if you are unable to reach a “no effect” finding for your project, and provides contact information for staff that can provide technical assistance in initiating the ESA consultation process;
- Part D** Includes a glossary of terminology frequently used when discussing the ESA and MSA.

## Part A: Consultation with the U.S. Fish and Wildlife Service (USFWS)

USFWS’ trust resources are found in a wide range of habitats throughout Oregon, including forests, wetlands, bogs, rivers, lakes, reservoirs, coastal dunes, estuaries, grasslands, prairies, shrub-steppe, and mountains. USFWS species listed or proposed for listing under the ESA that are found in Oregon include plants, insects, mollusks, crustaceans, birds, mammals, reptiles, and amphibians. Project concerns for ESA-species under USFWS’ jurisdiction largely focus on preventing the destruction or loss of sensitive habitats (e.g., wetlands, prairie, oak savanna) that support ESA-listed species for all or part of their life history. Additional concerns include minimizing the adverse effects from construction and operation (e.g., noise, light, vibrations) that could temporarily or permanent impact habitats occupied by ESA-listed species, reducing the suitability of such habitats and/or disrupting essential life-stage activities of a listed species (e.g., nesting, feeding, migration). The following two steps will assist you in making a finding of effect for your project.

### Step 1: Obtain Species List & Determine Critical Habitat

You must obtain a species list for the entire action area of your project. The action area encompasses all of the effects of the project, not just those that occur within the construction footprint. Project effects that

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<sup>3</sup> “Take” of a listed species is defined as, “to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or to attempt to engage in any such conduct.” [50 CFR 402.02]



extend beyond the project site itself and may include noise, air pollution, water quality, stormwater discharge, and visual disturbances. Additionally, effects to habitat must be considered, including the project's effects on roosting, feeding, nesting, spawning and rearing habitat, overwintering sites, and migratory corridors.

Go to <https://ipac.ecosphere.fws.gov/> and log in or create an account to generate an official species list for the project area. Please note that this list includes listed, *proposed* and *candidate species* and designated and *proposed* critical habitats; consideration of project effects on *candidate species* is optional, unless the project's effects are very large (in this case, contact the local USFWS field office). However, *proposed species* or critical habitats may become listed as endangered or threatened species during the period of construction; a project with a protracted development schedule may opt to address *proposed species* as a way to reduce the potential need to reinitiate consultation with the USFWS, should the status of the *proposed species* or critical habitat be upgraded to threatened or endangered. If you have questions, contact the appropriate USFWS field office<sup>4</sup> to discuss the species list for your area.

## Step 2: Determine Effect

### Question 1: Will the project's effects overlap with federally-listed or proposed species or designated or proposed critical habitat covered by USFWS?

Consider all effects of the project within the action area. The action area encompasses all the effects of the project, including those that occur beyond the boundaries of the property (such as noise, air pollution, water quality, stormwater discharge, visual disturbance).

- NO, the project and all effects are outside the range of ESA-listed or proposed species and designated or proposed critical habitat covered by USFWS.** Therefore, the project will have **No Effect** on ESA-listed or proposed species or designated critical habitat.
- Record your finding of **No Effect** on species or habitats covered by USFWS, and include this documentation in your Environmental Review Record.
  - Attach a statement explaining how you determined that your project's effects do not overlap with species or habitat covered by USFWS.
  - Section 7 Consultation with NMFS may still be necessary. CONTINUE TO PART B.
- YES, project effects may overlap with ESA-listed or proposed species or designated or proposed critical habitat covered by USFWS.** Therefore, your project could affect ESA-listed species and habitat.
- Continue to Question 2.

### Question 2: Will the project occur on a previously developed site?<sup>5</sup>

- YES, the project site has been, or currently is, developed.** Therefore, the project will have **No Effect** on ESA-listed or proposed species and/or designated or proposed critical habitat.
- Record your finding of **No Effect** and maintain this documentation, including the official species list and map of your project location, include in your Environmental Review Record.
  - Attach a statement to your determination explaining how your project's effects do not impact species or habitat covered by USFWS.
  - Section 7 Consultation with NMFS may still be necessary. CONTINUE TO PART B.
- NO, the project occurs on land that is not currently or has not been previously developed.**

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<sup>4</sup> <https://www.fws.gov/office/oregon-fish-and-wildlife/contact-us>

<sup>5</sup> Previously developed land typically includes land that has had structures or other features of the built environment (e.g., parking areas, roads, buildings) constructed upon it such that the land does not offer suitable habitat for wildlife. Land that was previously used for agricultural or timber production are **not** considered "previously developed."

- Continue to Question 3.

**Question 3: Is the project activity listed in Table 1 (following page) and does it meet all of the required parameters?**

- YES, the activity is listed in Table 1 and meets all of the required parameters.** Therefore, the project will have **No Effect** on ESA-listed or proposed species and/or designated or proposed critical habitat.
  - Record your finding of **No Effect** and maintain this documentation, including the official species list and map of your project location, in your Environmental Review Record.
  - Attach a statement to your determination explaining how your project met the required parameters in Table 1.
  - Section 7 Consultation with NMFS may still be necessary. CONTINUE TO PART B.
- NO, the project description does not match the activities in Table 1 and all of the specified criteria listed.**
  - Continue to Question 4.

**Question 4: Do you have some other basis for a No Effect determination, for example a biological assessment or other documentation from a qualified professional?<sup>6</sup>**

- YES, the project has professional documentation for a finding of No Effect.**
  - Record your finding of **No Effect** and maintain this documentation, including the official species list and map of your project location, and include in your Environmental Review Record.
  - Attach the biological assessment or other professional documentation.
  - Section 7 Consultation with NMFS may still be necessary. CONTINUE TO PART B.
- NO, the project does not have professional documentation for a finding of No Effect and May Affect a listed species and/or critical habitat.**
  - The project **May Affect** listed or proposed species, or designated or proposed critical habitat. Consultation with the USFWS may be required. CONTACT THE USFWS TO DETERMINE THE APPROPRIATE EFFECTS DETERMINATION AND LEVEL OF CONSULTATION REQUIRED. Contact info is located in Part C.
  - Section 7 Consultation with NMFS may still be necessary. CONTINUE TO PART B.

**Table 1: Potential No Effect Categories and Required Criteria**

**Purchase building or property:**

- Does not change footprint of existing structures.
- Does not create new impervious surface area, either constructed or reconstructed.
- Does not involve ground disturbing activities.<sup>7</sup>

<sup>6</sup> A “qualified professional” is a biologist trained in the assessment of habitat requirements of the ESA-listed species that overlap with your project’s action area.

<sup>7</sup> Studies or surveys that do not require soil/ground disturbance are allowed. Wetland delineation, soil infiltration testing, and geotechnical drilling/boring are permitted.

**Landscaping maintenance / improvement:**

- Access and staging, source sites, and disposal sites have been assessed as part of the action.
- Disposal sites are approved for materials to be received. Waste materials are recycled or otherwise disposed of in an EPA approved sanitary or hazardous waste disposal site.
- Does not remove vegetation or trees within 150 feet of an aquatic resource.<sup>8</sup>
- New plantings shall be comprised of native species approved by the local jurisdiction. No planting of invasive species is permitted.
- Pesticides or herbicides shall not be applied within 150 feet of an aquatic resource.
- Pesticides or herbicides shall not be applied if precipitation is predicted in upcoming 24 hours.
- Outside lighting should be directed downward to the ground and lighting must not illuminate aquatic resources occupied by ESA-listed species.
- Does not increase the amount of impervious surface.
- Removal/maintenance of hazard trees<sup>9</sup> or similar vegetation is permitted, provided that the removal occurs outside of the breeding season (April 1 through August 31) and a qualified professional has documented that the tree does not provide habitat for ESA-listed species.<sup>10</sup> In addition, an equivalent number of trees appropriate to the location are replaced.<sup>11</sup>
- Does not result in wetland fill.

**Interior rehabilitation:**

- Applies only to existing structures.
- Access and staging, and source sites, have been assessed as part of the proposed action and occurs on previously developed land. The sites are located at least 150 feet away from any aquatic resources and include BMPs to prevent discharge of contaminants entering waterbodies or stormwater systems (e.g., filter fabrics in catch basins, sediment traps, etc.).
- New plantings shall be comprised of native species approved by the local jurisdiction. No planting of invasive species is permitted.
- Disposal sites are approved for materials to be received. Waste materials are recycled or otherwise disposed of in an EPA approved sanitary or hazardous waste disposal site.

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<sup>8</sup> An aquatic resource, for the purposes of this opinion, includes: streams, rivers, ponds, lakes, wetlands, estuaries, or bays. The marine environment is not considered an aquatic resource, for the purposes of this guidance.

<sup>9</sup> A "hazard tree" is a tree that has a structural defect that creates a risk of failure and resulting damage to people or property.

<sup>10</sup> A "qualified professional" is a biologist trained in the assessment of habitat requirements of the ESA-listed species that overlap with your project's action area.

<sup>11</sup> An "appropriate tree" is one that will be the correct size and species for the specific location and that the selected location is appropriate for the selected tree species at maturity. An arborist can recommend an appropriate species for replacement.

**Exterior repairs or improvements of existing structures:**

- Does not increase the amount of impervious surface.
- Does not install, repair, or replace exterior artificial lighting on properties adjacent to aquatic resources that support ESA-listed species.
- All exterior lighting is directed downward to the ground.
- Does not remove vegetation or trees within 150 feet of an aquatic resource.<sup>12</sup>
- Special projects directed to the removal of material or architectural barriers that restrict the mobility of and accessibility to elderly and persons with disabilities (e.g., curb cuts, wheelchair ramps, or similar) do not impact areas of natural habitat, including wetlands or riparian areas, and all activities comply with state and local building codes and stormwater regulations.
- Does not result in wetland fill.
- Does not result in discharges of new or additional sources of stormwater to wetlands or waterbodies.
- Access and staging, and source sites have been assessed as part of the proposed action. The sites are located at least 150 feet away from the aquatic resource and include BMPs to prevent discharge of contaminants from entering waterbodies or stormwater systems (e.g., filter fabrics in catch basins, sediment traps, etc.). Disposal sites are approved for materials to be received. Waste materials are recycled or otherwise disposed of in an approved sanitary or hazardous waste disposal site.

**New construction or addition:**

- Does not increase the amount of impervious surface.
- Does not remove vegetation or trees within 150 feet of an aquatic resource.
- Does not result in wetland fill.
- Will not impact an area of natural habitat, including wetlands or riparian areas.
- Complies with all state and local building codes and stormwater regulations.
- Does not result in discharges of new or additional sources of stormwater to wetlands or waterbodies.
- Access and staging, and source sites have been assessed as part of the proposed action. The sites are located at least 150 feet away from the aquatic resource and include BMPs to prevent discharge of contaminants from entering waterbodies or stormwater systems (e.g., filter fabrics in catch basins, sediment traps, etc.). Disposal sites are approved for materials to be received. Waste materials are recycled or otherwise disposed of in an EPA approved sanitary or hazardous waste disposal site.

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<sup>12</sup> An aquatic resource, for the purposes of this opinion, includes: streams, rivers, ponds, lakes, wetlands, estuaries, or bays. The marine environment is not considered an aquatic resource, for the purposes of this guidance.

## Part B: Consultation with the National Marine Fisheries Service (NMFS)

As stated in the introduction, few HUD actions occur within the designated critical habitat of NMFS-managed species, where direct injury or harm to an ESA-listed species or destruction of critical habitat/EFH is likely to occur. However, there are often affects from many HUD projects that occur outside the construction site or property boundaries of a given project, which can reach critical habitat/EFH and effect listed species. By far, the largest concern for NMFS is the generation of stormwater runoff from new or redeveloped impervious surfaces (e.g., concrete, asphalt, roofing materials, compacted gravel).

Impervious surfaces prevent precipitation from absorbing into the soil, resulting in runoff into storm drains and waterways. Stormwater runoff can transport pollutants (e.g., soil, fertilizer, metals, pesticides, tire particles) that degrade water quality in streams, lakes, reservoirs, and rivers where ESA-listed/MSA species occur. Many of these pollutants persist for years in the environment and can be transported downstream hundreds of miles from their point of origin. Pollutants can also make their way into the food chain where they can harm listed species and degrade habitat suitability. Of particular concern are dissolved metals and tire particulates. Dissolved metals can be generated from the wearing of a vehicle's brake pads and certain types of metal roofing and siding. Dissolved metals can be carried hundreds of miles downstream and interfere with listed salmon and steelhead's ability to navigate back to their spawning streams, among a range of other sub-lethal effects. Rubber particulate matter is generated from the wearing of a vehicle's tires and can leach compounds into the aquatic environment that have both lethal and sub-lethal effects on listed fish.

Additionally, impervious surfaces interrupt the natural cycle of rainwater infiltration into soil by diverting large volumes of runoff into streams, wetlands, rivers, and lakes. When this occurs, the volume and velocity of stormwater discharge to a receiving water can result in adverse hydromodification: the degradation of aquatic systems as a result of changes to the physical condition of a waterbody. Stormwater runoff can cause stream channel erosion, loss of habitat features required by listed species (e.g., large wood, spawning gravels), direct injury to aquatic species, and the incremental loss of overall habitat quality.

Many HUD projects result in the creation or redevelopment of impervious surfaces (e.g., roadways, sidewalks, parking lots, building roofs), assessment of stormwater runoff from a project is the most likely way that you will interact with NMFS and the ESA-listed/MSA species and habitats under their authority. Additional guidance of NMFS' stormwater treatment and management criteria can be found in the appendices of the programmatic biological opinion issued by NMFS for HUD projects in Oregon.<sup>13</sup>

The following steps will assist you in making a finding of effect for your project.

### Step 1: Obtain Species List & Determine Critical Habitat / Essential Fish Habitat

NMFS' trust resources occur primarily in the marine environment; however, these resources include a number of ESA-listed fish species that spend a portion of their lives in inland, freshwater streams, rivers, reservoirs, and lakes. Additionally, through the MSA, NMFS manages a number of groundfish species that spend a portion of their lives in river estuaries and bays. Most watersheds in Oregon are within or upstream of a waterbody occupied by an ESA-listed species or designated as critical habitat/EFH.<sup>14</sup> As stormwater pollutants can be transported downstream and can persist in the environment, all projects that discharge post-construction stormwater have the potential to effect ESA-listed and MSA species and critical habitat/EFH. NMFS considers discharge of post-construction stormwater an **Adverse Effect** on these species and habitats. With few

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<sup>13</sup> National Marine Fisheries Service (NMFS). 2016. Endangered Species Act Section 7 Formal Programmatic Biological Opinion and Magnuson-Stevens Fishery Conservation and Management Act Essential Fish Habitat Consultation for the U.S. Department of Housing and Urban Development Housing Programs in Oregon. West Coast Region. Portland, Oregon. July 25, 2016. [\[Insert link to appendices on HUD website or NMFS repository\]](#)

<sup>14</sup> Exceptions include watersheds in: Harney, Klamath, Lake, and Malheur counties.

exceptions, discharge of post-construction stormwater extends from its point of origin to the nearest receiving water, then downstream, terminating at the Pacific Ocean.<sup>15</sup> This means that most HUD projects that create new impervious surface area or replace existing impervious surface area are likely to have an adverse effect on NMFS listed species and critical habitat/EFH. Note that an **Adverse Effect** finding for a project does not necessarily preclude construction of the project, only that additional measure may be required in order to ensure the project’s effects do not jeopardize listed species or adversely modify critical habitat/EFH.

Table 2 identifies the ESA-listed species under NMFS’ jurisdiction that may be affected by your project; simply identify the area of the state in which your project occurs and see the ESA-listed species and critical habitat that may be affected. Figure 1, following page, depicts the geographic extent of NMFS’ ESA-listed species and critical habitat occurrence in Oregon.

<b>Table 2: NMFS’ ESA-Listed Species &amp; Critical Habitat Designations in Oregon</b>		
<b>Oregon Coast (Middle/Northern)<sup>16</sup></b>	<b>Columbia River Basin</b>	
Coho Salmon	Chinook Salmon	Sockeye Salmon
Oregon Coast Coho Salmon	Lower Columbia River	Snake River sockeye salmon
Southern Green Sturgeon	Upper Columbia River spring-run	Steelhead Trout
Southern Eulachon	Snake River spring/summer-run	Upper Columbia River
	Snake River fall-run	Lower Columbia River
<b>Oregon Coast (Southern)<sup>17</sup></b>	Upper Willamette River	Middle Columbia River
Coho Salmon	Chum Salmon	Snake River basin
Southern Oregon-Northern California Coast Coho	Columbia River chum	Upper Willamette River
Southern Green Sturgeon	Coho Salmon	Southern Green Sturgeon
Southern Eulachon	Lower Columbia River coho	Southern Eulachon

Should you desire more specificity, NMFS maintains GIS data<sup>18</sup> for the range and distribution of listed species and a web-based map application for identifying designated critical habitat and EFH.<sup>19</sup> Familiarity with web-based GIS applications will be necessary to utilize these resources.

Essential fish habitat is the same throughout the state. If your project will discharge stormwater that reaches a receiving water, your project may adversely modify EFH for Pacific Salmon and Groundfish.

Oregon counties where ESA-listed species and critical habitat do not occur include: Harney, Klamath, Lake, and Malheur counties. Projects occurring in these counties are assumed to have “no effect” as the areas are inaccessible to species under NMFS’ jurisdiction. There is currently uncertainty as to whether stormwater pollutants can be transported through major reservoirs in the Snake and Klamath rivers at concentrations sufficient to have an effect on downstream listed species and habitats. Please note that the counties listed above are only excluded from NMFS’ managed species and habitats and that ESA-listed species and critical habitat under USFWS’ jurisdiction may be present, so remember to complete Part A of this guidance.

If you need to assistance confirming whether your action is in proximity to ESA-listed salmon or steelhead, designated critical habitat, or EFH, please contact the appropriate NMFS office, identified in Part C

<sup>15</sup> Exceptions to this finding are identified in Table 4.

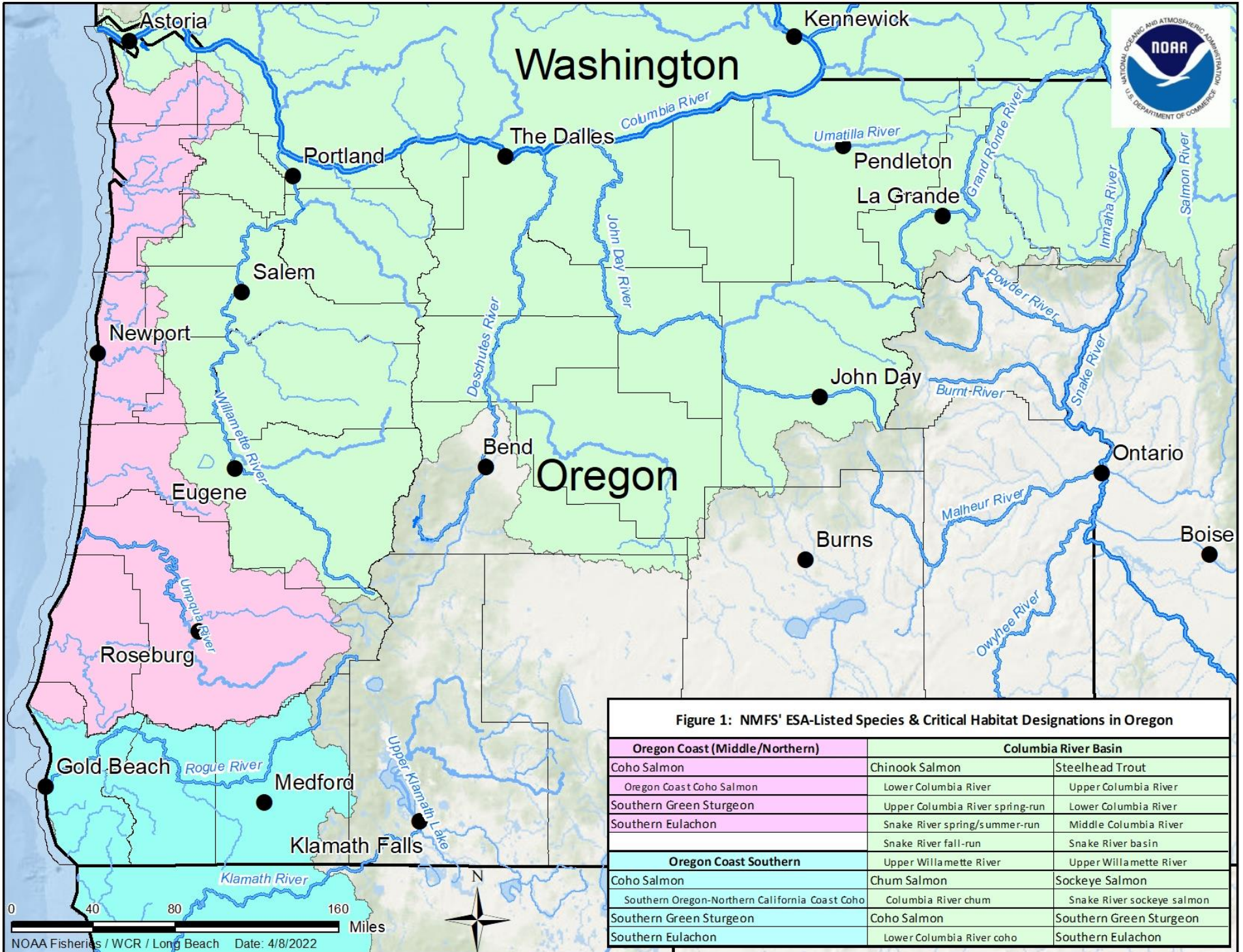
<sup>16</sup> Extending from Cape Blanco north to the mouth of the Columbia River.

<sup>17</sup> Extending from Cape Blanco south to the California border.

<sup>18</sup> <https://www.fisheries.noaa.gov/resource/map/species-ranges-salmon-and-steelhead-west-coast-region>

<sup>19</sup> Protected Resources App:

<https://www.webapps.nwfsc.noaa.gov/portal/apps/webappviewer/index.html?id=7514c715b8594944a6e468dd25aaacc9>



**Figure 1: NMFS' ESA-Listed Species & Critical Habitat Designations in Oregon**

Oregon Coast (Middle/Northern)	Columbia River Basin	
Coho Salmon	Chinook Salmon	Steelhead Trout
Oregon Coast Coho Salmon	Lower Columbia River	Upper Columbia River
Southern Green Sturgeon	Upper Columbia River spring-run	Lower Columbia River
Southern Eulachon	Snake River spring/summer-run	Middle Columbia River
	Snake River fall-run	Snake River basin
Oregon Coast Southern	Upper Willamette River	Upper Willamette River
Coho Salmon	Chum Salmon	Sockeye Salmon
Southern Oregon-Northern California Coast Coho	Columbia River chum	Snake River sockeye salmon
Southern Green Sturgeon	Coho Salmon	Southern Green Sturgeon
Southern Eulachon	Lower Columbia River coho	Southern Eulachon

## Step 2: Determine Effect

### Question 1: Will the project's effects overlap with federally listed or proposed species, designated or proposed critical habitat, and/or essential fish habitat covered by NMFS?

Note that project effects include those that extend beyond the project site itself, such as noise, water quality, stormwater discharge, visual disturbance; habitat assessment must include consideration for feeding, spawning, rearing, overwintering sites, and migratory corridors.

- NO, the project and all effects are outside the range of listed species and critical habitat covered by NMFS.** Therefore, the project will have **No Effect** on ESA-listed or proposed species or designated critical habitat/EFH.
  - Record your determination of **No Effect** on species or habitats covered by NMFS.
  - Maintain documentation in your Environmental Review Record. For example, a map showing that your project is not in or upstream of a watershed of a listed species.
- YES, project effects may overlap with ESA-listed species or designated critical habitat covered by NMFS.**
  - Continue to Question 2.

### Question 2: Is the project activity listed in Table 3 (following page) and does it meet all of the required parameters?

- YES, the activity is listed in Table 3 and meets all the required parameters.** Therefore, the project will have **No Effect** on ESA-listed species and/or designated critical habitat/EFH.
  - Record your determination of **No Effect** and maintain this documentation, including a species list and map of your project location, in your Environmental Review Record.
  - Attach a statement to your determination explaining how your project meets the required parameters in Table 3.
- NO, the activity does not match those described in Table 3 and all of the specified parameters.**
  - Continue to Question 3.

### Question 3: Do you have some other basis for a **No Effect** determination, for example a biological assessment or other documentation from a qualified professional?<sup>20</sup>

- YES, the project has professional documentation for a **No Effect** determination.**
  - Record your determination of **No Effect** and maintain this documentation, including a species list and map of your project location, in your Environmental Review Record.
  - Attach the biological assessment or other professional documentation.
- NO, the project does not have professional documentation supporting a **No Effect** determination.**
  - YOU MUST INITIATE SECTION 7 CONSULTATION WITH NMFS. [NMFS/NOAA Consultation occurred on March 6, 2024.](#)
  - *Your project may qualify for inclusion under the Programmatic Biological Opinion for HUD Housing Projects in Oregon.* See Part C for additional details.
  - Contact information for NMFS offices provided in Part C.

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<sup>20</sup> A "qualified professional" is a biologist trained in the assessment of habitat requirements of the ESA-listed species that overlap with your project's action area.



**Table 3: Potential *No Effect* Categories and Required Criteria**

**Purchase building or property and:**

- Does not change existing structures.
- Does not create new impervious surface area, either constructed or reconstructed.
- Does not modify existing stormwater collection or drainage patterns.
- Does not involve ground disturbing activities/construction.<sup>21</sup>

**Landscaping maintenance/improvement:**

- Does not remove riparian<sup>22</sup> vegetation or trees within 150 feet of an aquatic resource.<sup>23</sup>
- Does not increase hardscape area unless an equal area of impervious surface area is converted to pervious surface.

**Specific landscaping maintenance/improvement criteria:**

- New plantings shall be comprised of native species approved by the local jurisdiction. No planting of invasive species is permitted.
- Pesticides or herbicides shall not be applied within 150 feet of an aquatic resource.<sup>20</sup>
- Pesticides or herbicides shall not be applied if precipitation is predicted in upcoming 24 hours.
- Outside lighting shall not illuminate aquatic resources occupied by ESA-listed species.
- Installation/maintenance of sprinkler irrigation systems shall be installed and maintained so that spray is directed away from pollution generating impervious surfaces.<sup>24</sup>
- Removal/maintenance of hazard trees<sup>25</sup> or similar vegetation is permitted, so long as an equivalent number of trees appropriate to the location are replaced.<sup>26,27</sup>

**Interior rehabilitation:**

- Applies only to existing structures.
- Access and staging, and source sites, have been assessed as part of the proposed action. The sites are located at least 150 feet away from any aquatic resources and include BMPs to prevent discharge of contaminants entering waterbodies or stormwater systems (e.g., filter fabrics in catch basins, sediment traps, etc.). No plantings of invasive species.
- Disposal sites are approved for materials to be received. Waste materials are recycled or otherwise disposed of in an EPA approved sanitary or hazardous waste disposal site.

<sup>21</sup> Studies or surveys that do not require soil/ground disturbance are allowed. Wetland delineation, soil infiltration testing, and geotechnical drilling/boring are permitted.

<sup>22</sup> Riparian zones are the areas bordering rivers and other bodies of surface water. They include the floodplain as well as the riparian buffers adjacent to the floodplain. Riparian zones are visually defined by a greenbelt with a characteristic suite of plants that are adapted to and depend on the shallow water table.

<sup>23</sup> An aquatic resource, for the purposes of this guidance, includes: streams, rivers, ponds, lakes, wetlands, estuaries, bays, or other tidally influenced marine areas.

<sup>24</sup> A pollution generating surface, as used in this guidance, is a surface upon which motorized vehicles travel. Examples include, but are not limited to: parking lots, driveways, and roads.

<sup>25</sup> A "hazard tree" is a tree that has a structural defect that creates a risk of failure and resulting damage to people or property.

<sup>26</sup> An "appropriate tree" is one that will be the correct size and species for the specific location and that the selected location is appropriate for the selected tree species at maturity. An arborist can recommend an appropriate species for replacement.

<sup>27</sup> When replacing trees adjacent to impervious surface area, give preference to evergreen species (e.g., firs, pines), as they intercept precipitation and re-evaporate it back to the atmosphere, reducing stormwater generation.

**Any exterior repair or improvement that will not increase post-construction runoff and:**

- Does not increase amount (area) of impervious surface area.
- Does not replace existing roof with new hot tar roofing methods, torch down roofing methods, treated wood, copper, or galvanized metal.<sup>28</sup>
- Does not replace existing siding with galvanized sheeting.
- Does not install, repair, or replace exterior artificial lighting on properties adjacent to aquatic resources that support ESA-listed species.
  
- **Specific exterior repairs or improvements criteria:** New or replacement roof-mounted HVAC (or similar mechanical systems) for multi-family or commercial rooftop installation shall place such equipment under a roofed structure to prevent precipitation from leaching zinc into the runoff.
- Exterior repair or improvements to an existing structure located within a Special Flood Hazard Area (100-year floodplain) that does not increase structure footprint/does not reduce the amount of flood storage capacity, or remove native riparian vegetation.
- Special projects involving the removal of material or architectural barriers that restrict the mobility of and accessibility to the elderly and persons with disabilities (e.g., curb cuts, wheelchair ramps, or similar).
- Repair/maintenance of parking lots and access roads are limited to re-pavement, filling potholes/sealing, and re-painting. Repairs that require asphalt grinding or other methods of removal are excluded. Repairs that change the collection, conveyance, and discharge of surface runoff are excluded.
- Access and staging, and source sites have been assessed as part of the proposed action. The sites are located at least 150 feet away from the aquatic resource and include BMPs to prevent discharge of contaminants from entering waterbodies or stormwater systems (e.g., filter fabrics in catch basins, sediment traps, etc.).
- Disposal sites are approved for materials to be received. Waste materials are recycled or otherwise disposed of in an approved sanitary or hazardous waste disposal site.

**New construction or addition to an existing developed site if:<sup>29</sup>**

- The construction does not increase the amount (area) of impervious surface area.
- The existing impervious areas are currently treated by stormwater facilities that meet NMFS' stormwater standards and the current stormwater facilities will be sufficient to treat and manage all the stormwater from the proposed development.<sup>30</sup>
- The construction complies with all state and local building codes and stormwater regulations.
- All waste materials are recycled or otherwise disposed of in an EPA approved sanitary or hazardous waste disposal site.

<sup>28</sup> Galvanized flashing, gutters, or fasteners may be utilized as part of roofing systems, so long as they are coated or painted to prevent exposure to precipitation.

<sup>29</sup> Examples include building a new structure over an existing parking lot, adding a second story to an existing structure, or similar.

<sup>30</sup> An engineer licensed in the state of Oregon will need to assess the existing stormwater infrastructure and the new construction and document the facilities' compliance in writing. Refer to HUD Programmatic Opinion appendices or contact NMFS.

**New construction on an undeveloped site that will create new impervious surface area / increase post-construction runoff if all of the following apply:**

- The stormwater water quality design storm (50% of the 2-year, 24-hour storm) is treated for water quality; and
- All post-construction runoff through the 10-year storm event will be captured on-site and infiltrated or reused; and
- The proposed construction complies with all state and local building codes and stormwater regulations; and
- The proposed construction will not impact an area of natural habitat, a wetland, or riparian area; and
- Waste materials are recycled or otherwise disposed of in an EPA approved sanitary or hazardous waste disposal site.

## Part C: Initiating Section 7 Consultation

If you completed the checklists in Part A and Part B of this document and determined there could be adverse effects to listed or proposed species, designated or proposed critical habitat, and/or essential fish habitat, then you may need to initiate section 7 consultation with NMFS and/or USFWS.

A project that does not meet the “no effect” determination criteria is considered a “may affect” action. There are two potential “may affect” determinations: “may affect, not likely to adversely affect” (NLAA) and “may affect, likely to adversely affect” (LAA). Contact USFWS and/or NMFS to determine whether the project can be modified to reach a “no effect” finding. If the project cannot be modified to avoid potential take of ESA-listed species or adversely effect on critical habitat/EFH, then additional consultation with USFWS and/or NMFS will be required to assist in making an appropriate determination.<sup>31</sup>

If the effects of the action, temporary or permanent, are insignificant, discountable, or entirely beneficial, the action is “not likely to adversely affect” ESA-listed or proposed species or designated critical habitats/EFH, and the section 7 consultation for the project will be informal. A “May Affect, Not Likely to Adversely Affect” determination is the most common outcome of consultation for HUD-funded projects with USFWS.

- Discountable effects are those extremely unlikely to occur. Based on the best available scientific and commercial data, and judgment, a person would not expect discountable effects to occur.
- Insignificant effects relate to the magnitude of the impact and should never reach the scale where “take” occurs. “Take” is defined to include “harass,” and “harm.” *Harm* can occur if habitat is altered in a manner that diminishes important species behavior, such as breeding, feeding, or sheltering, to the degree that it injures even a single individual of the species. *Harass* includes activities that alter an individual’s behavior in a manner that increases the likelihood of it being injured. Based on best judgment, a person would not be able to meaningfully measure, detect, or evaluate insignificant effects.
- Wholly beneficial effects are very narrowly construed and cannot be interpreted to mean “better than before,” and cannot involve an analysis of net effects. All effects must be positive. If any adverse effect occurs, then the project is not wholly beneficial.

If the effects of the action on ESA-listed or proposed species and/or critical habitats/EFH are not discountable, insignificant, or entirely beneficial (i.e., *likely to adversely affect*), formal consultation must be initiated. In such cases, a formal consultation must be initiated prior to committing HUD resources to the project, by which the USFWS and/or NMFS assess the action’s potential to jeopardize the listed species, to result in the destruction or adverse modification of critical habitat/EFH, or to result in incidental take<sup>32</sup> of a listed species. Formal consultation will result in the USFWS and/or NMFS issuing a Biological Opinion for the project, including an incidental take statement for project actions, if appropriate. The Biological Opinion will also include terms and conditions to minimize and/or avoid project impacts to ESA-listed species.

Because the constituents of stormwater runoff are particularly harmful to aquatic species, a “May Affect, Likely to Adversely Affect” determination is the most common outcome of consultation for HUD-funded projects with NMFS. To this end, NMFS has issued a Programmatic Biological Opinion for HUD Housing Projects in Oregon.<sup>33</sup> The programmatic Biological Opinion evaluates common HUD projects that result in

<sup>31</sup> Please keep in mind that a beneficial effect is still an effect under the ESA, so a “no effect” finding is not appropriate for projects that may have wholly beneficial effects.

<sup>32</sup> “Incidental take” refers to takings of an ESA-listed species that result from, but are not the purpose of, carrying out an otherwise lawful activity conducted by the Federal agency or applicant. [50 CFR 402.02]

<sup>33</sup> National Marine Fisheries Service (NMFS). 2016. Endangered Species Act Section 7 Formal Programmatic Biological Opinion and Magnuson-Stevens Fishery Conservation and Management Act Essential Fish Habitat Consultation for the

stormwater generation<sup>34</sup> and proscribes best management practices (BMPs) and project design criteria (PDCs) to minimize and avoid impacts to listed species, critical habitat, and EFH. The BMPs and PDCs take the form of stormwater collection, treatment, and flow control (management) criteria and include the Low Impact Development (LID) approaches NMFS prefers to see incorporated into project design and site development.<sup>35</sup> If the criteria stipulated in the programmatic Biological Opinion can be met through project design, then formal consultation with NMFS can be completed through an expedited review process.<sup>36</sup> Use of the programmatic Biological Opinion is voluntary, but is offered as a mechanism to assist HUD in carrying out its mission in a timely and efficient manner.

Figure 2, following page, depicts the process for determining which ESA consultation method is appropriate for NMFS.

At any stage in making your determination, you may wish to contact the appropriate USFWS and NOAA Fisheries field offices for technical assistance. Contact information is available at:

NMFS Portland Regional Office  
1201 Northeast Lyon Blvd, Suite 1100  
Portland, OR 97232  
503-230-5400  
<http://www.westcoast.fisheries.noaa.gov/index.html>

USFWS, Oregon Fish and Wildlife Office  
2600 SE 98<sup>th</sup> Ave, Suite 100  
Portland, OR 97266  
503-231-6179  
<http://www.fws.gov/oregonfwo/>

For projects located in the **Klamath River Basin**, you must contact the appropriate office at:

NMFS Arcata Office  
1655 Heindon Road  
Arcata, CA 95521  
707-825-5171  
<https://www.fisheries.noaa.gov/contact/arcata-ca>

USFWS, Klamath Falls Fish and Wildlife Office  
1936 California Avenue  
Klamath Falls, Oregon 97601  
541-885-8481  
<http://www.fws.gov/klamathfallsfwo/>

**DISCLAIMER:** This document is intended as a tool to help grantees and HUD staff complete ESA requirements. This document is subject to change. This is not a policy statement, and the Endangered Species Act, Magnuson-Stevens Act, and associated regulations take precedence over any information found in this document. Questions concerning environmental requirements related to HUD programs can be addressed to Brian Sturdivant, Regional Environmental Officer, Region 10. [[Brian.Sturdivant@hud.gov](mailto:Brian.Sturdivant@hud.gov)]

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U.S. Department of Housing and Urban Development Housing Programs in Oregon. West Coast Region. Portland, Oregon. July 25, 2016. [<https://www.hud.gov/states/shared/working/r10/environment>]

<sup>34</sup> The range of projects evaluated in the BiOp is limited primarily to housing development, so check with NMFS to see if use of the programmatic BiOp is appropriate, if your project involves roadway construction/redevelopment, modification to a bridge or culvert stream crossing, stormwater facilities located in the riparian zone or floodplain, facilities not typically associated with housing (e.g., wastewater treatment plants, water treatment and supply facilities, any conveyance infrastructure entering or crossing an aquatic resource or its riparian zone.

<sup>35</sup> All stormwater criteria, BMPs, and PDCs are defined in the appendices of the Programmatic BiOp [<https://www.hud.gov/states/shared/working/r10/environment>].

<sup>36</sup> Typical review times for formal consultation are 145 days from receipt of a complete initiation package. Review times for the programmatic BiOp are typically less than 30 days from receipt of a complete initiation package.



## Part D: Selected Resource / Glossary of Terms

### Links to Section 7 Handbook and additional Section 7 resources:

- Consultation Fact Sheet: <https://www.fws.gov/endangered/esa-library/pdf/consultations.pdf>
- Section 7 Handbook: [http://www.nmfs.noaa.gov/pr/pdfs/laws/esa\\_section7\\_handbook.pdf](http://www.nmfs.noaa.gov/pr/pdfs/laws/esa_section7_handbook.pdf)
- Overview of the Section 7 Process: <http://www.fws.gov/Midwest/endangered/section7/index.html>

### Additional Resources for LID

- American Rivers, 2012, Banking on Green Report: Economic Benefits of Green Infrastructure Practices
- Clean Water Services, 2009, Low Impact Development Approaches (LIDA) Handbook
- ECO Northwest, 2009, LID at the Local Level - Developers' Experiences and City and County Support
- Herrera, 2013, Guidance Document: Western Washington LID Operation and Maintenance
- NCHRP, 2006, Evaluation of BMPs for Highway Runoff Control – LID Design Manual
- Oregon Department of Environmental Quality Template for LID Stormwater Manual for Western Oregon <https://www.oregon.gov/deq/wq/tmdls/Pages/TMDLs-LID.aspx>
- Prince George County, Maryland, 1999, Low-Impact Development Design Strategies
- Puget Sound Partnership, 2012, Low Impact Development: Technical Guidance Manual for Puget Sound
- US EPA, 2013, Stormwater to Street Trees: Engineering Urban Forests for Stormwater Management
- US EPA, 2005, Low Impact Development for Big Box Retailers
- Washington Department of Ecology Low Impact Development (LID) Guidance <https://ecology.wa.gov/Regulations-Permits/Guidance-technical-assistance/Stormwater-permittee-guidance-resources/Low-Impact-Development-guidance#tab2>

### Definitions & Terminology used in an ESA Review and Consultation

- **Action Area** includes all areas that will be affected directly or indirectly by the proposed action and not merely the immediate area involved in the action.
- **Built environment** includes all structures and paved areas like parking lots, patios, trails, retaining walls, sidewalks, streets, and amenities that prevent infiltration of rainwater into the water table.
- **Candidate Species** are plant and animal taxa considered for possible addition to the List of Endangered and Threatened Species. These are taxa for which the USFWS and NMFS have sufficient information on biological vulnerability and threat(s) to support issuance of a proposal to list, but issuance of a proposed rule is currently precluded by higher priority listing actions.
- **Critical Habitat** means those specific areas that have been designated by USFWS or NMFS (in a rule-making in the *Federal Register*) as essential to the conservation of a listed species.
- **Effects of the action** are all consequences to listed species or critical habitat that are caused by the proposed action, including the consequences of other activities that are caused by the proposed

action (cumulative effects). A consequence is caused by the proposed action if it would not occur but for the proposed action occurring and if it is reasonably certain to occur. Effects of the action may occur later in time and may include consequences occurring outside the immediate area involved in the action.

- **No effect** is the appropriate conclusion when the action agency determines its proposed action will not affect listed species or critical habitat. A determination of '*no effect*' must be supported in the environmental review record but does not require consultation with NMFS or USFWS.
- **May affect, not likely to adversely affect (NLAA)** is the appropriate conclusion when effects on listed species are expected to be *discountable*, or *insignificant*, or completely *beneficial*.
  - ✓ **Beneficial effects** are contemporaneous positive effects without any adverse effects to the species.
  - ✓ **Insignificant effects** relate to the size of the impact and should never reach the scale where take occurs. Based on best judgment, a person would not be able to meaningfully measure, detect, or evaluate insignificant effects.
  - ✓ **Discountable effects** are those extremely unlikely to occur. Based on best judgment, a person would not expect discountable effects to occur.
- **May affect, likely to adversely affect (LAA)** is the appropriate conclusion if any adverse effect to listed species may occur because of the proposed action, and the effect is not discountable, insignificant, or beneficial. A determination of '*likely to adversely affect*' requires formal consultation under section 7 of the ESA; formal consultation results in a Biological Opinion from NMFS or USFWS. See Part C for additional information.
- **Impervious area** means artificial structures such as rooftops and pavements (e.g., driveways, parking lots, roads, sidewalks, trails) that are covered by impervious material like asphalt, brick, compacted soil, concrete, or stone.
- **Listed Species** means any species of fish, wildlife or plant that has been determined to be endangered or threatened under section 4 of the Endangered Species Act.
- **Nexus** means any action that is funded, authorized or carried out by a federal agency that may affect an ESA-listed species or habitats.
- **Post-construction runoff** means runoff from the built environment that extends off-site after a project's construction is complete.
- **Proposed Species** any species of fish, wildlife or plant that has been proposed by USFWS or NMFS in the *Federal Register* to be listed under section 4 of the Endangered Species Act.
- **Proximity** means areas or effects that occur near ESA-listed species or habitats in space or time, including areas where species roost, feed, nest, rear, overwinter, or migrate. NMFS considers projects that discharge post-construction stormwater to be in proximity with ESA-listed species or habitats that occur downstream of the discharge site.
- **Responsible entity** means the party authorized by HUD under 24 CFR Part 58 to complete any environmental review necessary for HUD to obligate funds.
- **Riparian area** means vegetation, habitats, or ecosystems that are associated with bodies of water, typically within 150-feet of a stream bank or the shoreline of a standing body of water.
- **Take** under the ESA is defined as actions that may harass, harm, pursue, hunt, shoot, wound, kill trap, capture, or collect, or to attempt to engage in any such conduct. The ESA also protects against interfering in vital breeding and behavioral activities or degrading critical habitat.



## **WORKSHEET AND CONSULTATION SUMMARY**

1. The RE obtained an Official Species List for the subject property using the USFWS Information for Planning and Consultation (IPaC) website accessed at <https://ecos.fws.gov/ipac/>. According to the Official Species List, nine (9) federally-listed species have the potential to be present within the project area (Marbled Murrelet, Northern Spotted Owl, Streaked Horned Lark, Yellow-billed Cuckoo, Western Pond Turtle, Fender's Blue Butterfly, Monarch Butterfly, Kincaid's Lupine, Willamette Daisy). Based on an analysis of the habitat requirements of these species and the physical characteristics of the subject property, no suitable habitat is believed to be present for any of the identified species. No critical habitats were identified within the project area.

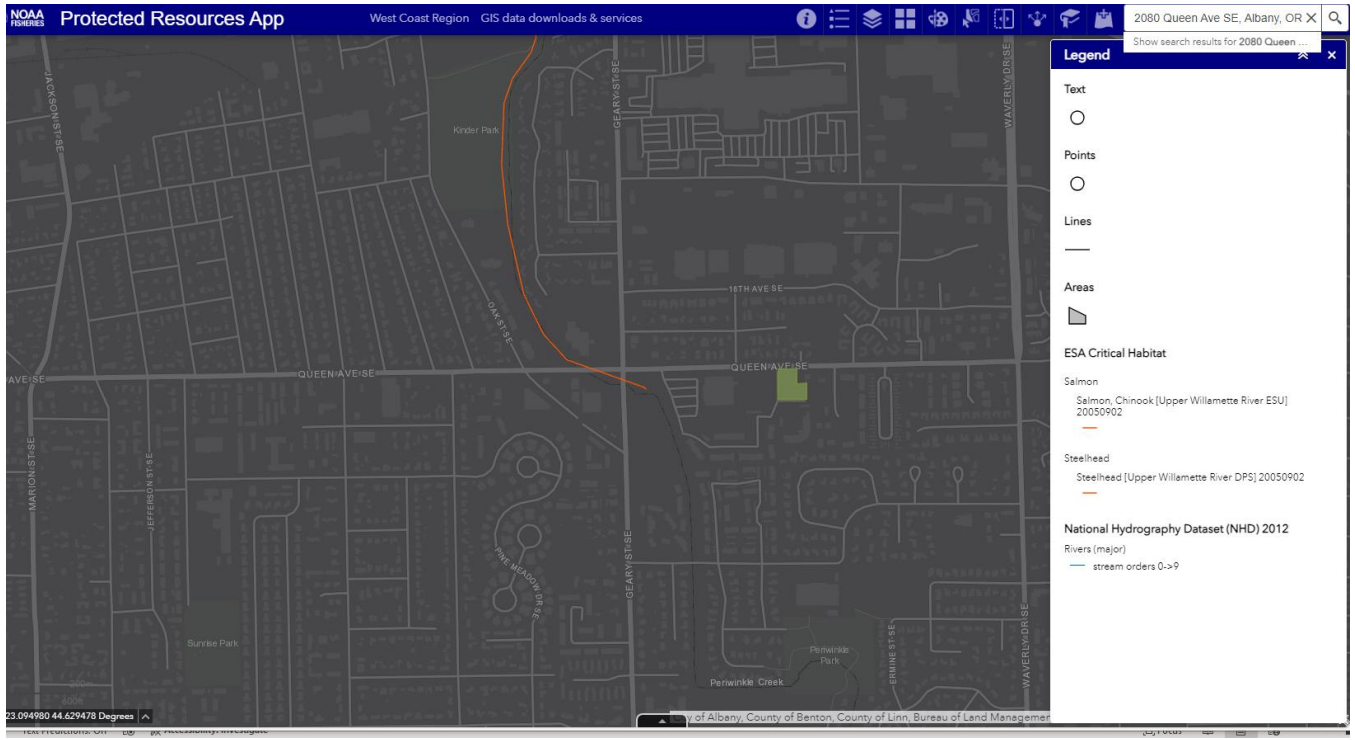
2. All new development projects in Oregon are subject to review by the National Marine Fisheries Service (NMFS)/ National Oceanic and Atmospheric Association (NOAA). According to the NOAA Protected Resources App, accessed at:

<https://www.webapps.nwfsc.noaa.gov/portal/apps/webappviewer/index.html?id=7514c715b8594944a6e468dd25aaacc9>, there are no identified protected sites within the subject property boundaries and the project area does not overlap with federally listed or proposed species and designated or proposed critical habitats covered by NOAA fisheries. The NOAA Map shows a Critical Habitat for the Steelhead as being west of the subject property.

3. The RE consulted with Kristine Sclafani with USFWS and Brad Rawls with NMFS/NOAA on March 6, 2024, regarding the NOAA Programmatic Agreement and HUD SWP Biological Opinion issued on July 25, 2016. NMFS/NOAA's opinion is that the stormwater quality and maintenance plan and actions below meet the conditions of the 2016 HUD SWP Biological Opinion.

4. At the March 6, 2024, consultation, USFWS staff concurred that the project site is in an urban developed area where critical habitat is unlikely for the 9 federally-listed species listed in #1 above. Additionally, the site had prior developments that likely already impacted any potential habitat.

5. Kathleen Wells with NMFS provided a concurrence letter dated June 5, 2024. With the concurrence from NMFS that the project is consistent with the 2016 HUD SWP Biological Opinion, the review is complete and satisfies the HUD NEPA requirements.



Species/ Resource Name	Habitat Assessment	Conclusion/ Determination	Notes/Documentation for <b>VALOR PLACE, 2080 Queen Ave SE, Albany</b>
Marbled Murrelet	No Suitable Habitat Present	No Effect	Per the FWS Species Profile, Marbled Murrelets are seabirds that spend the majority of their lives on the ocean, only coming inland to nest. These birds prefer old-growth forests for nesting purposes, characterized by large trees, multiple canopy layers, and moderate to high canopy closure. The subject property lacks dense canopy and As such, suitable habitat is not present, and the proposed undertaking will have No Effect on the Marbled Murrelet.
Northern Spotted Owl	No Suitable Habitat Present	No Effect	Per the FWS Species Profile, Northern Spotted Owls live in forests characterized by dense canopy closure of mature and old-growth trees, abundant logs, standing snags, and live trees with broken tops. This species prefers older forest stands with variety: multi-layered canopies of several tree species of varying size and age, both standing and fallen dead trees, and open space among the lower branches to allow flight under the canopy. Typically, forests do not attain these characteristics until they are at least 150 to 200 years old. The subject property is primarily grass with few trees. It lacks the dense mature canopy this species prefers. As such, suitable habitat is not present, and the proposed undertaking will have No Effect on the Northern Spotted Owl.
Streaked Horned Lark	No Suitable Habitat Present		Per ECOS species profile, Streaked Horned Larks in prairie and open coastal habitat. Horned Larks eat seeds and insects, including grasshoppers, beetles and caterpillars. They feed their nestlings mostly insects, providing protein the young birds need to grow. Horned Larks glean most of their food from the ground, but sometimes perch on plants to harvest seeds from seed heads. In agricultural fields they may pluck and eat sprouting lettuce, wheat, and other crop seedlings. The subject property is not near agricultural fields; it is mostly grass and is surrounded by development. Suitable habitat is not present, and the proposed undertaking will have No Effect on the Streaked Horned Lark.
Yellow-billed Cuckoo	No Suitable Habitat Present	No Effect	Per ECOS species profile, the Yellow-billed Cuckoo inhabits densely covered, wooded areas in close proximity to a water source; such as shrublands and dense thickets near marshes and streams. The subject property lacks the dense mature canopy this species prefers. As such,

			suitable habitat is not present, and the proposed undertaking will have No Effect on the Yellow-billed Cuckoo.
Northwestern Pond Turtle	No Suitable Habitat Present	No Effect	Per ECOS species profile, the Northwestern Pond Turtle inhabits X. The subject property does not overlap the critical habitat. It lacks the dense mature canopy this species prefers. As such, suitable habitat is not present, and the proposed undertaking will have No Effect on the
Fender's Blue Butterfly	No Suitable Habitat Present	No Effect	Per the ECOS species profile and the USFWS July 2020 Fender's Blue Butterfly Species Status Assessment Report, the Fender's blue butterfly and its larval host plant, the Kincaid's lupine, are restricted to the upland prairies and oak savanna habitats in the Willamette Valley in western Oregon. The subject property is not a prairie and oak savanna are not present. As such, suitable habitat is not present, and the proposed undertaking will have No Effect on the Fender's Blue Butterfly.
Monarch Butterfly	No Suitable Habitat Present	No Effect	Per the ECOS species profile, the Monarch butterfly's critical habitat is milkweed. There is no significant milkweed on the subject property. As such, suitable habitat is not present, and the proposed undertaking will have No Effect on the Monarch Butterfly.
Kincaid's Lupine	No Suitable Habitat Present	No Effect	Per the ECOS species profile and the USFWS July 2020 Fender's Blue Butterfly Species Status Assessment Report, the Fender's blue butterfly and its larval host plant, the Kincaid's lupine, are restricted to the upland prairies and oak savanna habitats in the Willamette Valley in western Oregon. The subject property is not a prairie and oak savanna are not present. As such, suitable habitat is not present, and the proposed undertaking will have No Effect on Kincaid's Lupine.
Willamette Daisy	No Suitable Habitat Present	No Effect	Per the FWS species profile and the 2010 Benton County Prairie Species Habitat Conservation Plan, the Willamette Daisy is only found in the Willamette River Basin on alluvial soils (Deposited by flowing waters) such as wetland prairie and upland prairie or oak savanna, often occurring with tufted hairgrass, Roemer's fescue, and California oatgrass and several species of rushes. The subject property lacks suitable habitat, and the proposed undertaking will have No Effect on the Willamette Daisy.

# IPaC resource list

This report is an automatically generated list of species and other resources such as critical habitat (collectively referred to as *trust resources*) under the U.S. Fish and Wildlife Service's (USFWS) jurisdiction that are known or expected to be on or near the project area referenced below. The list may also include trust resources that occur outside of the project area, but that could potentially be directly or indirectly affected by activities in the project area. However, determining the likelihood and extent of effects a project may have on trust resources typically requires gathering additional site-specific (e.g., vegetation/species surveys) and project-specific (e.g., magnitude and timing of proposed activities) information.

Below is a summary of the project information you provided and contact information for the USFWS office(s) with jurisdiction in the defined project area. Please read the introduction to each section that follows (Endangered Species, Migratory Birds, USFWS Facilities, and NWI Wetlands) for additional information applicable to the trust resources addressed in that section.

## Location

Linn County, Oregon



## Local office

Oregon Fish And Wildlife Office

☎ (503) 231-6179

📅 (503) 231-6195

2600 Southeast 98th Avenue, Suite 100  
Portland, OR 97266-1398

NOT FOR CONSULTATION

# Endangered species

This resource list is for informational purposes only and does not constitute an analysis of project level impacts.

The primary information used to generate this list is the known or expected range of each species. Additional areas of influence (AOI) for species are also considered. An AOI includes areas outside of the species range if the species could be indirectly affected by activities in that area (e.g., placing a dam upstream of a fish population even if that fish does not occur at the dam site, may indirectly impact the species by reducing or eliminating water flow downstream). Because species can move, and site conditions can change, the species on this list are not guaranteed to be found on or near the project area. To fully determine any potential effects to species, additional site-specific and project-specific information is often required.

Section 7 of the Endangered Species Act **requires** Federal agencies to "request of the Secretary information whether any species which is listed or proposed to be listed may be present in the area of such proposed action" for any project that is conducted, permitted, funded, or licensed by any Federal agency. A letter from the local office and a species list which fulfills this requirement can **only** be obtained by requesting an official species list from either the Regulatory Review section in IPaC (see directions below) or from the local field office directly.

For project evaluations that require USFWS concurrence/review, please return to the IPaC website and request an official species list by doing the following:

1. Draw the project location and click CONTINUE.
2. Click DEFINE PROJECT.
3. Log in (if directed to do so).
4. Provide a name and description for your project.
5. Click REQUEST SPECIES LIST.

Listed species<sup>1</sup> and their critical habitats are managed by the [Ecological Services Program](#) of the U.S. Fish and Wildlife Service (USFWS) and the fisheries division of the National Oceanic and Atmospheric Administration (NOAA Fisheries<sup>2</sup>).

Species and critical habitats under the sole responsibility of NOAA Fisheries are **not** shown on this list. Please contact [NOAA Fisheries](#) for [species under their jurisdiction](#).

- 
1. Species listed under the [Endangered Species Act](#) are threatened or endangered; IPaC also shows species that are candidates, or proposed, for listing. See the [listing status page](#) for more information. IPaC only shows species that are regulated by USFWS (see FAQ).

2. 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.

The following species are potentially affected by activities in this location:

## Birds

NAME	STATUS
<b>Marbled Murrelet</b> <i>Brachyramphus marmoratus</i> There is <b>final</b> critical habitat for this species. Your location does not overlap the critical habitat. <a href="https://ecos.fws.gov/ecp/species/4467">https://ecos.fws.gov/ecp/species/4467</a>	<b>Threatened</b>
<b>Northern Spotted Owl</b> <i>Strix occidentalis caurina</i> Wherever found There is <b>final</b> critical habitat for this species. Your location does not overlap the critical habitat. <a href="https://ecos.fws.gov/ecp/species/1123">https://ecos.fws.gov/ecp/species/1123</a>	<b>Threatened</b>
<b>Streaked Horned Lark</b> <i>Eremophila alpestris strigata</i> Wherever found There is <b>final</b> critical habitat for this species. Your location does not overlap the critical habitat. <a href="https://ecos.fws.gov/ecp/species/7268">https://ecos.fws.gov/ecp/species/7268</a>	<b>Threatened</b>
<b>Yellow-billed Cuckoo</b> <i>Coccyzus americanus</i> There is <b>final</b> critical habitat for this species. Your location does not overlap the critical habitat. <a href="https://ecos.fws.gov/ecp/species/3911">https://ecos.fws.gov/ecp/species/3911</a>	<b>Threatened</b>

## Reptiles

NAME	STATUS
<b>Northwestern Pond Turtle</b> <i>Actinemys marmorata</i> Wherever found No critical habitat has been designated for this species. <a href="https://ecos.fws.gov/ecp/species/1111">https://ecos.fws.gov/ecp/species/1111</a>	<b>Proposed Threatened</b>

## Insects

NAME	STATUS
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Fender's Blue Butterfly *Icaricia icarioides fenderi* Threatened

Wherever found

There is **final** critical habitat for this species. Your location does not overlap the critical habitat.

<https://ecos.fws.gov/ecp/species/6659>

Monarch Butterfly *Danaus plexippus* Candidate

Wherever found

No critical habitat has been designated for this species.

<https://ecos.fws.gov/ecp/species/9743>

## Flowering Plants

NAME

STATUS

---

Kincaid's Lupine *Lupinus sulphureus* ssp. *kincaidii* Threatened

Wherever found

There is **final** critical habitat for this species. Your location does not overlap the critical habitat.

<https://ecos.fws.gov/ecp/species/3747>

Willamette Daisy *Erigeron decumbens* Endangered

Wherever found

There is **final** critical habitat for this species. Your location does not overlap the critical habitat.

<https://ecos.fws.gov/ecp/species/6270>

## Critical habitats

Potential effects to critical habitat(s) in this location must be analyzed along with the endangered species themselves.

There are no critical habitats at this location.

You are still required to determine if your project(s) may have effects on all above listed species.

## Bald & Golden Eagles

There are no documented cases of eagles being present at this location. However, if you believe eagles may be using your site, please reach out to the local Fish and Wildlife Service office.

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Additional information can be found using the following links:

- Eagle Management <https://www.fws.gov/program/eagle-management>
- Measures for avoiding and minimizing impacts to birds  
<https://www.fws.gov/library/collections/avoiding-and-minimizing-incidental-take-migratory-birds>
- Nationwide conservation measures for birds  
<https://www.fws.gov/sites/default/files/documents/nationwide-standard-conservation-measures.pdf>
- Supplemental Information for Migratory Birds and Eagles in IPaC  
<https://www.fws.gov/media/supplemental-information-migratory-birds-and-bald-and-golden-eagles-may-occur-project-action>

Bald and Golden Eagle information is not available at this time

**What does IPaC use to generate the potential presence of bald and golden eagles in my specified location?**

The potential for eagle presence is derived from data provided by the [Avian Knowledge Network \(AKN\)](#). The AKN data is based on a growing collection of [survey, banding, and citizen science datasets](#) and is queried and filtered to return a list of those birds reported as occurring in the 10km grid cell(s) which your project intersects, and that have been identified as warranting special attention because they are a BCC species in that area, an eagle ([Eagle Act](#) requirements may apply). To see a list of all birds potentially present in your project area, please visit the [Rapid Avian Information Locator \(RAIL\) Tool](#).

**What does IPaC use to generate the probability of presence graphs of bald and golden eagles in my specified location?**

The Migratory Bird Resource List is comprised of USFWS [Birds of Conservation Concern \(BCC\)](#) and other species that may warrant special attention in your project location.

The migratory bird list generated for your project is derived from data provided by the [Avian Knowledge Network \(AKN\)](#). The AKN data is based on a growing collection of [survey, banding, and citizen science datasets](#) and is queried and filtered to return a list of those birds reported as occurring in the 10km grid cell(s) which your project intersects, and that have been identified as warranting special attention because they are a BCC species in that area, an eagle ([Eagle Act](#) requirements may apply), or a species that has a particular vulnerability to offshore activities or development.

Again, the Migratory Bird Resource list includes only a subset of birds that may occur in your project area. It is not representative of all birds that may occur in your project area. To get a list of all birds potentially present in your project area, please visit the [Rapid Avian Information Locator \(RAIL\) Tool](#).

## What if I have eagles on my list?

If your project has the potential to disturb or kill eagles, you may need to obtain a permit to avoid violating the Eagle Act should such impacts occur. Please contact your local Fish and Wildlife Service Field Office if you have questions.

# Migratory birds

Certain birds are protected under the Migratory Bird Treaty Act<sup>1</sup> and the Bald and Golden Eagle Protection Act<sup>2</sup>.

Any person or organization who plans or conducts activities that may result in impacts to migratory birds, eagles, and their habitats should follow appropriate regulations and consider implementing appropriate conservation measures, as described below.

1. The Migratory Birds Treaty Act of 1918.
2. The Bald and Golden Eagle Protection Act of 1940.

Additional information can be found using the following links:

- Eagle Management <https://www.fws.gov/program/eagle-management>
- Measures for avoiding and minimizing impacts to birds <https://www.fws.gov/library/collections/avoiding-and-minimizing-incidentals-take-migratory-birds>
- Nationwide conservation measures for birds <https://www.fws.gov/sites/default/files/documents/nationwide-standard-conservation-measures.pdf>
- Supplemental Information for Migratory Birds and Eagles in IPaC <https://www.fws.gov/media/supplemental-information-migratory-birds-and-bald-and-golden-eagles-may-occur-project-action>

Migratory bird information is not available at this time

**Tell me more about conservation measures I can implement to avoid or minimize impacts to migratory birds.**

Nationwide Conservation Measures describes measures that can help avoid and minimize impacts to all birds at any location year round. Implementation of these measures is particularly important when birds are most likely to occur in the project area. When birds may be breeding in the area, identifying the locations of any active nests and avoiding their destruction is a very helpful impact minimization measure. To see when birds are most likely to occur and be breeding in your project area, view the Probability of Presence Summary. Additional measures or permits may be advisable depending on the type of activity you are conducting and the type of infrastructure or bird species present on your project site.

## What does IPaC use to generate the list of migratory birds that potentially occur in my specified location?

The Migratory Bird Resource List is comprised of USFWS [Birds of Conservation Concern \(BCC\)](#) and other species that may warrant special attention in your project location.

The migratory bird list generated for your project is derived from data provided by the [Avian Knowledge Network \(AKN\)](#). The AKN data is based on a growing collection of [survey, banding, and citizen science datasets](#) and is queried and filtered to return a list of those birds reported as occurring in the 10km grid cell(s) which your project intersects, and that have been identified as warranting special attention because they are a BCC species in that area, an eagle ([Eagle Act](#) requirements may apply), or a species that has a particular vulnerability to offshore activities or development.

Again, the Migratory Bird Resource list includes only a subset of birds that may occur in your project area. It is not representative of all birds that may occur in your project area. To get a list of all birds potentially present in your project area, please visit the [Rapid Avian Information Locator \(RAIL\) Tool](#).

## What does IPaC use to generate the probability of presence graphs for the migratory birds potentially occurring in my specified location?

The probability of presence graphs associated with your migratory bird list are based on data provided by the [Avian Knowledge Network \(AKN\)](#). This data is derived from a growing collection of [survey, banding, and citizen science datasets](#).

Probability of presence data is continuously being updated as new and better information becomes available. To learn more about how the probability of presence graphs are produced and how to interpret them, go to the Probability of Presence Summary and then click on the "Tell me about these graphs" link.

## How do I know if a bird is breeding, wintering or migrating in my area?

To see what part of a particular bird's range your project area falls within (i.e. breeding, wintering, migrating or year-round), you may query your location using the [RAIL Tool](#) and look at the range maps provided for birds in your area at the bottom of the profiles provided for each bird in your results. If a bird on your migratory bird species list has a breeding season associated with it, if that bird does occur in your project area, there may be nests present at some point within the timeframe specified. If "Breeds elsewhere" is indicated, then the bird likely does not breed in your project area.

## What are the levels of concern for migratory birds?

Migratory birds delivered through IPaC fall into the following distinct categories of concern:

1. "BCC Rangewide" birds are [Birds of Conservation Concern \(BCC\)](#) that are of concern throughout their range anywhere within the USA (including Hawaii, the Pacific Islands, Puerto Rico, and the Virgin Islands);
2. "BCC - BCR" birds are BCCs that are of concern only in particular Bird Conservation Regions (BCRs) in the continental USA; and
3. "Non-BCC - Vulnerable" birds are not BCC species in your project area, but appear on your list either because of the [Eagle Act](#) requirements (for eagles) or (for non-eagles) potential susceptibilities in offshore areas from certain types of development or activities (e.g. offshore energy development or longline fishing).

Although it is important to try to avoid and minimize impacts to all birds, efforts should be made, in particular, to avoid and minimize impacts to the birds on this list, especially eagles and BCC species of rangewide concern. For more information on conservation measures you can implement to help avoid and minimize migratory bird impacts and requirements for eagles, please see the FAQs for these topics.

### **Details about birds that are potentially affected by offshore projects**

For additional details about the relative occurrence and abundance of both individual bird species and groups of bird species within your project area off the Atlantic Coast, please visit the [Northeast Ocean Data Portal](#). The Portal also offers data and information about other taxa besides birds that may be helpful to you in your project review. Alternately, you may download the bird model results files underlying the portal maps through the [NOAA NCCOS Integrative Statistical Modeling and Predictive Mapping of Marine Bird Distributions and Abundance on the Atlantic Outer Continental Shelf](#) project webpage.

Bird tracking data can also provide additional details about occurrence and habitat use throughout the year, including migration. Models relying on survey data may not include this information. For additional information on marine bird tracking data, see the [Diving Bird Study](#) and the [nanotag studies](#) or contact [Caleb Spiegel](#) or [Pam Loring](#).

### **What if I have eagles on my list?**

If your project has the potential to disturb or kill eagles, you may need to [obtain a permit](#) to avoid violating the Eagle Act should such impacts occur.

### **Proper Interpretation and Use of Your Migratory Bird Report**

The migratory bird list generated is not a list of all birds in your project area, only a subset of birds of priority concern. To learn more about how your list is generated, and see options for identifying what other birds may be in your project area, please see the FAQ "What does IPaC use to generate the migratory birds potentially occurring in my specified location". Please be aware this report provides the "probability of presence" of birds within the 10 km grid cell(s) that overlap your project; not your exact project footprint. On the graphs provided, please also look carefully at the survey effort (indicated by the black vertical bar) and for the existence of the "no data" indicator (a red horizontal bar). A high survey effort is the key component. If the survey effort is high, then the probability of presence score can be viewed as more dependable. In contrast, a low survey effort bar or no data bar means a lack of data and, therefore, a lack of certainty about presence of the species. This list is not perfect; it is simply a starting point for identifying what birds of concern have the potential to be in your project area, when they might be there, and if they might be breeding (which means nests might be present). The list helps you know what to look for to confirm presence, and helps guide you in knowing when to implement conservation measures to avoid or minimize potential impacts from your project activities, should presence be confirmed. To learn more about conservation measures, visit the FAQ "Tell me about conservation measures I can implement to avoid or minimize impacts to migratory birds" at the bottom of your migratory bird trust resources page.

# Facilities

## National Wildlife Refuge lands

Any activity proposed on lands managed by the National Wildlife Refuge system must undergo a 'Compatibility Determination' conducted by the Refuge. Please contact the individual Refuges to discuss any questions or concerns.

There are no refuge lands at this location.

## Fish hatcheries

There are no fish hatcheries at this location.

## Wetlands in the National Wetlands Inventory (NWI)

Impacts to NWI wetlands and other aquatic habitats may be subject to regulation under Section 404 of the Clean Water Act, or other State/Federal statutes.

For more information please contact the Regulatory Program of the local U.S. Army Corps of Engineers District.

This location did not intersect any wetlands mapped by NWI.

**NOTE:** This initial screening does **not** replace an on-site delineation to determine whether wetlands occur. Additional information on the NWI data is provided below.

### Data limitations

The Service's objective of mapping wetlands and deepwater habitats is to produce reconnaissance level information on the location, type and size of these resources. The maps are prepared from the analysis of high altitude imagery. Wetlands are identified based on vegetation, visible hydrology and geography. A margin of error is inherent in the use of imagery; thus, detailed on-the-ground inspection of any particular site may result in revision of the wetland boundaries or classification established through image analysis.

The accuracy of image interpretation depends on the quality of the imagery, the experience of the image analysts, the amount and quality of the collateral data and the amount of ground truth verification work conducted. Metadata should be consulted to determine the date of the source imagery used and any mapping problems.

Wetlands or other mapped features may have changed since the date of the imagery or field work. There may be occasional differences in polygon boundaries or classifications between the information depicted on the map and the actual conditions on site.

### **Data exclusions**

Certain wetland habitats are excluded from the National mapping program because of the limitations of aerial imagery as the primary data source used to detect wetlands. These habitats include seagrasses or submerged aquatic vegetation that are found in the intertidal and subtidal zones of estuaries and nearshore coastal waters. Some deepwater reef communities (coral or tubercid worm reefs) have also been excluded from the inventory. These habitats, because of their depth, go undetected by aerial imagery.

### **Data precautions**

Federal, state, and local regulatory agencies with jurisdiction over wetlands may define and describe wetlands in a different manner than that used in this inventory. There is no attempt, in either the design or products of this inventory, to define the limits of proprietary jurisdiction of any Federal, state, or local government or to establish the geographical scope of the regulatory programs of government agencies. Persons intending to engage in activities involving modifications within or adjacent to wetland areas should seek the advice of appropriate Federal, state, or local agencies concerning specified agency regulatory programs and proprietary jurisdictions that may affect such activities.

**From:** [Kathleen Wells - NOAA Federal](#)  
**To:** [Frelander, Beth](#); [donn@l-bha.org](mailto:donn@l-bha.org); [brian@udelleng.com](mailto:brian@udelleng.com)  
**Cc:** [Brad Rawls - NOAA Affiliate](#); [Sturdivant, Brian](#); [Vila, Marie C](#); [Strutz, Toni N](#); [Consultationupdates WCR - NOAA Service Account](#); [Kathleen Wells - NOAA Federal](#)  
**Subject:** Verification: HUD SWP - City of Albany/Linn-Benton Housing Authority, Valor Place Apartments, Stormwater, Periwinkle Creek, Linn County (NMFS# WCRO-2016-00002-7172)  
**Date:** Wednesday, June 5, 2024 7:10:18 AM

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Ms. Frelander:

I have reviewed the notification form submitted to NMFS by the Linn-Benton Housing Authority (HUD's RE) on April 19, 2024, requesting that NMFS review and approve the post-construction stormwater management plan for the action named above as consistent with the biological opinion issued to HUD on July 25, 2016 (HUD Stormwater Programmatic Biological Opinion[PBO]).

The proposed project is likely to adversely affect ESA-listed species and designated critical habitat, and MSA-designated essential fish habitat through stormwater runoff generated from new impervious surface area. Based on information submitted by the Responsible Entity, NMFS has determined that the proposed action is consistent with the HUD PBO for:

- Project Design
- Stormwater Treatment Quality
- Stormwater Flow Control\*
- Stormwater Facilities' Operations & Maintenance
- Presentation of Project Design at the March 6, 2024 Quarterly ESA Meeting
- All other relevant project design criteria for construction practices
- NMFS has made no EFH Conservation Recommendations for this Project

\* NMFS recognizes that the proposed project cannot meet the flow control criteria due to minimum outlet orifice sizing requirements.

Inspection, monitoring, and maintenance of stormwater facilities will occur in accordance with the procedures described in *Private Stormwater Facilities Operations and Maintenance Agreement* (City of Albany 2024). Inspection, monitoring, and maintenance of stormwater facilities will be the responsibility of the following entity:

Donna Holt, Executive Director  
Linn-Benton Housing Authority  
[donn@l-bha.org](mailto:donn@l-bha.org)  
541-918-7314

NOTE: The Opinion requires the Responsible Entity to submit a project completion



report for this project within 60-days of the end of construction.

Reinitiation of consultation on this action is required and shall be requested by HUD where discretionary Federal involvement or control over the action has been retained or is authorized by law and (a) the amount or extent of taking specified in the Incidental Take Statement is exceeded, (b) new information reveals effects of the action that may affect listed species or critical habitat in a manner or to an extent not previously considered, (c) the identified action is subsequently modified in a manner that has an effect to the listed species or critical habitat that was not considered in the biological opinion; or (d) a new species is listed or critical habitat designated that may be affected by the identified action (50 CFR 402.16).

I confirm this action meets the conditions of the HUD Stormwater PBO issued to HUD on July 25, 2016. A copy of all review materials is on file at NMFS' Oregon-Washington Coastal Office. My point of contact for this response is Brad Rawls, who can be reached at 503-230-5414 or by email at [brad.rawls@noaa.gov](mailto:brad.rawls@noaa.gov).

Kate Wells  
Willamette Branch Supervisor  
NMFS Oregon Washington Coastal Office  
(503) 367- 8047

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## Explosive and Flammable Hazards (CEST and EA)

### Valor Place Apartments, 2080 Queen Ave SE, Albany, Oregon

General requirements	Legislation	Regulation
HUD-assisted projects must meet Acceptable Separation Distance (ASD) requirements to protect them from explosive and flammable hazards.	N/A	24 CFR Part 51 Subpart C
Reference		
<a href="https://www.hudexchange.info/environmental-review/explosive-and-flammable-facilities">https://www.hudexchange.info/environmental-review/explosive-and-flammable-facilities</a>		

1. Is the proposed HUD-assisted project itself the development of a hazardous facility (a facility that mainly stores, handles or processes flammable or combustible chemicals such as bulk fuel storage facilities and refineries)?

No

→ Continue to Question 2.

Yes

Explain:

→ Go directly to Question 5.

2. Does this project include any of the following activities: development, construction, rehabilitation that will increase residential densities, or conversion?

No

→ Based on the response, the review is in compliance with this section. Continue to the Worksheet Summary below.

Yes

→ Continue to Question 3.

3. Within 1 mile of the project site, are there any current *or planned* stationary aboveground storage containers that are covered by 24 CFR 51C? Containers that are NOT covered under the regulation include:

- Containers 100 gallons or less in capacity, containing common liquid industrial fuels OR
- Containers of liquified petroleum gas (LPG) or propane with a water volume capacity of 1,000 gallons or less that meet the requirements of the 2017 version of National Fire Protection Association (NFPA) Code 58.

If all containers within the search area fit the above criteria, answer "no." For any other type of aboveground storage container within the search area that holds one of the flammable or explosive materials listed in Appendix I of 24 CFR part 51 subpart C, answer "yes."

No

→ *Based on the response, the review is in compliance with this section. Continue to the Worksheet Summary below. Provide all documents used to make your determination.*

Yes

→ *Continue to Question 4.*

**4. Visit HUD's website to identify the appropriate tank or tanks to assess and to calculate the required separation distance using the [electronic assessment tool](#). To document this step in the analysis, please attach the following supporting documents to this screen:**

- **Map identifying the tank selected for assessment, and showing the distance from the tank to the proposed HUD-assisted project site; and**
- **Electronic assessment tool calculation of the required separation distance.**

**Based on the analysis, is the proposed HUD-assisted project site located at or beyond the required separation distance from all covered tanks?**

Yes

→ *Based on the response, the review is in compliance with this section. Continue to the Worksheet Summary below.*

No

→ *Go directly to Question 6.*

**5. Is the hazardous facility located at an acceptable separation distance from residences and any other facility or area where people may congregate or be present?**

Please visit HUD's website for information on calculating Acceptable Separation Distance.

Yes

→ *Based on the response, the review is in compliance with this section. Continue to the Worksheet Summary below. Provide map(s) showing the location of the project site relative to residences and any other facility or area where people congregate or are present and your separation distance calculations.*

No

→ *Provide map(s) showing the location of the project site relative to residences and any other facility or area where people congregate or are present and your separation distance calculations.*

*Continue to Question 6.*

**6. For the project to be brought into compliance with this section, all adverse impacts must be mitigated. Mitigation measures may include both natural and manmade barriers, modification of the project design, burial or removal of the hazard, or other engineered solutions. Describe selected mitigation measures, including the timeline for implementation, and attach an implementation plan. If negative effects cannot be mitigated, cancel the project at this location.**

Note that only licensed professional engineers should design and implement blast barriers. If a barrier will be used or the project will be modified to compensate for an unacceptable separation distance, provide approval from a licensed professional engineer.

**Worksheet Summary**

**Compliance Determination**

Provide a clear description of your determination and a synopsis of the information that it was based on, such as:

- Map panel numbers and dates
- Names of all consulted parties and relevant consultation dates
- Names of plans or reports and relevant page numbers
- Any additional requirements specific to your region

The subject property was inspected for evidence of underground storage tank systems and aboveground storage tanks and hydraulic equipment. The RE reviewed the Department of Environmental Quality Tanks Program database for hazardous materials and aboveground tanks and found none that meet the definitions of hazardous were located within the 1-mile radius. The Phase I Environmental Site Assessment (Phase I ESA) completed by Evren Northwest, Inc. dated May 31, 2023, was also used to inform this determination for presence of hazardous materials and tanks on site. No concerns were identified so this project is in compliance with Explosive and Flammable Hazards requirements.

**Are formal compliance steps or mitigation required?**

- Yes
- No

# Oregon DEQ Map of Hazardous Waste/Aboveground Storage Tanks

To learn more about this portal or locate information not found here, please visit the [Your DEQ Online Public Records webpage](#).

## Search Criteria

Public Notice Only

Keywords

Albany

Environmental Interest

Hazardous Waste/UO/UW

Submittal Status

Denied Approved

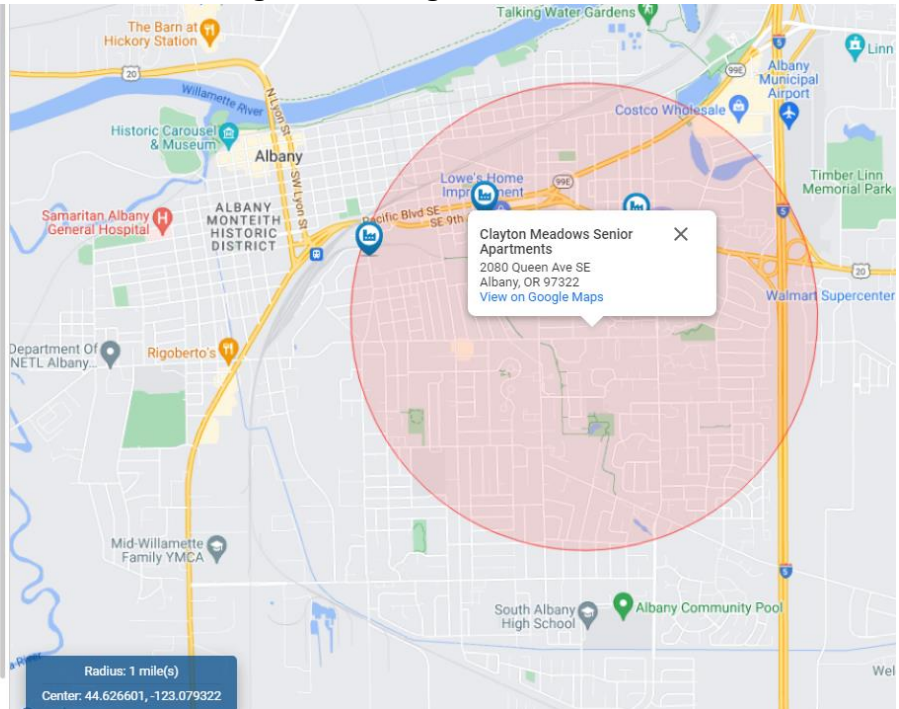
Submittal Types

Region

All

Radius

Distance: 1 mile(s)



## Farmlands Protection (CEST and EA)

### Valor Place Apartments, 2080 Queen Ave SE, Albany, Oregon

General requirements	Legislation	Regulation
The Farmland Protection Policy Act (FPPA) discourages federal activities that would convert farmland to nonagricultural purposes.	Farmland Protection Policy Act of 1981 (7 U.S.C. 4201 et seq.)	<a href="#">7 CFR Part 658</a>
Reference		
<a href="https://www.hudexchange.info/environmental-review/farmlands-protection">https://www.hudexchange.info/environmental-review/farmlands-protection</a>		

1. Does your project include any activities, including new construction, acquisition of undeveloped land or conversion, that could convert agricultural land to a non-agricultural use?

Yes → Continue to Question 2.

No

**Explain how you determined that agricultural land would not be converted:**

This project is in a developed area that is zoned for apartments and is not zoned for agricultural uses. The site is not in agricultural use. The project does not include any activities that could convert agricultural land to a non-agricultural use. The project complies with the Farmland Protection Policy Act.

→ Based on the response, the review is in compliance with this section. Continue to the Worksheet Summary below. Provide any documentation supporting your determination.

2. Does “important farmland,” including prime farmland, unique farmland, or farmland of statewide or local importance regulated under the Farmland Protection Policy Act, occur on the project site?

You may use the links below to determine important farmland occurs on the project site:

- Utilize USDA Natural Resources Conservation Service’s (NRCS) Web Soil Survey <http://websoilsurvey.nrcs.usda.gov/app/HomePage.htm>
- Check with your city or county’s planning department and ask them to document if the project is on land regulated by the FPPA (zoning important farmland as non-agricultural does not exempt it from FPPA requirements)
- Contact NRCS at the local USDA service center <http://offices.sc.egov.usda.gov/locator/app?agency=nrcs> or your NRCS state soil scientist [http://soils.usda.gov/contact/state\\_offices/](http://soils.usda.gov/contact/state_offices/) for assistance

No → Based on the response, the review is in compliance with this section. Continue to the Worksheet Summary below. Provide any documents used to make your determination.

Yes → Continue to Question 3.

**3. Consider alternatives to completing the project on important farmland and means of avoiding impacts to important farmland.**

- Complete form **AD-1006**, "Farmland Conversion Impact Rating" [http://www.nrcs.usda.gov/Internet/FSE\\_DOCUMENTS/stelprdb1045394.pdf](http://www.nrcs.usda.gov/Internet/FSE_DOCUMENTS/stelprdb1045394.pdf) and contact the state soil scientist before sending it to the local NRCS District Conservationist.  
(NOTE: for corridor type projects, use instead form **NRCS-CPA-106**, "Farmland Conversion Impact Rating for Corridor Type Projects: [http://www.nrcs.usda.gov/Internet/FSE\\_DOCUMENTS/stelprdb1045395.pdf](http://www.nrcs.usda.gov/Internet/FSE_DOCUMENTS/stelprdb1045395.pdf).)
- Work with NRCS to minimize the impact of the project on the protected farmland. When you have finished with your analysis, return a copy of form AD-1006 (or form NRCS-CPA-106 if applicable) to the USDA-NRCS State Soil Scientist or his/her designee informing them of your determination.

**Document your conclusion:**

Project will proceed with mitigation.

**Explain in detail the proposed measures that must be implemented to mitigate for the impact or effect, including the timeline for implementation.**

→ *Based on the response, the review is in compliance with this section. Continue to the Worksheet Summary below. Provide form AD-1006 and all other documents used to make your determination.*

Project will proceed without mitigation.

**Explain why mitigation will not be made here:**

→ *Based on the response, the review is in compliance with this section. Continue to the Worksheet Summary below. Provide form AD-1006 and all other documents used to make your determination.*

## Worksheet Summary

### Compliance Determination

Provide a clear description of your determination and a synopsis of the information that it was based on, such as:

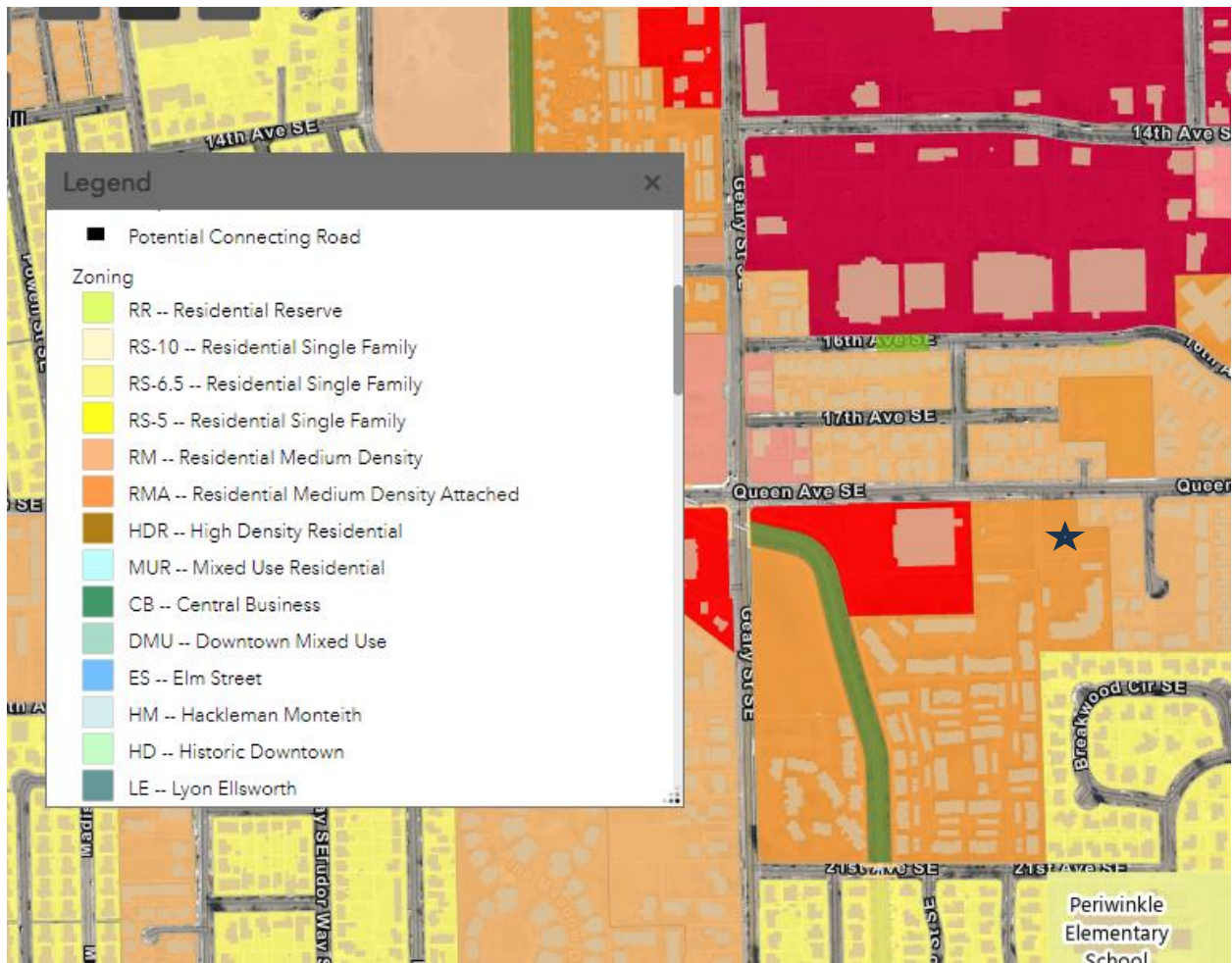
- Map panel numbers and dates
- Names of all consulted parties and relevant consultation dates
- Names of plans or reports and relevant page numbers
- Any additional requirements specific to your region

According to the Albany Zoning Map, the project is in a developed area that is zoned Residential Medium Density Attached and is not designated or zoned for agricultural uses. The site is not in agricultural use. The project does not include any activities that could convert agricultural land to a non-agricultural use. The project complies with the Farmland Protection Policy Act.

Are formal compliance steps or mitigation required?

Yes

No





## Floodplain Management (CEST and EA)

### Valor Place Apartments, 2080 Queen Ave SE, Albany, Oregon

General Requirements	Legislation	Regulation
Executive Order 11988, Floodplain Management, requires Federal activities to avoid impacts to floodplains and to avoid direct and indirect support of floodplain development to the extent practicable.	Executive Order 11988	24 CFR 55
<b>Reference</b> <a href="https://www.hudexchange.info/environmental-review/floodplain-management">https://www.hudexchange.info/environmental-review/floodplain-management</a>		

1. Does [24 CFR 55.12\(c\)](#) exempt this project from compliance with HUD's floodplain management regulations in Part 55?

Yes

Provide the applicable citation at 24 CFR 55.12(c) here. If project is exempt under 55.12(c)(7) or (8), provide supporting documentation.

→ Based on the response, the review is in compliance with this section. Continue to the Worksheet Summary below.

No → Continue to Question 2.

2. Provide a FEMA/FIRM or ABFE map showing the site.

The Federal Emergency Management Agency (FEMA) designates floodplains. The FEMA Map Service Center provides this information in the form of FEMA Flood Insurance Rate Maps (FIRMs) or Advisory Base Flood Elevations (ABFEs). For projects in areas not mapped by FEMA, use the best available information to determine floodplain information. Include documentation, including a discussion of why this is the best available information for the site.

**Does your project occur in a floodplain?**

No → Based on the response, the review is in compliance with this section. Continue to the Worksheet Summary below.

Yes

**Select the applicable floodplain using the FEMA map or the best available information:**

Floodway → Continue to Question 3, Floodways

Coastal High Hazard Area (V Zone) → Continue to Question 4, Coastal High Hazard Areas

- 500-year floodplain (B Zone or shaded X Zone) → *Continue to Question 5, 500-year Floodplains*
- 100-year floodplain (A Zone) → *The 8-Step Process is required. Continue to Question 6, 8-Step Process*

**3. Floodways**

**Is this a functionally dependent use?**

- Yes

The 8-Step Process is required. Work with your HUD FEO to determine a way to satisfactorily continue with this project. Provide a completed 8-Step Process, including the early public notice and the final notice.

→ *Continue to Question 6, 8-Step Process*

- No

Federal assistance may not be used at this location unless a 55.12(c) exception applies. You must either choose an alternate site or cancel the project at this location.

**4. Coastal High Hazard Area**

**Is this a critical action?**

- Yes

Critical actions are prohibited in coastal high hazard areas. Federal assistance may not be used at this location. Unless the action is excepted at 24 CFR 55.12(c), you must either choose an alternate site or cancel the project.

- No

**Does this action include construction that is not a functionally dependent use, existing construction (including improvements), or reconstruction following destruction caused by a disaster?**

- Yes, there is new construction.

New construction is prohibited in V Zones ((24 CFR 55.1(c)(3)).

- No, this action concerns only a functionally dependent use, existing construction(including improvements), or reconstruction following destruction caused by a disaster.

This construction must have met FEMA elevation and construction standards for a coastal high hazard area or other standards applicable at the time of construction.

→ *Continue to Question 6, 8-Step Process*

**5. 500-year Floodplain**

**Is this a critical action?**

- No → *Based on the response, the review is in compliance with this section. Continue to the Worksheet Summary below.*

- Yes → *Continue to Question 6, 8-Step Process*

**6. 8-Step Process.**

**Does the 8-Step Process apply? Select one of the following options:**

- 8-Step Process applies.

Provide a completed 8-Step Process, including the early public notice and the final notice.

→ Continue to Question 7, Mitigation

- 5-Step Process is applicable per 55.12(a)(1-3).

Provide documentation of 5-Step Process.

Select the applicable citation:

- 55.12(a)(1) HUD actions involving the disposition of HUD-acquired multifamily housing projects or “bulk sales” of HUD-acquired one- to four-family properties in communities that are in the Regular Program of the National Flood Insurance Program (NFIP) and in good standing (i.e., not suspended from program eligibility or placed on probation under 44 CFR 59.24).
- 55.12(a)(2) HUD's actions under the National Housing Act (12 U.S.C. 1701) for the purchase or refinancing of existing multifamily housing projects, hospitals, nursing homes, assisted living facilities, board and care facilities, and intermediate care facilities, in communities that are in good standing under the NFIP.
- 55.12(a)(3) HUD's or the recipient's actions under any HUD program involving the repair, rehabilitation, modernization, weatherization, or improvement of existing multifamily housing projects, hospitals, nursing homes, assisted living facilities, board and care facilities, intermediate care facilities, and one- to four-family properties, in communities that are in the Regular Program of the National Flood Insurance Program (NFIP) and are in good standing, provided that the number of units is not increased more than 20 percent, the action does not involve a conversion from nonresidential to residential land use, the action does not meet the thresholds for “substantial improvement” under § 55.2(b)(10), and the footprint of the structure and paved areas is not significantly increased.
- 55.12(a)(4) HUD's (or the recipient's) actions under any HUD program involving the repair, rehabilitation, modernization, weatherization, or improvement of existing nonresidential buildings and structures, in communities that are in the Regular Program of the NFIP and are in good standing, provided that the action does not meet the thresholds for “substantial improvement” under § 55.2(b)(10) and that the footprint of the structure and paved areas is not significantly increased.

→ Continue to Question 7, Mitigation

- 8-Step Process is inapplicable per 55.12(b)(1-4).

Select the applicable citation:

- 55.12(b)(1) HUD's mortgage insurance actions and other financial assistance for the purchasing, mortgaging or refinancing of existing one- to four-family properties in communities that are in the Regular Program of the National Flood Insurance Program (NFIP) and in good standing (i.e., not suspended from program eligibility or placed on probation under 44 CFR 59.24), where the action is not a critical action and the property is not located in a floodway or coastal high hazard area.
- 55.12(b)(2) Financial assistance for minor repairs or improvements on one- to four-family properties that do not meet the thresholds for “substantial improvement” under § 55.2(b)(10)
- 55.12(b)(3) HUD actions involving the disposition of individual HUD-acquired, one- to four-family properties.
- 55.12(b)(4) HUD guarantees under the Loan Guarantee Recovery Fund Program (24 CFR part 573) of loans that refinance existing loans and mortgages, where any new

construction or rehabilitation financed by the existing loan or mortgage has been completed prior to the filing of an application under the program, and the refinancing will not allow further construction or rehabilitation, nor result in any physical impacts or changes except for routine maintenance.

- 55.12(b)(5) The approval of financial assistance to lease an existing structure located within the floodplain, but only if—
  - (i) The structure is located outside the floodway or Coastal High Hazard Area, and is in a community that is in the Regular Program of the NFIP and in good standing (i.e., not suspended from program eligibility or placed on probation under 44 CFR 59.24);
  - (ii) The project is not a critical action; and
  - (iii) The entire structure is or will be fully insured or insured to the maximum under the NFIP for at least the term of the lease.

→ *Based on the response, the review is in compliance with this section. Continue to the Worksheet Summary below.*

## 7. **Mitigation**

**For the project to be brought into compliance with this section, all adverse impacts must be mitigated. Explain in detail the exact measures that must be implemented to mitigate for the impact or effect, including the timeline for implementation.**

**Which of the following mitigation/minimization measures have been identified for this project in the 8-Step or 5-Step Process? Select all that apply.**

- Permeable surfaces
- Natural landscape enhancements that maintain or restore natural hydrology
- Planting or restoring native plant species
- Bioswales
- Evapotranspiration
- Stormwater capture and reuse
- Green or vegetative roofs with drainage provisions
- Natural Resources Conservation Service conservation easements or similar easements
- Floodproofing of structures
- Elevating structures including freeboarding above the required base flood elevations
- Other

→ *Based on the response, the review is in compliance with this section. Continue to the Worksheet Summary below.*

## Worksheet Summary

### Compliance Determination

Provide a clear description of your determination and a synopsis of the information that it was based on, such as:

- Map panel numbers and dates
- Names of all consulted parties and relevant consultation dates
- Names of plans or reports and relevant page numbers
- Any additional requirements specific to your region

FEMA FIRM Panel: [41043C0527G](#), September 20, 2010.

### Are formal compliance steps or mitigation required?

Yes

No

FIRM PANEL 41043C0527G





# Oregon

Tina Kotek, Governor

## Parks and Recreation Department

Oregon Heritage/  
State Historic Preservation Office  
725 Summer St. NE, Suite C  
Salem, OR 97301-1266  
(503) 986-0690  
Fax (503) 986-0793  
oregonheritage.org



June 11, 2024

Beth Frelander  
City of Albany  
PO Box 490  
Albany, OR 97321

RE: SHPO Case No. 24-0400  
OHCS, Valor Place Apartments  
Develop multifamily housing  
2080 Queen Ave SE, Albany, Linn County

Dear Beth Frelander:

Thank you for submitting information for the undertaking referenced above. After review, Oregon sHPO concurs that there will be no historic properties affected for this undertaking. However, due to the nature of the fill and the fill removal and replacement process, a professional archaeological monitor should be on site during construction activities with a copy of the Inadvertent Discover Plan (IDP).

This concludes consultation with our office under Section 106 of the National Historic Preservation Act (per 36 CFR Part 800) and Oregon Revised State (ORS) 358.905-961, and ORS 358.653 for archaeological resources.

If the undertaking design or effect changes or if additional historic properties are identified, further consultation with our office will be necessary before proceeding. Additional consultation regarding this case must be sent through Go Digital. To help us track the undertaking accurately, reference the SHPO case number above in all correspondence.

Please contact our office if you have any questions, comments or need additional assistance.

Sincerely,

Kirsten Lopez  
Special Projects Archaeologist  
(503) 400-4810  
Kirsten.Lopez@opr.d.oregon.gov

cc: Erin Nieman, Oregon Housing & Community Services



## COMMUNITY DEVELOPMENT

333 Broadalbin Street SW, PO Box 490, Albany, Oregon 97321-0144 | BUILDING 541-917-7553 | PLANNING 541-917-7550

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June 5, 2024

Review and Compliance  
Oregon SHPO  
725 Summer Street NE, Suite C  
Salem, OR 97301

Dear Kirsten Lopez:

RE: SHPO Case Number 24-0400

Thank you for your response. In consultation with the Department of Housing and Urban Development, the City of Albany is the responsible entity for this project, as stated in our last letter submitted to SHPO on May 8<sup>th</sup>, 2024. We appreciate your diligence in protecting historic and cultural assets in Oregon. City conducted research of Sanborn Maps, aerial photos, city directories and research contained in environmental assessments conducted by Evren NW did not uncover any significant historical, cultural or other relevant information associated with the project site or within the Area of Potential Effect. Using the Section 106 guidance from HUD, Advisory Council on Historic Preservation and SHPO, we maintain a finding of no historic properties affected based on our analysis of the data for the site and near vicinity. Our justification is summarized below. We request your concurrence.

### **APE and Structural Survey**

First, the site is not within or near a historic district in which the architectural style might visually contrast or conflict with a harmonious historic area. The nearest historic property in the City of Albany local historic inventory is more than a half mile from this site. This area of the city was in agricultural use until the 1950s and only a couple of houses from that time period remain. Most properties have been redeveloped with a mix of residential uses dating from the late 1970s to 2020. The two houses over 50 years old near the site have been reviewed for eligibility on the National Register and deemed ineligible due to substantial alternations. See attachments for their eligibility determinations. Immediately to the south of the site is an existing apartment complex (Clayton Meadows) built in 2000 and to the west is a power plant. This apartment complex will therefore not create any visual intrusion to the area. Furthermore, the project is residential and thus will create minimal noise intrusions when complete. Construction may temporarily increase noise in the area, but ultimately this project is not anticipated to be noise intensive. For these reasons, the City has concluded no historic properties will be affected.

### **Archeological Resources**

The tribal consultations have been completed. Letters were sent to all the appropriate Native American tribes regarding the project. No responses were received, and the 30-day window has now closed. The project site



## COMMUNITY DEVELOPMENT

333 Broadalbin Street SW, PO Box 490, Albany, Oregon 97321-0144 | BUILDING 541-917-7553 | PLANNING 541-917-7550

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is more than a mile away from mile from the Willamette and Calapooia Rivers and the Albany Santiam Canal. Additionally, the City's historic preservation planner has indicated there is no evidence the site has potential cultural or historic value. The project site was used by a truck rental company, a fuel service company, and a construction company prior to being vacant. It has remained undeveloped since 2000, when Clayton Meadows was built on the southern portion of the site. According to Section 106 guidance, the previous ground disturbance decreases the chances of having intact archaeological sites.

During the construction of Clayton Meadows, an affordable housing complex, two to three feet of fill soil was put on top of the Valor Place project site. This poses an additional barrier to completing an archaeological survey as the fill soil would likely need to be removed, either in whole or in part, to complete the survey. This would add both time and cost to the endeavor. The actual building construction, aside from utility line connections, will occur above the native soil and have minimal disturbance to the native soil. Utility lines are anticipated to be between 1.5 and 3.5 feet below native soil.

The city has made a reasonable and good faith effort to identify historic properties that may be affected by this project.

The Responsible Entity concludes the property is not a historic property per 36 CFR 800.16.

The Responsible Entity proposes a Finding of No Adverse Effect because the undertakings do not meet the criteria in 36 CFR 800.5(a)(1).

Please let me know if I can answer any questions or provide any additional information.

Sincerely,

Beth Frelander, Planner II

BF

c: Valor Place Apartments file

Attachments: SHPO Submittal Form, NEPA Historic Preservation Worksheet, Valor Place Tribal Consultations, Aerial Photographs, Civil LBHA Valor Place Fill Illustration 2024-05-31, Phase I 2023 Evren NW, Phase II 2024 Evren NW, Geotechnical Report 2023 Branch Engineering, Valor Place IDP, Clearance Form\_2110 Queen Ave SE, and Clearance Form\_2120 Queen Ave SE

c: Lynn Lindgren, Housing Development Center



## Historic Preservation (CEST and EA):

### VALOR PLACE APARTMENTS, 2080 QUEEN AVE SE

General requirements	Legislation	Regulation
Regulations under Section 106 of the National Historic Preservation Act (NHPA) require a consultative process to identify historic properties, assess project impacts on them, and avoid, minimize, or mitigate adverse effects	Section 106 of the National Historic Preservation Act (16 U.S.C. 470f)	<a href="#">36 CFR 800 "Protection of Historic Properties"</a>
References		
<a href="https://www.hudexchange.info/environmental-review/historic-preservation">https://www.hudexchange.info/environmental-review/historic-preservation</a>		

## Threshold

### Is Section 106 review required for your project?

- No, because the project consists solely of activities listed as exempt in a Programmatic Agreement (PA). (See the [PA Database](#) to find applicable PAs.)

**Either provide the PA itself or a link to it here. Mark the applicable exemptions or include the text here:**

→ Continue to the Worksheet Summary.

- No, because the project consists solely of activities included in a No Potential to Cause Effects memo or other determination [36 CFR 800.3(a)(1)].

**Either provide the memo itself or a link to it here. Explain and justify the other determination here:**

→ Continue to the Worksheet Summary.

- Yes, because the project includes activities with potential to cause effects (direct or indirect).

→ Continue to Step 1.

### **The Section 106 Process**

After determining the need to do a Section 106 review, initiate consultation with regulatory and other interested parties, identify and evaluate historic properties, assess effects of the project on properties listed on or eligible for the National Register of Historic Places, and resolve any adverse effects through project design modifications or mitigation.

Note that consultation continues through all phases of the review.

Step 1: Initiate consultation

Step 2: Identify and evaluate historic properties

Step 3: Assess effects of the project on historic properties

Step 4: Resolve any adverse effects

## Step 1 - Initiate Consultation

The following parties are entitled to participate in Section 106 reviews: Advisory Council on Historic Preservation; State Historic Preservation Officers (SHPOs); federally recognized Indian tribes/Tribal Historic Preservation Officers (THPOs); Native Hawaiian Organizations (NHOs); local governments; and project grantees. The general public and individuals and organizations with a demonstrated interest in a project may participate as consulting parties at the discretion of the RE or HUD official. Participation varies with the nature and scope of a project. Refer to HUD's website for guidance on consultation, including the required timeframes for response. Consultation should begin early to enable full consideration of preservation options. Use the [When To Consult With Tribes checklist](#) within [Notice CPD-12-006: Process for Tribal Consultation](#) to determine if you should invite tribes to consult on a particular project. Use the [Tribal Directory Assessment Tool \(TDAT\)](#) to identify tribes that may have an interest in the area where the project is located. Note that consultants may not initiate consultation with Tribes.

### Select all consulting parties below (check all that apply):

- State Historic Preservation Officer (SHPO)
- Advisory Council on Historic Preservation
- Indian Tribes, including Tribal Historic Preservation Officers (THPOs) or Native Hawaiian Organizations (NHOs)

#### List all tribes that were consulted here and their status of consultation:

The Confederated Tribes of Grand Ronde, no response (see attached letter)  
The Confederated Tribes of Siletz Indians, no response (see attached letter)  
The Confederated Tribes of Warm Springs, no response (see attached letter)

- Other Consulting Parties

#### List all consulting parties that were consulted here and their status of consultation:

Alyssa Schrems, City of Albany Historic Preservation Planner, concurs with no historic properties effected finding

**Provide all correspondence, notices, and notes (including comments and objections received) and continue to Step 2.**

## Step 2 - Identify and Evaluate Historic Properties

**Define the Area of Potential Effect (APE), either by entering the address(es) or providing a map depicting the APE.** Attach an additional page if necessary.

The project site is the primary APE, 2080 Queen Ave. SE, Albany, Oregon; highlighted in map that follows.

The Visual APE was determined to be a 250-foot radius from the property.



Gather information about known historic properties in the APE. Historic buildings, districts and archeological sites may have been identified in local, state, and national surveys and registers, local historic districts, municipal plans, town and county histories, and local history websites. If not already listed on the National Register of Historic Places, identified properties are then evaluated to see if they are eligible for the National Register. Refer to HUD’s website for guidance on identifying and evaluating historic properties.

**In the space below, list historic properties identified and evaluated in the APE.**

Every historic property that may be affected by the project should be listed. For each historic property or district, include the National Register status, whether the SHPO has concurred with the finding, and whether information on the site is sensitive. Attach an additional page if necessary.

This project site is more than one mile away from Albany’s historic districts and the nearest historic property in the City of Albany local historic inventory is more than a half mile from this site. The project site was the part of the parent parcel that consisted of 2110 Queen Avenue SE. Please see the attached narrative of the site’s history, “2080 Queen Avenue Site History and Usage”

Two houses over 50 years old were identified in the Visual APE:

1. The house at 2110 Queen Avenue SE on the abutting property was constructed in 1947 (See Clr Frm\_2110 Queen Ave SE). It is not on the National Register. The house has been altered over time to include vinyl siding and a few replacement windows.
2. The house at 2120 Queen Ave SE was constructed c.1960. It is not on the National Register and has been substantially altered with a garage addition to the front, wide cement lap siding, and vinyl windows. (See Clr Frm\_2120 Queen Ave SE.)

*Provide the documentation (survey forms, Register nominations, concurrence(s) and/or objection(s), notes, and photos) that justify your National Register Status determination.*

[See Worksheet.](#)

**Was a survey of historic buildings and/or archeological sites done as part of the project?**

If the APE contains previously unsurveyed buildings or structures over 50 years old, or there is a likely presence of previously unsurveyed archeological sites, a survey may be necessary. For Archeological surveys, refer to HP Fact Sheet #6, [Guidance on Archeological Investigations in HUD Projects.](#)

- Yes → *Provide survey(s) and report(s) and continue to Step 3.*

Additional notes:

The city historic resources planner conducted a survey of historic buildings in the vicinity of the subject property. The only resources over 50 years old were the 2 houses dating to 1947 noted above. Another house across the street from the site dates to 1979. All other development is between 1990 and 2004, with most being after 1995. Pictures of adjacent development are provided below.

- No → *Continue to Step 3.*

### Step 3 - Assess Effects of the Project on Historic Properties

Only properties that are listed on or eligible for the National Register of Historic Places receive further consideration under Section 106. Assess the effect(s) of the project by applying the Criteria of Adverse Effect. ([36 CFR 800.5](#)) Consider direct and indirect effects as applicable as per HUD guidance.

**Choose one of the findings below - No Historic Properties Affected, No Adverse Effect, or Adverse Effect; and seek concurrence from consulting parties.**

- No Historic Properties Affected

**Document reason for finding:**

- No historic properties present. → *Provide concurrence(s) or objection(s) and continue to the Worksheet Summary.*
- Historic properties present, but project will have no effect upon them. → *Provide concurrence(s) or objection(s) and continue to the Worksheet Summary.*

**Document reason for finding:**

The project site is vacant. **See Determination of Eligibility Findings and Conclusions on the attached worksheet.**

The site has 3.5 feet to 5 feet of fill over the native ground from construction of Clayton Meadows in 2000 directly south. The new building will be above native ground. Utilities will be located between 1.5 to 3.5 feet into native soil.

A house constructed in 1947 at 2110 Queen Ave SE is on the abutting property to the north. The house, the Valor Place project site, and Clayton Meadows were all one 3-acre property until the owners of 2110 Queen Avenue SE divided the property and sold 2.75 acres to Linn Benton Housing Authority in the 1990s. The proposed new building will be setback 28 feet from the shared property line to the west.

If consulting parties concur or fail to respond to user's request for concurrence, project is in compliance with this section. No further review is required. If consulting parties object, refer to ([36 CFR 800.4\(d\)\(1\)](#)) and consult further to try to resolve objection(s).

- No Adverse Effect

**Does the No Adverse Effect finding contain conditions?**

- Yes

**Check all that apply:** (check all that apply)

- Avoidance  
 Modification of project

Other

**Describe conditions here:**

The RE has prepared an Inadvertent Discovery Plan for the contractors to comply with during excavation and construction. Archeological monitoring will take place during construction.

→ Monitor satisfactory implementation of conditions. Provide concurrence(s) or objection(s) and continue to the Worksheet Summary.

No → Provide concurrence(s) or objection(s) and continue to the Worksheet Summary.

If consulting parties concur or fail to respond to user's request for concurrence, project is in compliance with this section. No further review is required. If consulting parties object, refer to ([36 CFR 800.5\(c\)\(2\)](#)) and consult further to try to resolve objection(s).

Adverse Effect

**Document reason for finding:**

Copy and paste applicable Criteria into text box with summary and justification.

Criteria of Adverse Effect: [36 CFR 800.5](#)

Notify the Advisory Council on Historic Preservation of the Adverse Effect and provide the documentation outlined in [36 CFR 800.11\(e\)](#). The Council has 15 days to decide whether to enter the consultation (Not required for projects covered by a Programmatic Agreement).

→ Continue to Step 4.

#### Step 4 - Resolve Adverse Effects

Work with consulting parties to try to avoid, minimize or mitigate adverse effects. Refer to HUD guidance and [36 CFR 800.6 and 800.7](#).

**Were the Adverse Effects resolved?**

Yes

**Describe the resolution of Adverse Effects, including consultation efforts and participation by the Advisory Council on Historic Preservation:**

**For the project to be brought into compliance with this section, all adverse impacts must be mitigated. Explain in detail the exact measures that must be implemented to mitigate for the impact or effect, including the timeline for implementation.**

→ Provide signed Memorandum of Agreement (MOA) or Standard Mitigation Measures Agreement (SMMA). Continue to the Worksheet Summary.

No

The project must be cancelled unless the “Head of Agency” approves it. Either provide approval from the “Head of Agency” or cancel the project at this location.

**Describe the failure to resolve Adverse Effects, including consultation efforts and participation by the Advisory Council on Historic Preservation and “Head of the Agency”:**

**Explain in detail the exact conditions or measures that must be implemented to mitigate for the impact or effect, including the timeline for implementation.**

→ Provide correspondence, comments, documentation of decision, and “Head of Agency” approval. Continue to the Worksheet Summary.

**Are formal compliance steps or mitigation required?**

Yes

No

## **Worksheet – Valor Place Documentation**

### **Determination of National Register Eligibility:**

A review of the National Register of Historic Places, the City of Albany National Register District and Local Historic Inventory, and the Oregon Historic Sites Database indicates that the subject property and the vicinity properties within the Area of Potential Influence (250-feet) are not listed on the National Register of Historic Places; are not located within, or adjacent to, a Historic District; and are not listed as local landmarks on the Local Historic Inventory. The property is more than one mile from the closest National Register historic district.

Based on an evaluation of the individual National Register Criteria for Eligibility, the property and associated resources do not meet the criteria for eligibility in the National Register of Historic Places.

- A. Researching historical records at the City and Albany Regional Museum, no events are associated with this property.
- B. According to ownership research, no persons of local, state, or other significance resided on the property.
- C. No buildings remain on the project site. The site has 3.5 feet to 5 feet of fill over the native ground from construction of Clayton Meadows. The new building will be above native ground. Utilities will be located between 1.5 to 3.5 feet into native soil.
- D. The property was on the outskirts of town in rural agricultural and residential use until the area began to develop between the 1970s to today. The property is not associated with a significant local or national theme. The property was associated with the 1947 house at 2110 Queen Avenue SE until being divided off.

**FINDING OF EFFECT:** The Responsible Entity concludes the property is not a historic property per 36 CFR 800.16.

The Responsible Entity proposes a Finding of No Adverse Effect because the undertakings do not meet the criteria in 36 CFR 800.5(a)(1).

---

### **Valor Place Project Summary and Funding Sources:**

The proposed 0.62-acre development site is owned by Linn Benton Housing Authority (LBHA) and was purchased by LBHA in 2000. LBHA will build a 30-unit housing development on the remaining undeveloped portion of property to serve Homeless Veterans receiving Veterans Affairs Supportive Housing (VASH) Vouchers and individuals who are clients of Linn County Mental Health with behavioral health needs.

The project will be completed with funding from state sources including the Oregon Housing and Community Services General Housing Account Program (GHAP), Veterans General Housing Account Program (VGHAP), Linn County Mental Health Partnership, and funds designated from the 2023 Oregon Legislative short session in House Bill 1530 for infrastructure. The federal funds associated with this project are VASH vouchers, which are provided to the residents who live in the units. They are not accessed by the project until after residents are assigned to the units. The VASH vouchers are the only federal funds in the project.

### **Site History and Usage:**

The site was vacant until 1936 when it was developed as part of a larger agricultural field used for the cultivation of field crops. By 1948, agricultural activities ceased and by 1955, several small structures and/or stored items appeared on the site, associated with the adjacent property, 2110 Queen Avenue SE. 1958 city directories identified tenants at this address to include Bee-Hive Truck Rental Co, Johnnies Fuel Service, and a single-family residence (2110 Queen Avenue SE), with later tenants identified as Albany Construction Inc. and residential. By 1963 aerial photograph, two larger storage structures and numerous vehicles were present on the property and additional residence was added on the adjacent property to the east (2120 Queen Avenue SE). According to the 1967 directory, Albany Construction was still a tenant. By 1982, some of the stored items

were removed and by 1998, the larger structures no longer appeared on the parent site (2080 Queen Avenue SE).

In 2000, Linn Benton Housing Authority built the Clayton Meadows Apartments on the bulk of the parent lot (2080 Queen Avenue SE). The remaining developable portion of the property, approximately 0.62 acres (0.77 acres including the existing access drive) is the project site for Valor Place Apartments.

### **Surrounding Development:**

To the west is a power plant constructed in the 1960s, a “big box” retail building constructed in 1990 and a 1995 apartment complex. Directly east is one 1947 house, and one c.1960 house, and more apartments built since 1999. Across Queen Avenue to the north are single dwelling homes range in date from the 1979 (one house) to 2004, and 2020 apartment development.

### **Known Native, Historic and Cultural Resources:**

There are a few areas in Albany that have known potential for archaeological resources including near the confluence of the Calapooia and Willamette Rivers where the Kalapuya tribe were believed to have resided, and the Albany-Santiam Canal System which has local historic significance. Albany has four historic districts – three in the original downtown core, and the Albany Municipal Airport east of Interstate 5. The Valor Place Apartments are over one mile away from these resources.

The tribal consultations have been completed. Letters were sent to all the appropriate Native American tribes regarding the project on February 6, 2024. No responses were received within 30 days. (Letters are provided.)

During the construction of Clayton Meadows, three to five feet of fill soil was put on top of the project site. This poses an additional barrier to completing an archaeological survey as the fill soil would likely need to be removed, either in whole or in part, to complete the survey. This would add both time and cost to the endeavor. The actual building construction, aside from utility line connections, will occur above the native soil and have minimal disturbance to the native soil. ***According to Section 106, the previous ground disturbance decreases the chances of having intact archaeological sites.***

### **Environmental Site Assessments**

Clayton Meadows, an affordable housing complex, was developed in 2000 using LIHTC funds and the project complied with NEPA based on a 1999 Phase 1 Environmental Site Assessment (ESA) Report completed by Transpacific, Ltd. A new Phase I ESA report was completed, by EVREN NW on November 13, 2023 (see Phase 1 ESA 2023). The report includes historical records and references. A Phase II ESA was completed by EVREN NW, May 6, 2024. No recognized environmental conditions were found and clears the site of the need for remediation. The Phase II work to verify the potential environmental conditions included drilling in 4 locations to collect soil borings, to a depth of 20 feet below ground surface (bgs). (See Phase II ESA 2024)

### **Construction:**

The project structural and civil engineering drawings are substantially complete. Based on information provided by the civil engineer, and supported by the general contractor, construction of Valor Place will have a minimal disturbance on native soil. (See the Civil LBHA Valor Place Fill Illustration 2024-05-31 marked up plans).

1. The building, western portion of the site: Final excavation of footing for the building will be slightly above the native ground elevations.
2. Utility lines connecting to Queen Ave: Will be between 1.5 to 2.5 feet below the native ground.
3. Parking area, eastern portion of the site: Excavations for the parking will be above the native ground elevations.



Location	Amount of fill above native grade: reference	Geotech recommendation: reference	Construction Impact on native grade
Building	3.5' to 2': C200	Remove fill. In locations where organic material or soft soil is found at locations of native soil, removed and compact to a depth of 6 to 12 inches: 6.1	Above to be above native grade. Per Geotech recommendations.
Parking lot	3.5' to 2.5': C200	Remove undocumented fill:6.4	Above to be above native grade
Trenches	3.5' to 2': C200	NA	Excavation along the north and west perimeter of 3.5' to 1.5' into native soil: C301. Excavation in parking area 2.8' to 1.3' to allow for installation of infiltration system: C302.

**Geotechnical Report**

A geotechnical report was completed by Branch Engineering on July 28, 2023, exhibit E. The recommendations of the geotechnical engineer, found in sections 5 and 6.1, include removing 2 to 4.75 feet of fill material from the site prior to construction and replacing it with engineered fill. The investigation included 5 test pits, information on the test pits is found in section 3.2 of the report. The first 3 test pics are to a depth 3 to 5 feet below ground surface (bgs). The soil is described as Concord silt loam and drains poorly. Two additional test pits of 8 feet bgs were completed to test for infiltration. Ground water on the site is noted to be between 6- 13 bgs. The location of the test pits can be found on Figure-2, page 17 of the report. The text pit logs note that TP-1, at the northwest corner of the site has fill to 2' bgs; TP-4, in the southern portion of the west side of the site has fill to 5' bgs; and TP-5 in the central portion of the western portion of the site, has fill to 4'3" bgs. Infiltration test-1 documents fill to 1' bgs.

**CONCLUSIONS:**

The site proposed for affordable housing development is in a location that prior to the 1950's was farmland. The site is not located in an area of historical significance to the city of Albany.

**No historic buildings exist on the property and no known archaeological sites are identified in the APE. The RE has determined there is a low likelihood of archaeological resources being found on the site due to the distance from culturally and historically significant areas in Albany and the prior construction on the site.**

**ATTACHMENTS AND REPORTS**

- Valor Place Tribal Consultations
- Valor Place Aerial Photograph Research
- Clearance Form\_2110 Queen Ave SE
- Clearance Form\_2120 Queen Ave SE
- Civil LBHA Valor Place Fill Illustration 2024-05-31
- Phase I 2023 Evren NW
- Phase II 2024 Evren NW
- Geotechnical Report 2023 Branch Engineering



Project Location

Holy Cross  
Lutheran Church

Layers

Google 100% Data attribution 6/5/2014

100 m Camera: 900 m 44°37'29"N 123°04'43"W 68 m

# ARCHAEOLOGICAL AND HUMAN REMAINS INADVERTENT DISCOVERY PLAN (IDP)

Valor Place Apartments

Curt Meili

Linn Benton Housing Authority

June 6, 2024

SHPO Case: 24-0400

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This document outlines procedures and protocols to be followed if archaeological objects or features, or human remains are encountered in the course of work. These procedures are intended for circumstances where there is not an expectation or anticipation of encountering cultural resources or human remains. **This is not a replacement for due diligence, robust project design, and consultation with appropriate Native American Tribes.**<sup>1</sup> Prior to undertaking project work, an assessment of the likelihood for disturbance to cultural resources and tribal heritage should be completed. All personnel will be briefed on all procedures and reporting structures before the start of any work.

## CONTENTS OF THIS DOCUMENT

- A. Procedures for archaeological features and materials
  - B. Procedures for human remains, burials, funerary objects, sacred objects, and objects of cultural patrimony
  - C. Roles and responsibilities
  - D. Contact information
  - E. Confidentiality statement
  - F. Procedure flow chart
  - G. Visual reference guide for archaeology and tribal heritage items
- 

### A. PROCEDURES FOR INADVERTENT DISCOVERY OF ARCHAEOLOGICAL FEATURES AND MATERIALS (DOES **NOT** INCLUDE HUMAN REMAINS, BURIALS, FUNERARY OBJECTS, OBJECTS OF CULTURAL PATRIMONY, OR SPIRITUAL OBJECTS)

It is expected that ALL artifacts, features, structural elements, and other cultural items that are identified will be reported to required project, agency, and Tribal contacts, and accounted for as soon as possible. It is understood that there will be a single project point of contact to coordinate with the project archaeologist, SHPO, LCIS, and appropriate Native American Tribes.

#### **Step 1. Stop work** (immediately after discovery)

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<sup>1</sup> Appropriate Native American Tribes will be designated by LCIS

If any person believes that they have located an archaeological object<sup>2</sup> or site<sup>3</sup>, all work must stop immediately.

Discovery made in field \_\_\_\_\_(date/time) \_\_\_\_\_ (initials of discoverer)

**Step 2. Secure and protect the area** (within first hour after discovery)

Establish a **minimum** 30 meter/100-foot area of protection, or more if necessary, around the find(s). Exclude all vehicle traffic and non-essential foot traffic. Non-ground-disturbing work may continue outside of the area of protection with caution until the situation is assessed by a qualified archaeologist.<sup>4</sup>

Buffer established \_\_\_\_\_ (time) \_\_\_\_\_ (initials of person responsible)

**Step 3. Notify** (within first hour after discovery)

Notify the project manager, agency official (if applicable), and project archaeologist. If there is not an archaeologist on-site, or on retainer for the project, the project manager will contact an Oregon Qualified Archaeologist (which include agency and Tribal archaeologists) to assess the find.

Project Manager contacted \_\_\_\_\_ (time) \_\_\_\_\_ (initials of contactor)

Agency Official contacted \_\_\_\_\_ (time) \_\_\_\_\_ (initials of contactor)

Project Archaeologist contacted \_\_\_\_\_ (time) \_\_\_\_\_ (initials of contactor)

**Step 4. Identify and Follow Guidance** (timeline variable, as soon as possible)

If the archaeologist determines the find is an archaeological feature or object, or other cultural item or feature, OR if no qualified archaeologist can be contacted within the first hour of discovery, the **State Historic Preservation Office (SHPO) and appropriate Native American Tribes must be contacted**, and their guidance must be followed. SHPO, Native American Tribes, and project and agency personnel will determine in consultation how or if work may continue at the site. If the discovery is determined to *not* be archaeological or a cultural item, you may continue work. This determination should be confirmed in writing to the project manager and agency official.

SHPO contacted \_\_\_\_\_ (time) \_\_\_\_\_ (initials of contactor)

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<sup>2</sup> "Archaeological object" means an object that is at least 75 years old (or 50 years if there is a federal nexus), is part of the physical record of an indigenous or other culture found in the state or waters of the state, and is material remains of past human life or activity that are of archaeological significance including, but not limited to, monuments, symbols, tools, facilities, technological by-products and dietary by-products (ORS 358.905).

<sup>3</sup> "Archaeological site" means a geographic locality in Oregon that contains archaeological objects and the contextual associations of the archaeological objects with each other or biotic or geological remains or deposits (ORS 358.905).

<sup>4</sup> Ground-disturbing work on different landforms distant from the find and outside of the buffer may continue.

Appropriate Native American Tribes<sup>5</sup> \_\_\_\_\_ (time) \_\_\_\_\_ (initials of contactor)

**B. PROCEDURES FOR INADVERTENT DISCOVERY OF HUMAN REMAINS**

*(INCLUDES HUMAN REMAINS, BURIALS, FUNERARY OBJECTS, OBJECTS OF CULTURAL PATRIMONY, AND SPIRITUAL OBJECTS)*

It is expected that ALL potential human remains, burials, funerary objects, or objects of cultural patrimony that are identified will be reported and accounted for within 3 hours of discovery.<sup>6</sup> It is understood that there will be a single project point of contact to coordinate with the project archaeologist, SHPO, LCIS, OSP and appropriate Native American Tribes.

**Step 1: Stop work** (immediately after discovery)

If any person believes that they have located human remains<sup>7</sup>, ALL work will stop immediately. Any human remains, regardless of antiquity or ethnic origin, will always be treated with dignity and respect.

**Step 2. Secure and protect the area** (as soon as possible, within c. 10 min)

Secure and protect the area of inadvertent discovery with a **minimum** of 100 meter/300 foot buffer, or more if necessary. The location and other information about the find should be treated as confidential and shared on a **need to know basis only**. Prevent all vehicle traffic and unauthorized foot traffic from entry. Block remains from view and protect them from damage or exposure without touching or disturbing the remains, and leave them in place.

**Do not take photographs** unless approved by the appropriate Native American Tribes and Oregon Legislative Commission on Indian Services (LCIS), and only for the purpose of identification. **Do not speak to the media or public** or post any information about the find on social media. Non-ground-disturbing work may continue outside of the buffer with caution.<sup>8</sup>

Buffer established \_\_\_\_\_ (time) \_\_\_\_\_ (initials of person responsible)

**Step 3. Notify** (within first hour after discovery) – see contact list below (section D)

1. Project Manager \_\_\_\_\_ (time) \_\_\_\_\_ (initials)
2. Agency Official \_\_\_\_\_ (time) \_\_\_\_\_ (initials)
3. Oregon State Police<sup>9</sup> **DO NOT CALL 911** \_\_\_\_\_ (time) \_\_\_\_\_ (initials)

<sup>5</sup> ALL Tribes designated by LCIS must be notified. Contacting one or some of the Tribes does not fulfill the obligation to notify.

<sup>6</sup> Modifications to reporting timelines can be made in consultation with SHPO and Tribes.

<sup>7</sup> Bone may be fragmented, weathered, or otherwise modified to make it difficult to identify, so when in doubt, stop work and call it in.

<sup>8</sup> Ground-disturbing work on different landforms distant from the find and outside of the buffer may continue.

<sup>9</sup> OSP will be responsible for contacting the county or state medical examiner's office as appropriate.

4. State Historic Preservation Office (SHPO) \_\_\_\_\_ (time) \_\_\_\_\_ (initials)
5. Commission on Indian Services (LCIS) \_\_\_\_\_ (time) \_\_\_\_\_ (initials)
6. Appropriate Native American Tribes<sup>10</sup> \_\_\_\_\_ (time) \_\_\_\_\_  
(initials)

Name of Tribe(s) Contacted and Individual(s):

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**Step 4. Follow guidance** (timeline variable, may be up to several days)

If the site is determined not to be a crime scene by the Oregon State Police, **do not move anything!** The remains will continue to be *secured in place* along with any associated funerary objects, and protected from weather, water runoff, and shielded from view. Follow all guidance provided by OSP, LCIS, SHPO, and appropriate Native American Tribes.

Continue to maintain the work stoppage within the buffer until a plan is developed and carried out between the Oregon State Police, SHPO, LCIS, and appropriate Native American Tribes and you are directed in writing by the project manager that work may proceed.

**C. ROLES AND RESPONSIBILITIES**

<b>Responsibility</b>	<b>Person Responsible</b>
Notify Project Manager	Meili Construction Site Superintendent
Notify Agency Official	Curt Meili: 541-485-1417
Notify Contracted Archaeologist	Curt Meili: 541-485-1417
Notify State Agencies (OSP, LCIS, SHPO)	
Notify Native American Tribes	
Enforce work stoppage and buffer	Curt Meili: 541-485-1417

**D. CONTACT INFORMATION<sup>11</sup>**

<b>Agency</b>	<b>Position/Contact</b>	<b>Contact Information</b>
Project Manager	Curt Meili	541-485-1417

<sup>10</sup> ALL Tribes designated by LCIS must be notified. Contacting one or some of the Tribes does not fulfill the obligation to notify.

<sup>11</sup> \*\*\*Contact information should be regularly updated for all individuals. Up to date contacts for LCIS, OSP, SHPO, and Native American Tribes can be found on the LCIS cultural resources page: [Commission on Indian Services archaeology \(oregonlegislature.gov\)](http://www.oregonlegislature.gov/lcis/cultural-resources)

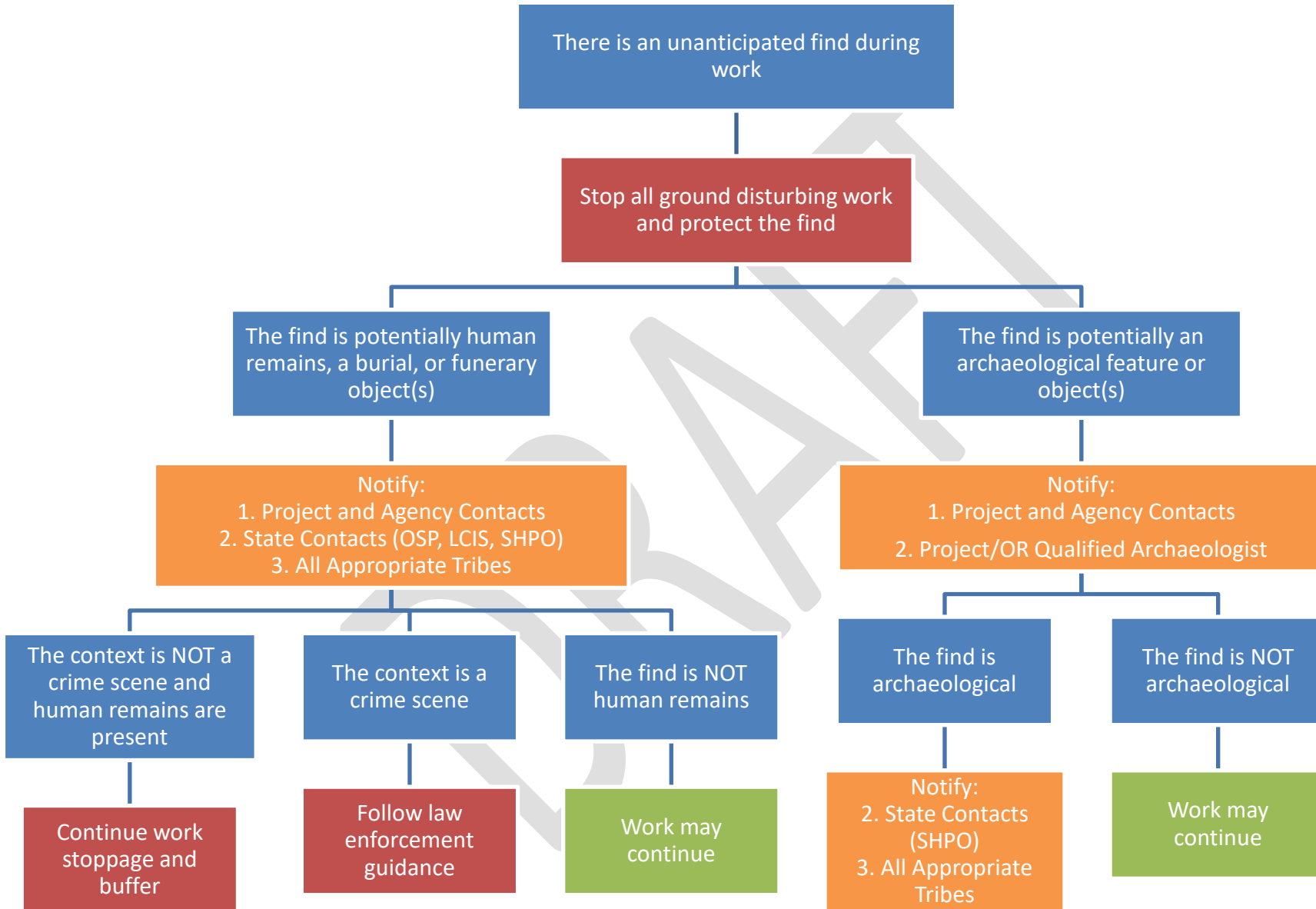
Agency Official	Donna Holt	541-918-7314
Contracted Archaeologist	TBD	TBD
Legislative Commission in Indian Services (LCIS)	Primary Contact: Dr. Elissa Bullion, State Physical Anthropologist	971-707-1372
	Secondary Contact: LCIS Office	503-986-1067
Oregon State Police (OSP)	Primary Contact: Sgt. Ryan Tague	541-576-4393
	Secondary Contact: Dispatch	503-731-3030
State Historic Preservation Office (SHPO)	Kirsten Lopez	503-400-4810
	Primary Contact: John Pouley, State Archaeologist	503-480-9164
	Secondary Contact: Jamie French, Asst. State Archaeologist	503-979-7580
Native American Tribes	Grand Ronde THPO – Christopher Bailey, David Harrelson, Cheryle Kennedy	503-879-1630
	Siletz THPO – Delores Pigsley	541-270-5017
	Warm Springs THPO – Robert Brunoe, Jonathan Smith	541-553-1161

**E. CONFIDENTIALITY**

Valor Place Apartments and employees shall make their best efforts, in accordance with federal and state law, to ensure that its personnel and contractors keep the discovery confidential. The media, or any third-party member or members of the public are not to be contacted or have information regarding the discovery, and any public or media inquiry is to be reported to Linn Benton Housing Authority. Photos shall not be taken except for when authorized by LCIS, SHPO, and Native American Tribes for identification purposes, and no photos will be circulated publicly or on social media. Prior to any release, the responsible agencies and Tribes shall concur on the amount of information, if any, to be released to the public.

*To protect fragile, vulnerable, or threatened sites, the National Historic Preservation Act, as amended (Section 304 [16 U.S.C. 470s-3]), and Oregon State law (ORS 192.501(11)) establishes that the location of archaeological sites, both on land and underwater, shall be confidential.*

F. PROCEDURE FLOW CHART





G. Visual Reference Guide for Archaeology in Oregon (Modify based on region/context)

Lithics and stone tools



Figure 1. Stone flakes



Figure 2. Stone projectile points

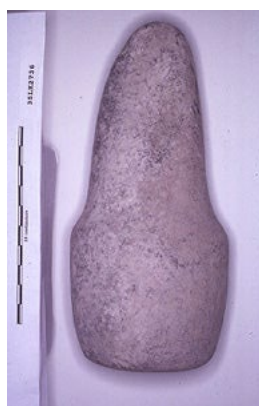


Figure 3. Ground stone tools: (left) pestle, (right) net weights,

Basketry/Cordage

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Figure 4. Open diagonal twine basket fragments from Fort Rock Cave (UOMNCH).



Figure 5. Three-strand braid, sagebrush bark from Paisley Caves (UOMNCH).

Shell Middens

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Figure 6.



Figure 7. Dentalium shell beads (UOMNCH).



Figure 8. Glass trade beads, Upper Columbia River (UOMNCH).

## Fish Weirs

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Figure 9. Wooden fish weir (Scott Byram, 2010)

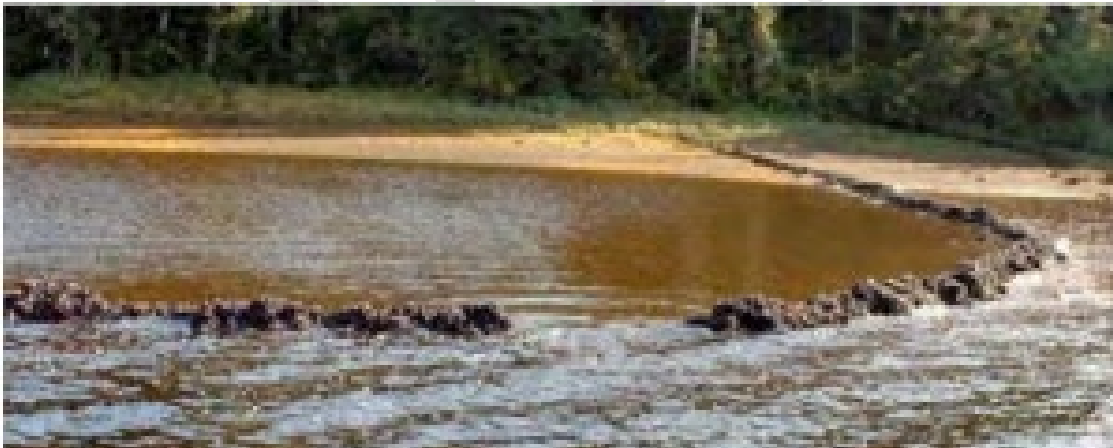


Figure 10. Stone fish weir (Brown and Brown, 2009)



Figure 11. Example of peeled pine.



Figure 12. Arborglyph on aspen tree



Figure 13. Historical glass



Figure 14. Historical metal artifacts

# OREGON SHPO CLEARANCE FORM

*Do not use this form for ODOT or Federal Highway projects or to record archaeological sites*

*This form is for: **federal** cultural resource reviews (Section 106); **state** cultural resource reviews (ORS 358.653)*

<b>SECTION 1: PROPERTY INFORMATION</b>	<b>SHPO Case Number:</b>
--	--------------------------

Resource Name: Valor Place Apartments

Street Address: 2080 Queen Ave. SE

City: Albany County: Linn-Benton

Agency Project # Project Name: Valor Place Apartments

*If there is not a street address, include the Township, Range, and Section, cross streets, or other address description*

Owner:  Private  Local Gov  State Gov  Federal Gov  Other: \_\_\_\_\_

Are there one or more buildings or structures?  YES  NO – If no, skip to Section 2 and append photo(s)

Is the property listed in the National Register of Historic Places?  YES – Individually  YES – In a district  NO

Original Construction date: \_\_\_\_\_  Check box if date is estimated

Siding Type(s) and Material(s): Window Type(s) and Material(s):

Has the property been physically altered?  No Alterations  Few Alterations  Major / Many Alterations

**SECTION 2: APPLICANT DETERMINATION OF ELIGIBILITY - Check the appropriate box**

*The purpose of this review is to avoid impacts to properties that are "eligible" (historic) or already listed in the National Register of Historic Places. Fully establishing historic significance can be very costly and time consuming. Therefore initial evaluations are based on age (50 years or greater) and integrity (historic appearance), which are the minimum qualifications for listing in the National Register. Additional documentation may be needed further in the process, but typically initial evaluations allow the review process to proceed expeditiously.*

The property is considered **Eligible** at this time because it is already listed in the National Register **or**

- is at least 50 years old **and** retains its historic integrity (minimal alterations to key features)
- has potential significance (architectural or historical)

The property is considered **Not Eligible** at this time because it:

- is less than 50 years old **or** is 50 years or older but there have been major alterations to key features
- is known to have no significance, based on National Register-level documentation and evaluation

**SECTION 3: APPLICANT DETERMINATION OF EFFECT - Check the appropriate box**

The project has **NO EFFECT** on a property that is eligible or already listed in the National Register, either because there is no eligible property involved or the eligible property will not be impacted physically or visually.

The project will have a minor impact on a property that is eligible or already listed in the National Register, and therefore there is **NO ADVERSE EFFECT**. Minor impacts include replacement of some, but not all, siding, doors, or windows, etc.

The project will have a major impact on a property that is eligible or already listed in the National Register, therefore there is an **ADVERSE EFFECT**. Major impacts include full or partial demolition, complete residing, full window replacement, etc.

**STATE HISTORIC PRESERVATION OFFICE COMMENTS – Official use only**

**Eligibility:**  Concur with the eligibility determination above.  
 Do not concur with the eligibility determination above.

**Effect:**  Concur with the effect determination above.  
 Do not concur with the effect determination above.

RECEIVED STAMP

RLS	
ILS	

Signed: \_\_\_\_\_ Date: \_\_\_\_\_

CONTACT INFORMATION STAMP

Comments:

# OREGON SHPO CLEARANCE FORM

*Do not use this form for ODOT or Federal Highway projects or to record archaeological sites*

## SECTION 4: PREVIOUS ALTERATIONS TO THE BUILDING OR STRUCTURE

*Only complete this section for buildings that are 50 years old or older. Describe any alterations that have already occurred to the building, such as material replacement, including siding, windows, and doors; any additions, including garages; and any removal or addition of architectural details, such as brackets, columns, and trim. Provide estimated dates for the work. Attach additional pages as necessary.*

N/A- There is no building on the site.

## SECTION 5: PROJECT DESCRIPTION

*Describe what work is proposed, including what materials will be used and how they will be installed. Specifically identify what historic materials will be retained, restored, replaced, or covered. Include drawings, photos, cut sheets (product descriptions), additional sheets, and other materials as necessary. For vacant lots, please describe the intended use.*

Valor Place Apartments will provide 30 units of housing on a 0.62 acre lot that is presently vacant and located adjacent to an existing LBHA apartment complex, Clayton Meadows Apartments. The Valor Place project will include 21 one-bedroom units for disabled veterans who are/have been homeless; 8 studio units dedicated to clients of Linn County Mental Health and a 1-bedroom manager's unit. Project common areas include a lobby, office, community room with a kitchenette, and mechanical room. The site will be developed with a courtyard, garden beds, stormwater retention ponds and parking for vehicles and bicycles.

## SECTION 6: FUNDING SOURCE

ARRA     FCC     FERC     HUD     ODOE     USDARD     USFS     HPF  
 Other: \_Veterans Affairs Supportive Housing\_\_\_\_\_

## SECTION 7: AGENCY CONTACT INFORMATION

Name of Organization Submitting the Project: Oregon Housing and Community Services

Project Contact Name and Title: Erin Nieman, Federal Cross-Cutting Analyst

Street Address, City, Zip: 725 Summer St. NE, Salem, 97301

Phone: 971-433-9706      Email: [Erin.Nieman@hcs.oregon.gov](mailto:Erin.Nieman@hcs.oregon.gov)

Date of Submission: 02/14/2024

## SECTION 8: ATTACHMENTS

<b>REQUIRED</b>	<input checked="" type="checkbox"/> 3 – 4, color, 4 x 5 photographs of the subject property, digital or print. One photo is sufficient for vacant property
<b>AS NEEDED</b> <i>Contact SHPO staff with questions</i>	<input type="checkbox"/> Project area map, for projects including more than one tax lot. (Required for HPF-funded projects). See instructions.
	<input checked="" type="checkbox"/> Additional drawings, reports, or other relevant materials
	<input type="checkbox"/> Continuation sheet for sections 4 or 5, or additional context to determine National Register Eligibility.

**SHPO Mailing Address: Review and Compliance, Oregon SHPO, 725 Summer St. NE, Suite C, Salem, OR 97301**  
**Documents meeting all aspects of the digital submission policy may be submitted by email to**  
**ORSHPO.Clearance@oregon.gov**



# OREGON SHPO CLEARANCE FORM CONTINUATION SHEET

*Do not use this form for ODOT, Federal Highway projects or to record archaeological sites*

## CONTINUATION SHEET

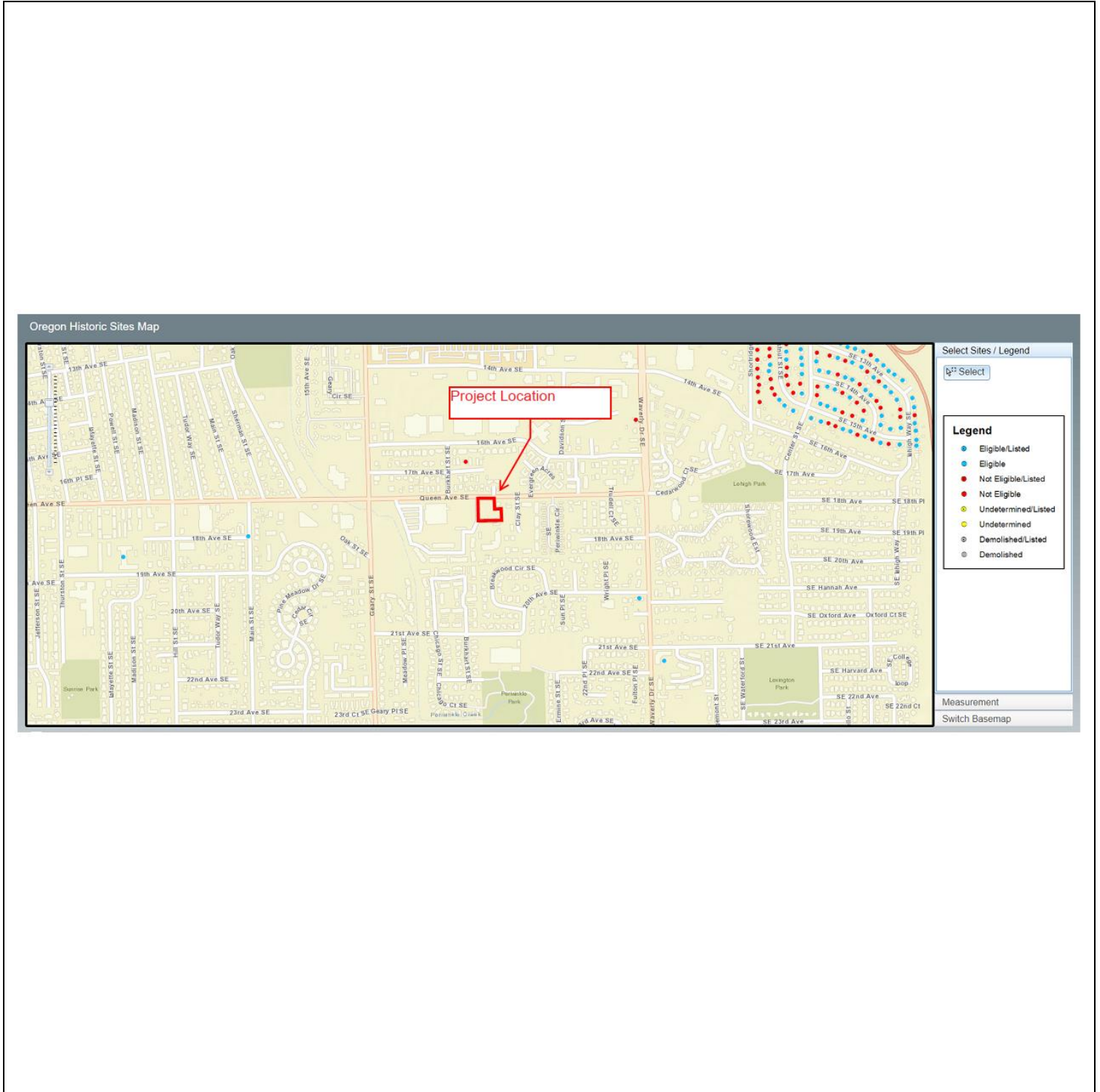
- *Include additional documentation for Section 4 or 5 as necessary. Attach maps, drawings, and reports as needed to illustrate current conditions and the planned project. If submitting this form by email, photos and maps may be inserted into continuation sheets.*
- *If completing a complete Determination of Eligibility (DOE) or Finding of Effect (FOE), use continuation sheets as necessary or include appendixes.*



Photo of the project site, currently vacant.

# OREGON SHPO CLEARANCE FORM CONTINUATION SHEET

Do not use this form for ODOT, Federal Highway projects or to record archaeological sites



# OREGON SHPO CLEARANCE FORM CONTINUATION SHEET

*Do not use this form for ODOT, Federal Highway projects or to record archaeological sites*



**BDA**  
BUREAU OF DESIGN ARCHITECTURE & PLANNING, INC.  
1000 NE Oregon Street, Suite 1000  
Portland, Oregon 97232

**APPROVED FOR RECORDING**  
BY: [Signature]  
DATE: [Date]

Revision Summary	
Revision Number	Revision Date

**VALOR PLACE APARTMENTS**  
3800 OLNEY AVENUE  
ALBANY, OREGON  
UNIVERSITY HOUSING AUTHORITY

**BUILDING ELEVATIONS**

Date: 01-26-2014  
By: JAB  
S.A.: CT

**A211**

# OREGON SHPO CLEARANCE FORM INSTRUCTIONS

*Do not use this form for ODOT, Federal Highway projects or to record archaeological sites*

## SECTION 1: PROPERTY INFORMATION:

- Include complete address and agency project number and name, if applicable.
- Check YES if there are any buildings on the site. Check NO if it is a vacant parcel (in which case it will be evaluated for archaeology and the potential impact on surrounding buildings only.)
- Check YES if your research (look on our website at <http://heritagedata.prd.state.or.us/historic/> and/or call your local planning office) shows the property is listed. Check NO if you find that it is not listed.
- Fill in the construction date. Check box if date is estimated.
- Describe the siding and window types and materials. Examples: double hung wood windows; vertical wood siding.
- Check to what degree the property has been altered. Ask yourself, would the original owner recognize the building, or have there been many changes that obscure the historic features?

## SECTION 2: APPLICANT DETERMINATION OF ELIGIBILITY:

- Check the ELIGIBLE box if the building is listed (National Register OR Local landmarks register), has previously been evaluated as eligible, or is 50 years of age AND the majority of the exterior historic features are retained.
- Check the NOT ELIGIBLE box if the building is not yet 50 years old, or if in your opinion there have been many and/or major changes (e.g. additions, siding and/or window replacement, porch enclosures).
- Applicants who acknowledge that the property meets the minimum qualifications for listing in the National Register but choose to contest this determination must complete a Determination of Eligibility (DOE). The DOE must demonstrate that the property is not eligible for the National Register using the Criteria listed in National Register Bulletin 15, "How to Apply the National Register Criteria for Evaluation." The DOE may be submitted on continuation sheets or as a separate document.

## SECTION 3: APPLICANT DETERMINATION OF EFFECT:

- Check the NO EFFECT box if the property is NOT ELIGIBLE for listing in the National Register or if the work will not replace or alter the appearance of any of the building's exterior features.
- Check the NO ADVERSE EFFECT box if the property is ELIGIBLE for listing or is already listed in the National Register and the work is visible (e.g. re-roofing with same materials, window or siding repair, adding a vent) but will not remove or obscure historic features.
- Check ADVERSE EFFECT if the property is ELIGIBLE or listed in the National Register and the work includes major changes, such as replacing the siding or windows.

## SECTION 4: PREVIOUS ALTERATIONS

- List the changes that **already** occurred to the building, including siding, windows, doors, porches, additions including dormers, or if the property was moved. Include the approximate date of each alteration. The information can be provided in list format.

## SECTION 5: PROJECT DESCRIPTION:

- Clearly describe what is being repaired or replaced, and how that work will be done. What materials and installation process are proposed? Include sufficient information (e.g. close-up photos, product specification sheets) so we can compare what exists with what is proposed. The information can be provided in list format.

## SECTION 6: FUNDING SOURCE:

- Check the federal or state agency funding the project; or check "other" and fill in the agency name.

## SECTION 7: AGENCY CONTACT INFORMATION:

- List the name of the organization submitting the Clearance Form

## SECTION 8: ATTACHMENTS:

- Photos: Include photos of the entire building, especially the elevations that can be seen from the street. Include close-ups of features that will be impacted by the project.
- Additional Information: When applicable, include window specifications, plans or diagrams that illustrate pertinent existing conditions and/or proposed work
- Continuation sheets for additional Section 4 or 5 narrative or to append a formal Determination of Eligibility (DOE) or Finding of Effect (FOE). These materials may also be submitted as a separate document.
- A map with location of project clearly marked with latitude and longitude coordinates in decimal degree format to the 5<sup>th</sup> decimal point is REQUIRED for all projects funded with Historic Preservation Funds through the Certified Local Government Grant. A single point for projects encompassing less than 5 acres is sufficient.

**From:** [Kayla Murphy](#)  
**To:** [Frelander, Beth](#)  
**Subject:** FW: Valor Place Apartments / Notice of New Construction Project  
**Date:** Monday, March 25, 2024 1:52:18 PM  
**Attachments:** [image002.png](#)  
[Grand Ronde Bailey Initial Consultation Valor Place.pdf](#)  
[Valor Place Project Site Map.pdf](#)

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[**WARNING!** This email came from outside our organization. Do **NOT** click unknown attachments or links in email.]

Kayla Murphy  
Construction Project Manager  
Housing Development Center  
desk: 503-528-5193  
pronouns| they/them ([why refer to pronouns?](#))

Housing  
Development  
Center

HDC-NW.ORG

---

**From:** NIEMAN Erin \* HCS <Erin.NIEMAN@hcs.oregon.gov>  
**Sent:** Tuesday, February 6, 2024 3:10 PM  
**To:** christopher.bailey@grandronde.org  
**Cc:** Kayla Murphy <Kayla@hdc-nw.org>; EDWARDS Briece <thpo@grandronde.org>  
**Subject:** Valor Place Apartments / Notice of New Construction Project

This message's attachments contains at least one web link. This is often used for phishing attempts. Please only interact with this attachment if you know its source and that the content is safe. If in doubt, confirm the legitimacy with the sender by phone.

Dear Christopher Bailey,

I would like to submit the attached letter as an invitation to provide input on Linn-Benton Housing Authority's proposed project to build much-needed supportive housing in Albany, OR. The project scope includes new construction of 30 units of housing on a 0.62 acre lot and will include 21 one-bedroom units for disabled veterans who are/have been homeless; 8 studio units dedicated to clients of Linn County Mental Health and a 1-bedroom manager's unit.

If you would like to comment on the proposed activities or would like to participate by contributing information or reviewing draft materials, please respond to me by email or by calling 971-433-9706 by **March 7, 2024**.

Thank you,  
Erin

**Erin Nieman** (she/her)

**Federal Cross-Cutting Analyst**

Affordable Rental Housing Division

Oregon Housing & Community Services

725 Summer St NE, Suite B | Salem, OR 97301

C: 971-433-9706

[erin.nieman@hcs.oregon.gov](mailto:erin.nieman@hcs.oregon.gov)

Office Hours: M-F 7:00 a.m. – 3:30 p.m.

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February 6, 2024

Confederated Tribes of Grand Ronde  
Christopher Bailey, Cultural Protection Specialist  
8720 Grand Ronde Road  
Grand Ronde, OR 97347

RE: Valor Place Apartments  
Notice of new construction project  
2080 Queen Ave. SE, Albany, Linn-Benton County

Dear Christopher Bailey,

The Linn-Benton Housing Authority is considering funding the project listed above with federal funds in the form of Veterans Affairs Supportive Housing (VASH) vouchers. Under HUD regulation 24 CFR 58.4, the Linn-Benton Housing Authority has asked Oregon Housing and Community Services (OHCS) to assume HUD's environmental review responsibilities for the project, including tribal consultation related to historic properties. Historic properties include archeological sites, burial grounds, sacred landscapes or features, ceremonial areas, traditional cultural places and landscapes, plant and animal communities, and buildings and structures with significant tribal association.

OHCS will conduct a review of this project to comply with Section 106 of the National Historic Preservation Act and its implementing regulations 36 CFR Part 800. We would like to invite you to be a consulting party in this review to help identify historic properties in the project area that may have religious and cultural significance to your tribe, and if such properties exist, to help assess how the project might affect them. If the project might have an adverse effect, we would like to discuss possible ways to avoid, minimize or mitigate potential adverse effects.

A map of the project site is enclosed for your reference. The project scope includes new construction of 30 units of housing on a 0.62 acre lot that is presently vacant and located adjacent to an existing LBHA apartment complex, Clayton Meadows Apartments. The Valor Place project will include 21 one-bedroom units for disabled veterans who are/have been homeless; 8 studio units dedicated to clients of Linn County Mental Health and a 1-bedroom manager's unit. Project common areas include a lobby, office, community room with a kitchenette, and mechanical room. The site will be developed with a courtyard, garden beds, stormwater retention ponds and parking for vehicles and bicycles.

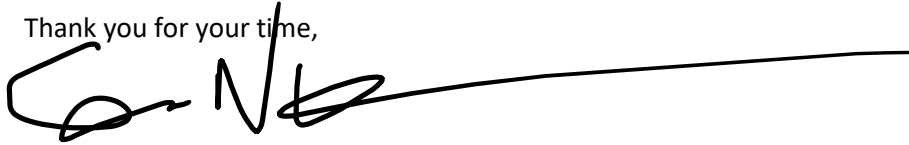
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<http://www.onecpd.info/environmental-review/historic-preservation/>.

HUD's process for tribal consultation under Section 106 is described in a Notice available at  
<https://www.onecpd.info/resource/2448/notice-cpd-12-006-tribal-consultation-under-24-cfr-part-58>.



Pursuant to 36 CFR Part 800.4, if we do not hear from you by **March 7, 2024** we will assume that you have no concerns, and OHCS will move forward with acquiring HUD's approval in the environmental review process. Please share your comments, questions, or concerns with me, Erin Nieman, OHCS Federal Cross-Cutting Analyst, at email: [erin.nieman@hcs.oregon.gov](mailto:erin.nieman@hcs.oregon.gov), (cell) 971-433-9706

Thank you for your time,

A handwritten signature in black ink, appearing to read 'Erin Nieman', followed by a long horizontal line extending to the right.

Erin Nieman  
Federal Cross-Cutting Analyst





**From:** [Kayla Murphy](#)  
**To:** [Frelander, Beth](#)  
**Subject:** FW: Valor Place Apartments / Notice of New Construction Project  
**Date:** Monday, March 25, 2024 1:52:34 PM  
**Attachments:** [image003.png](#)  
[Grand Ronde\\_Harrelson\\_Initial Consultation\\_Volor Place.pdf](#)  
[Valor Place Project Site Map.pdf](#)

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Kayla Murphy  
Construction Project Manager  
Housing Development Center  
desk: 503-528-5193  
pronouns| they/them ([why refer to pronouns?](#))

Housing  
Development  
Center

HDC-NW.ORG

---

**From:** NIEMAN Erin \* HCS <Erin.NIEMAN@hcs.oregon.gov>  
**Sent:** Tuesday, February 6, 2024 3:10 PM  
**To:** david.harrelson@grandronde.org  
**Cc:** Kayla Murphy <Kayla@hdc-nw.org>; EDWARDS Briece <thpo@grandronde.org>  
**Subject:** Valor Place Apartments / Notice of New Construction Project

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Dear THPO Harrelson,

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If you would like to comment on the proposed activities or would like to participate by contributing information or reviewing draft materials, please respond to me by email or by calling 971-433-9706 by **March 7, 2024**.

Thank you,  
Erin

**Erin Nieman** (she/her)

**Federal Cross-Cutting Analyst**

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February 6, 2024

Confederated Tribes of Grand Ronde  
David Harrelson, Program Manager and THPO  
9615 Grand Ronde Road  
Grand Ronde, OR 97347

RE: Valor Place Apartments  
Notice of new construction project  
2080 Queen Ave. SE, Albany, Linn-Benton County

Dear THPO Harrelson,

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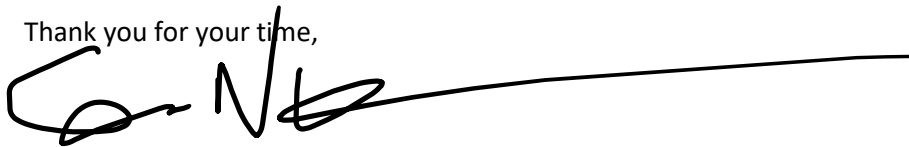
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Thank you for your time,

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Erin Nieman  
Federal Cross-Cutting Analyst



**From:** [Kayla Murphy](#)  
**To:** [Frelander, Beth](#)  
**Subject:** FW: Valor Place Apartments / Notice of New Construction Project  
**Date:** Monday, March 25, 2024 1:52:42 PM  
**Attachments:** [image003.png](#)  
[Grand Ronde\\_Kennedy\\_Initial Consultation\\_Vvalor Place.pdf](#)  
[Valor Place Project Site Map.pdf](#)

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Kayla Murphy  
Construction Project Manager  
Housing Development Center  
desk: 503-528-5193  
pronouns| they/them ([why refer to pronouns?](#))

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Development  
Center

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---

**From:** NIEMAN Erin \* HCS <Erin.NIEMAN@hcs.oregon.gov>  
**Sent:** Tuesday, February 6, 2024 3:10 PM  
**To:** Cheryle Kennedy <cheryle.kennedy@grandronde.org>  
**Cc:** Kayla Murphy <Kayla@hdc-nw.org>  
**Subject:** Valor Place Apartments / Notice of New Construction Project

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Dear Chairwoman Kennedy,

I would like to submit the attached letter as an invitation to provide input on Linn-Benton Housing Authority's proposed project to build much-needed supportive housing in Albany, OR. The project scope includes new construction of 30 units of housing on a 0.62 acre lot and will include 21 one-bedroom units for disabled veterans who are/have been homeless; 8 studio units dedicated to clients of Linn County Mental Health and a 1-bedroom manager's unit.

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Thank you,  
Erin

**Erin Nieman** (she/her)

**Federal Cross-Cutting Analyst**

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Oregon Housing & Community Services

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February 6, 2024

Confederated Tribes of Grand Ronde  
Cheryle Kennedy, Chairwoman  
9615 Grand Ronde Road  
Grand Ronde, OR 97347

RE: Valor Place Apartments  
Notice of new construction project  
2080 Queen Ave. SE, Albany, Linn-Benton County

Dear Chairwoman Kennedy,

The Linn-Benton Housing Authority is considering funding the project listed above with federal funds in the form of Veterans Affairs Supportive Housing (VASH) vouchers. Under HUD regulation 24 CFR 58.4, the Linn-Benton Housing Authority has asked Oregon Housing and Community Services (OHCS) to assume HUD's environmental review responsibilities for the project, including tribal consultation related to historic properties. Historic properties include archeological sites, burial grounds, sacred landscapes or features, ceremonial areas, traditional cultural places and landscapes, plant and animal communities, and buildings and structures with significant tribal association.

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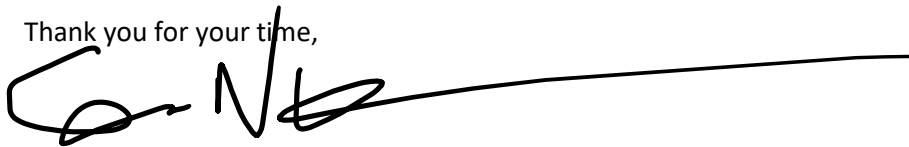
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Thank you for your time,

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Erin Nieman  
Federal Cross-Cutting Analyst





**From:** [Kayla Murphy](#)  
**To:** [Frelander, Beth](#)  
**Subject:** FW: Valor Place Apartments / Notice of New Construction Project  
**Date:** Monday, March 25, 2024 1:52:59 PM  
**Attachments:** [image002.png](#)  
[Siletz Pigsley Initial Consultation Valor Place.pdf](#)  
[Valor Place Project Site Map.pdf](#)

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Kayla Murphy  
Construction Project Manager  
Housing Development Center  
desk: 503-528-5193  
pronouns| they/them ([why refer to pronouns?](#))

Housing  
Development  
Center

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---

**From:** NIEMAN Erin \* HCS <Erin.NIEMAN@hcs.oregon.gov>  
**Sent:** Tuesday, February 6, 2024 3:09 PM  
**To:** dpigsley@msn.com  
**Cc:** Kayla Murphy <Kayla@hdc-nw.org>  
**Subject:** Valor Place Apartments / Notice of New Construction Project

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Dear Chairperson Pigsley,

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**Federal Cross-Cutting Analyst**

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February 6, 2024

Confederated Tribes of Siletz Indians of Oregon  
Delores Pigsley, Tribal Chairperson  
PO Box 549  
Siletz, OR 97380-0549

RE: Valor Place Apartments  
Notice of new construction project  
2080 Queen Ave. SE, Albany, Linn-Benton County

Dear Chairperson Pigsley,

The Linn-Benton Housing Authority is considering funding the project listed above with federal funds in the form of Veterans Affairs Supportive Housing (VASH) vouchers. Under HUD regulation 24 CFR 58.4, the Linn-Benton Housing Authority has asked Oregon Housing and Community Services (OHCS) to assume HUD's environmental review responsibilities for the project, including tribal consultation related to historic properties. Historic properties include archeological sites, burial grounds, sacred landscapes or features, ceremonial areas, traditional cultural places and landscapes, plant and animal communities, and buildings and structures with significant tribal association.

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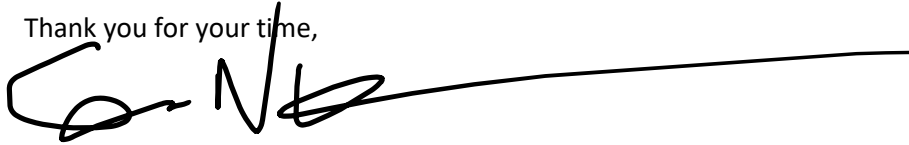
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Thank you for your time,

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Erin Nieman  
Federal Cross-Cutting Analyst



**From:** [Kayla Murphy](#)  
**To:** [Freelander, Beth](#)  
**Subject:** FW: Valor Place Apartments / Notice of New Construction Project  
**Date:** Monday, March 25, 2024 1:52:06 PM  
**Attachments:** [image003.png](#)  
[Valor Place Project Site Map.pdf](#)  
[Warm Springs Brunoe Initial Consultation Valor Place.pdf](#)

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I will forward each of the letters that went out. There were no responses from any of the tribal offices.

Kayla Murphy

Construction Project Manager

Housing Development Center

desk: 503-528-5193

pronouns| they/them ([why refer to pronouns?](#))

Housing  
Development  
Center

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---

**From:** NIEMAN Erin \* HCS <Erin.NIEMAN@hcs.oregon.gov>  
**Sent:** Tuesday, February 6, 2024 3:10 PM  
**To:** Bobby Bruno <robert.brunoe@ctwsbnr.org>  
**Cc:** Kayla Murphy <Kayla@hdc-nw.org>  
**Subject:** Valor Place Apartments / Notice of New Construction Project

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February 6, 2024

Confederated Tribes of Warm Springs  
Robert Brunoe, Tribal Historic Preservation Officer  
1233 Veterans Street  
Warm Springs, OR 97761

RE: Valor Place Apartments  
Notice of new construction project  
2080 Queen Ave. SE, Albany, Linn-Benton County

Dear THPO Brunoe,

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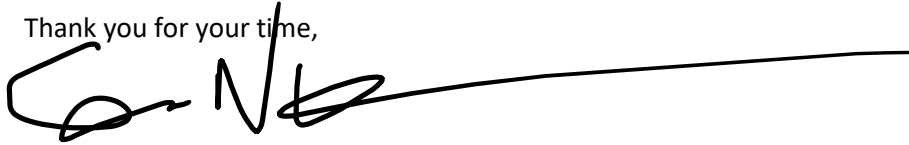
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Thank you for your time,

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Erin Nieman  
Federal Cross-Cutting Analyst





**From:** [Kayla Murphy](#)  
**To:** [Frelander, Beth](#)  
**Subject:** FW: Valor Place Apartments / Notice of New Construction Project  
**Date:** Monday, March 25, 2024 1:52:50 PM  
**Attachments:** [image002.png](#)  
[Valor Place Project Site Map.pdf](#)  
[Warm Springs Smith Initial Consultation Valor Place.pdf](#)

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Kayla Murphy  
Construction Project Manager  
Housing Development Center  
desk: 503-528-5193  
pronouns| they/them ([why refer to pronouns?](#))

Housing  
Development  
Center

HDC-NW.ORG

---

**From:** NIEMAN Erin \* HCS <Erin.NIEMAN@hcs.oregon.gov>  
**Sent:** Tuesday, February 6, 2024 3:09 PM  
**To:** jonathan.smith@wstribes.org  
**Cc:** Kayla Murphy <Kayla@hdc-nw.org>  
**Subject:** Valor Place Apartments / Notice of New Construction Project

This message's attachments contains at least one web link. This is often used for phishing attempts. Please only interact with this attachment if you know its source and that the content is safe. If in doubt, confirm the legitimacy with the sender by phone.

Dear Chairperson Smith,

I would like to submit the attached letter as an invitation to provide input on Linn-Benton Housing Authority's proposed project to build much-needed supportive housing in Albany, OR. The project scope includes new construction of 30 units of housing on a 0.62 acre lot and will include 21 one-bedroom units for disabled veterans who are/have been homeless; 8 studio units dedicated to clients of Linn County Mental Health and a 1-bedroom manager's unit.

If you would like to comment on the proposed activities or would like to participate by contributing information or reviewing draft materials, please respond to me by email or by calling 971-433-9706 by **March 7, 2024**.

Thank you,  
Erin

**Erin Nieman** (she/her)

**Federal Cross-Cutting Analyst**

Affordable Rental Housing Division

Oregon Housing & Community Services

725 Summer St NE, Suite B | Salem, OR 97301

C: 971-433-9706

[erin.nieman@hcs.oregon.gov](mailto:erin.nieman@hcs.oregon.gov)

Office Hours: M-F 7:00 a.m. – 3:30 p.m.

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**DISCLAIMER:** This email may be considered a public record of the City of Albany and subject to the State of Oregon Retention Schedule. This email also may be subject to public disclosure under the Oregon Public Records Law. This email, including any attachments, is for the sole use of the intended recipient(s) and may contain confidential and privileged information. Any unauthorized review, use, disclosure or distribution is prohibited. If you have received this communication in error, please notify the sender immediately and destroy all copies of the original message.



**OREGON HOUSING** *and*  
**COMMUNITY SERVICES**

725 SUMMER STREET NE, SUITE B | SALEM, OR 97301  
503-986-2000 | [www.oregon.gov/OHCS](http://www.oregon.gov/OHCS)

February 6, 2024

Confederated Tribes of Warm Springs  
Jonathan Smith, Tribal Chairperson  
1233 Veterans Street  
Warm Springs, OR 97761

RE: Valor Place Apartments  
Notice of new construction project  
2080 Queen Ave. SE, Albany, Linn-Benton County

Dear Chairperson Smith,

The Linn-Benton Housing Authority is considering funding the project listed above with federal funds in the form of Veterans Affairs Supportive Housing (VASH) vouchers. Under HUD regulation 24 CFR 58.4, the Linn-Benton Housing Authority has asked Oregon Housing and Community Services (OHCS) to assume HUD's environmental review responsibilities for the project, including tribal consultation related to historic properties. Historic properties include archeological sites, burial grounds, sacred landscapes or features, ceremonial areas, traditional cultural places and landscapes, plant and animal communities, and buildings and structures with significant tribal association.

OHCS will conduct a review of this project to comply with Section 106 of the National Historic Preservation Act and its implementing regulations 36 CFR Part 800. We would like to invite you to be a consulting party in this review to help identify historic properties in the project area that may have religious and cultural significance to your tribe, and if such properties exist, to help assess how the project might affect them. If the project might have an adverse effect, we would like to discuss possible ways to avoid, minimize or mitigate potential adverse effects.

A map of the project site is enclosed for your reference. The project scope includes new construction of 30 units of housing on a 0.62 acre lot that is presently vacant and located adjacent to an existing LBHA apartment complex, Clayton Meadows Apartments. The Valor Place project will include 21 one-bedroom units for disabled veterans who are/have been homeless; 8 studio units dedicated to clients of Linn County Mental Health and a 1-bedroom manager's unit. Project common areas include a lobby, office, community room with a kitchenette, and mechanical room. The site will be developed with a courtyard, garden beds, stormwater retention ponds and parking for vehicles and bicycles.

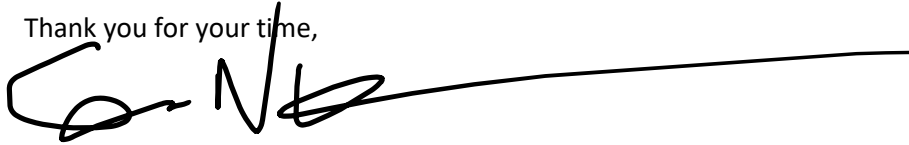
More information on the Section 106 review process is available at  
<http://www.onecpd.info/environmental-review/historic-preservation/>.

HUD's process for tribal consultation under Section 106 is described in a Notice available at  
<https://www.onecpd.info/resource/2448/notice-cpd-12-006-tribal-consultation-under-24-cfr-part-58>.



Pursuant to 36 CFR Part 800.4, if we do not hear from you by **March 7, 2024** we will assume that you have no concerns, and OHCS will move forward with acquiring HUD's approval in the environmental review process. Please share your comments, questions, or concerns with me, Erin Nieman, OHCS Federal Cross-Cutting Analyst, at email: [erin.nieman@hcs.oregon.gov](mailto:erin.nieman@hcs.oregon.gov), (cell) 971-433-9706

Thank you for your time,

A handwritten signature in black ink, appearing to read 'Erin Nieman', followed by a long horizontal line extending to the right.

Erin Nieman  
Federal Cross-Cutting Analyst



Aerial photographs: 2080 Queen Avenue SE – Valor Place Apartments





1963 Aerial

Geary

Queen

2110 & 2120  
Queen Ave SE

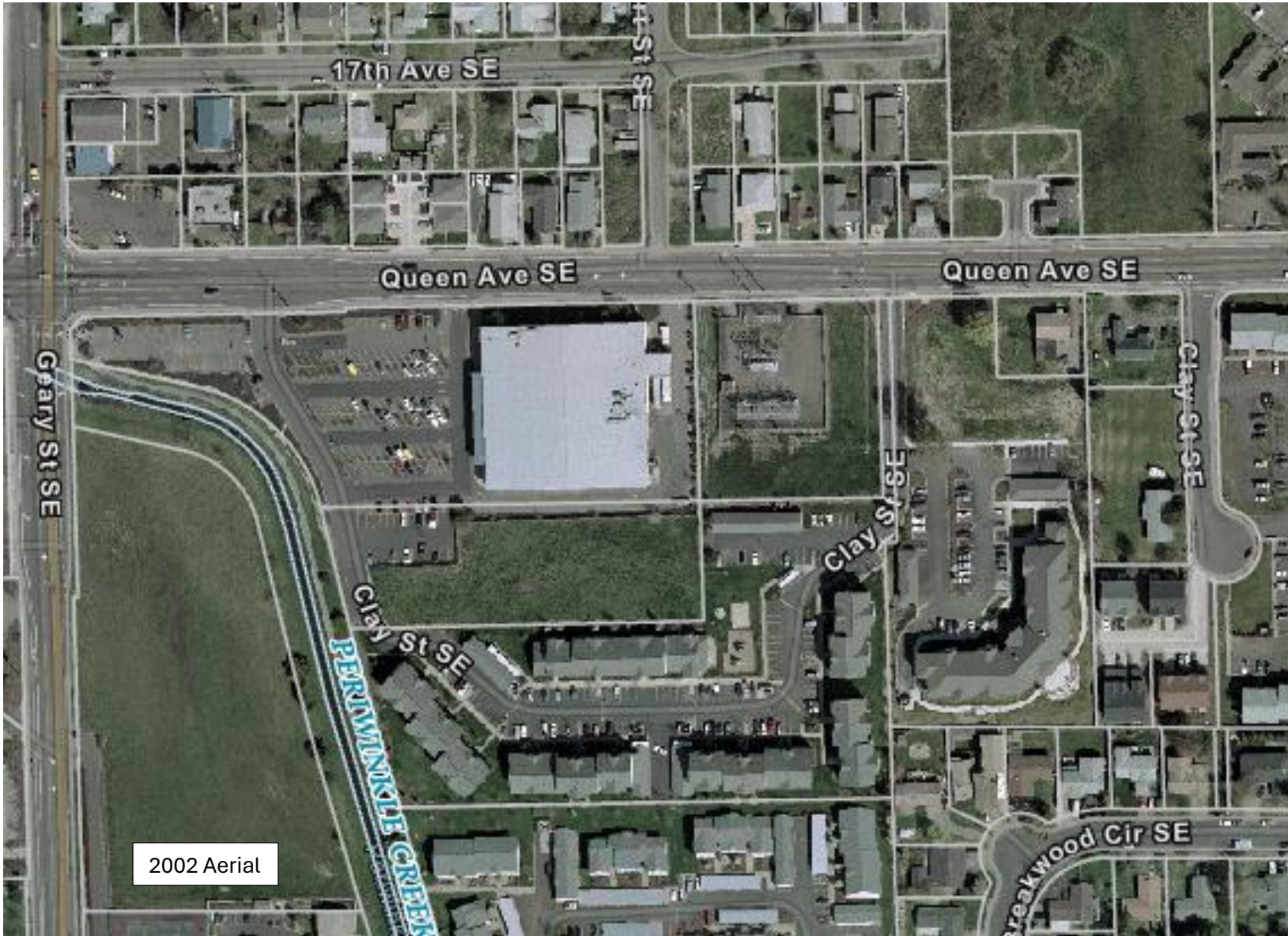


1969 Aerial



1994 Aerial





2002 Aerial



2023 Aerial

# OREGON SHPO CLEARANCE FORM

Do not use this form for ODOT or Federal Highway projects or to record archaeological sites

This form is for: **federal** cultural resource reviews (Section 106); **state** cultural resource reviews (ORS 358.653)

## SECTION 1: PROPERTY INFORMATION

SHPO Case Number: 24-0400

Resource Name: 2110 Queen Avenue SE

Street Address: 2110 Queen Avenue SE, Albany OR 97322

City: Albany

County: Linn

Agency Project:

Project Name: Valor Place Apartments

If there is not a street address, include the Township, Range, and Section, cross streets, or other address description

Owner:  Private  Local Gov  State Gov  Federal Gov  Other: \_\_\_\_\_

Are there one or more buildings or structures?  YES  NO – If no, skip to Section 2 and append photo(s)

Is the property listed in the National Register of Historic Places?  YES – Individually  YES – In a district  NO

Original Construction date: 1948  Check box if date is estimated

Siding Type(s) and Material(s): vinyl siding

Window Type(s) and Material(s): 1-over-1 vinyl, vinyl sliders

Has the property been physically altered?  No Alterations  Few Alterations  Major / Many Alterations

## SECTION 2: APPLICANT DETERMINATION OF ELIGIBILITY - Check the appropriate box

The purpose of this review is to avoid impacts to properties that are "eligible" (historic) or already listed in the National Register of Historic Places. Fully establishing historic significance can be very costly and time consuming. Therefore initial evaluations are based on age (50 years or greater) and integrity (historic appearance), which are the minimum qualifications for listing in the National Register. Additional documentation may be needed further in the process, but typically initial evaluations allow the review process to proceed expeditiously.

The property is considered **Eligible** at this time because it is already listed in the National Register **or**

- is at least 50 years old **and** retains its historic integrity (minimal alterations to key features)
- has potential significance (architectural or historical)

The property is considered **Not Eligible** at this time because it:

- is less than 50 years old **or** is 50 years or older but there have been major alterations to key features
- is known to have no significance, based on National Register-level documentation and evaluation

## SECTION 3: APPLICANT DETERMINATION OF EFFECT - Check the appropriate box

The project has **NO EFFECT** on a property that is eligible or already listed in the National Register, either because there is no eligible property involved or the eligible property will not be impacted physically or visually.

The project will have a minor impact on a property that is eligible or already listed in the National Register, and therefore there is **NO ADVERSE EFFECT**. Minor impacts include replacement of some, but not all, siding, doors, or windows, etc.

The project will have a major impact on a property that is eligible or already listed in the National Register, therefore there is an **ADVERSE EFFECT**. Major impacts include full or partial demolition, complete residing, full window replacement, etc.

## STATE HISTORIC PRESERVATION OFFICE COMMENTS – Official use only

**Eligibility:**  Concur with the eligibility determination above.  
 Do not concur with the eligibility determination above.

**Effect:**  Concur with the effect determination above.  
 Do not concur with the effect determination above.

RECEIVED STAMP

Signed: \_\_\_\_\_ Date: \_\_\_\_\_

RLS	
ILS	

## CONTACT INFORMATION STAMP

Comments:

## SECTION 4: PREVIOUS ALTERATIONS TO THE BUILDING OR STRUCTURE

# OREGON SHPO CLEARANCE FORM

Do not use this form for ODOT or Federal Highway projects or to record archaeological sites

Only complete this section for buildings that are 50 years old or older. Describe any alterations that have already occurred to the building, such as material replacement, including siding, windows, and doors; any additions, including garages; and any removal or addition of architectural details, such as brackets, columns, and trim. Provide estimated dates for the work. Attach additional pages as necessary.

The property consists of one (1) one-story residential structure constructed in 1947 on approximately 0.25 acres of land with an attached garage on the back, with paved parking, lawn and new landscaping.

Exterior alterations include vinyl siding on the sides of the house and some new sliding windows and vinyl windows.

## SECTION 5: PROJECT DESCRIPTION

Describe what work is proposed, including what materials will be used and how they will be installed. Specifically identify what historic materials will be retained, restored, replaced, or covered. Include drawings, photos, cut sheets (product descriptions), additional sheets, and other materials as necessary. For vacant lots, please describe the intended use.

No alterations are proposed to the subject property.

The property abuts a proposed 30-unit affordable housing development for Veterans, Valor Place Apartments.

The property is zoned Residential Medium Density (RM). It is bounded by single-family residential structure to the west, vacant land and apartments to the south, apartments to the east and a combination of apartments and single-unit dwellings to the north.

## SECTION 6: FUNDING SOURCE

ARRA    FCC    FERC    HUD    ODOE    USDARD    USFS    HPF  
 Other: Veterans Affairs Supportive Housing

## SECTION 7: AGENCY CONTACT INFORMATION

Name of Organization Submitting the Project: City of Albany

Project Contact Name and Title: Anne Catlin, Comprehensive Planning Manager

Street Address, City, Zip: PO Box 490, Albany, OR 97321

Phone: 541-917-7550

Email: beth.freelander@albanyoregon.gov

Date of Submission: 6/4/2024

## SECTION 8: ATTACHMENTS

### REQUIRED

3 – 4, color, 4 x 5 photographs of the subject property, digital or print.  
One photo is sufficient for vacant property

### AS NEEDED

Contact SHPO staff with questions

Project area map, for projects including more than one tax lot. (Required for HPF-funded projects). See instructions.

Additional drawings, reports, or other relevant materials

Continuation sheet for sections 4 or 5, or additional context to determine National Register Eligibility.

**SHPO Mailing Address: Review and Compliance, Oregon SHPO, 725 Summer St. NE, Suite C, Salem, OR 97301**  
**Documents meeting all aspects of the digital submission policy may be submitted by email to**  
**ORSHPO.Clearance@oregon.gov**

# OREGON SHPO CLEARANCE FORM CONTINUATION SHEET

*Do not use this form for ODOT, Federal Highway projects or to record archaeological sites*

## CONTINUATION SHEET

- Include additional documentation for Section 4 or 5 as necessary. Attach maps, drawings, and reports as needed to illustrate current conditions and the planned project. If submitting this form by email, photos and maps may be inserted into continuation sheets.
- If completing a complete Determination of Eligibility (DOE) or Finding of Effect (FOE), use continuation sheets as necessary or include appendixes.

### DETERMINATION OF ELIGIBILITY:

A review of the National Register of Historic Places, the City of Albany National Register District and Local Historic Inventory, and the Oregon Historic Sites Database indicates that the subject property and the vicinity properties within the Area of Potential Influence (Visual APE: 300 feet) are not listed on the National Register of Historic Places; are not located within, or adjacent to, a Historic District; and are not listed as local landmarks on the Local Historic Inventory. The property is more than one mile from the closest residential historic district. (See Attached Map Figure 1.)

Based on an evaluation of the individual National Register Criteria for Eligibility, the property and associated resources do not meet the criteria for eligibility in the National Register of Historic Places.

- Researching historical records at the City and Albany Regional Museum, no events are associated with this property.
- According to ownership research, no persons of local, state, or other significance resided on the property.
- The house has been altered with new siding and windows, and a garage addition to the front and does not exhibit any unique material or method of construction that shapes the historic identity of the area, or of Albany's development.
- The property was on the outskirts of town in the late 1940s in agricultural use. Except for the house to the west, the few older residences and agricultural fields have been replaced with newer residential and commercial development, most construction occurring since 1990.

The property is not associated with a significant local or national theme, or with other older buildings in the APE.

**FINDING OF EFFECT:** The Responsible Entity concludes the property is not a historic property per 36 CFR 800.16.

The Responsible Entity proposes a Finding of No Adverse Effect because the undertakings do not meet the criteria in 36 CFR 800.5(a)(1).

Notice was mailed to three area tribes on 2/6/2024 due to potential ground disturbance associated with the removal of the structures and site clearance. No responses were received from the tribes.

### FRONT/SOUTH FACADE:



# OREGON SHPO CLEARANCE FORM CONTINUATION SHEET

*Do not use this form for ODOT, Federal Highway projects or to record archaeological sites*

**WEST FAÇADE:**



**EAST FAÇADE:**



# OREGON SHPO CLEARANCE FORM CONTINUATION SHEET

*Do not use this form for ODOT, Federal Highway projects or to record archaeological sites*

1948 AERIAL:



1963 AERIAL:



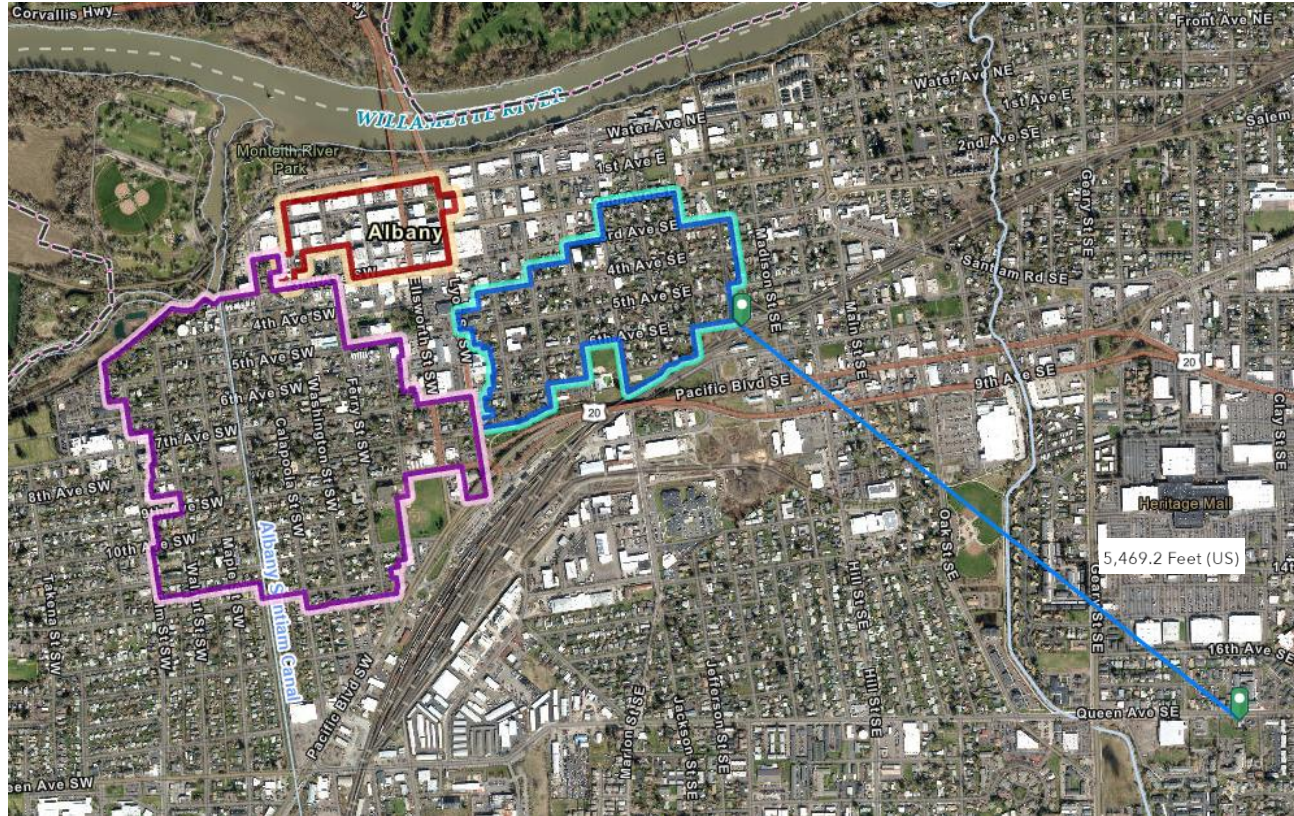
1923 AERIAL:



# OREGON SHPO CLEARANCE FORM CONTINUATION SHEET

Do not use this form for ODOT, Federal Highway projects or to record archaeological sites

## PROXIMITY TO HISTORIC DISTRICTS:

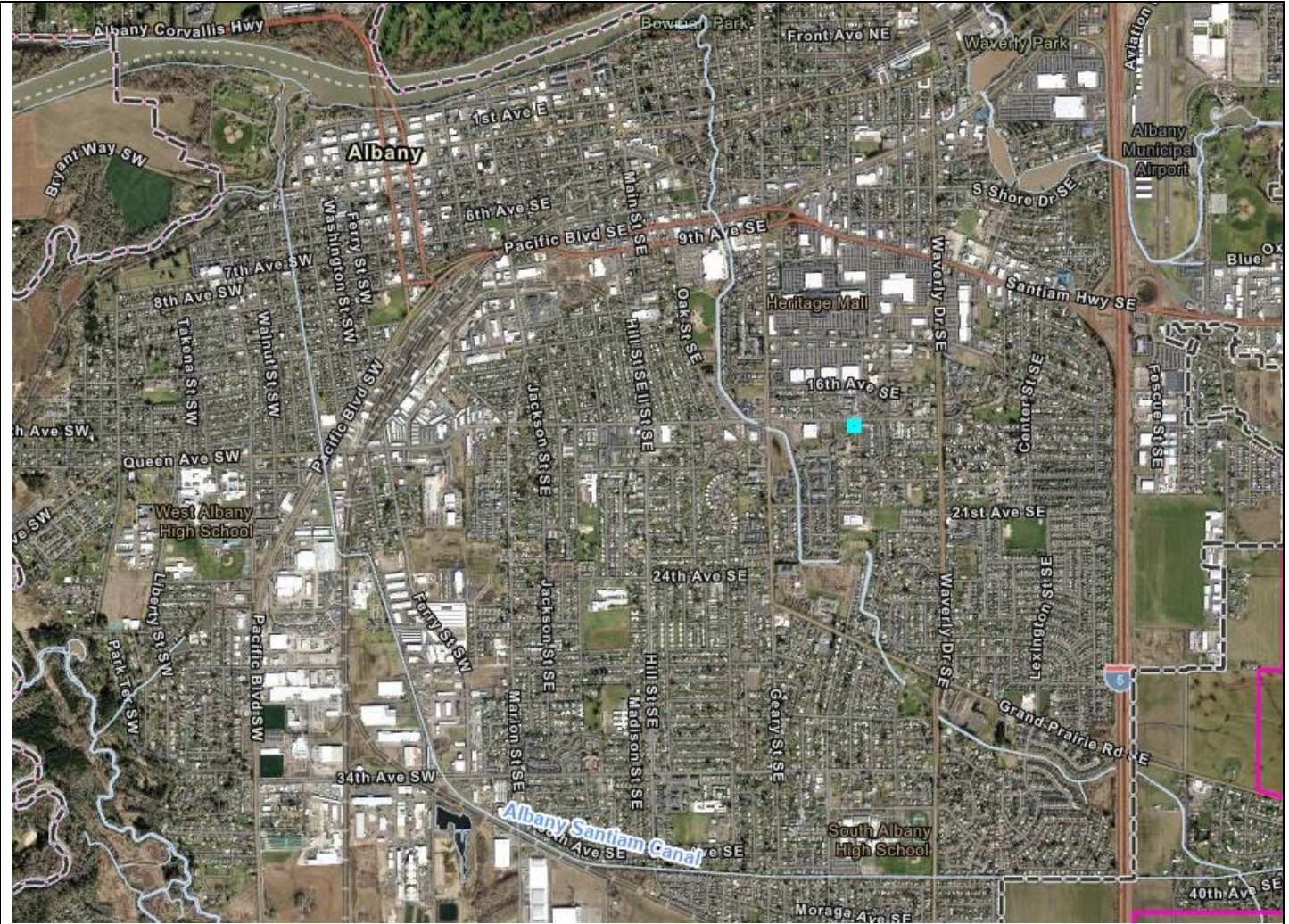


## LOCATION MAP:



# OREGON SHPO CLEARANCE FORM CONTINUATION SHEET

Do not use this form for ODOT, Federal Highway projects or to record archaeological sites



# OREGON SHPO CLEARANCE FORM INSTRUCTIONS

*Do not use this form for ODOT, Federal Highway projects or to record archaeological sites*

## SECTION 1: PROPERTY INFORMATION:

- Include complete address and agency project number and name, if applicable.
- Check YES if there are any buildings on the site. Check NO if it is a vacant parcel (in which case it will be evaluated for archaeology and the potential impact on surrounding buildings only.)
- Check YES if your research (look on our website at <http://heritagedata.prd.state.or.us/historic/> and/or call your local planning office) shows the property is listed. Check NO if you find that it is not listed.
- Fill in the construction date. Check box if date is estimated.
- Describe the siding and window types and materials. Examples: double hung wood windows; vertical wood siding.
- Check to what degree the property has been altered. Ask yourself, would the original owner recognize the building, or have there been many changes that obscure the historic features?

## SECTION 2: APPLICANT DETERMINATION OF ELIGIBILITY:

- Check the ELIGIBLE box if the building is listed (National Register OR Local landmarks register), has previously been evaluated as eligible, or is 50 years of age AND the majority of the exterior historic features are retained.
- Check the NOT ELIGIBLE box if the building is not yet 50 years old, or if in your opinion there have been many and/or major changes (e.g. additions, siding and/or window replacement, porch enclosures).
- Applicants who acknowledge that the property meets the minimum qualifications for listing in the National Register but choose to contest this determination must complete a Determination of Eligibility (DOE). The DOE must demonstrate that the property is not eligible for the National Register using the Criteria listed in National Register Bulletin 15, "How to Apply the National Register Criteria for Evaluation." The DOE may be submitted on continuation sheets or as a separate document.

## SECTION 3: APPLICANT DETERMINATION OF EFFECT:

- Check the NO EFFECT box if the property is NOT ELIGIBLE for listing in the National Register or if the work will not replace or alter the appearance of any of the building's exterior features.
- Check the NO ADVERSE EFFECT box if the property is ELIGIBLE for listing or is already listed in the National Register and the work is visible (e.g. re-roofing with same materials, window or siding repair, adding a vent) but will not remove or obscure historic features.
- Check ADVERSE EFFECT if the property is ELIGIBLE or listed in the National Register and the work includes major changes, such as replacing the siding or windows.

## SECTION 4: PREVIOUS ALTERATIONS

- List the changes that **already** occurred to the building, including siding, windows, doors, porches, additions including dormers, or if the property was moved. Include the approximate date of each alteration. The information can be provided in list format.

## SECTION 5: PROJECT DESCRIPTION:

- Clearly describe what is being repaired or replaced, and how that work will be done. What materials and installation process are proposed? Include sufficient information (e.g. close-up photos, product specification sheets) so we can compare what exists with what is proposed. The information can be provided in list format.

## SECTION 6: FUNDING SOURCE:

- Check the federal or state agency funding the project; or check "other" and fill in the agency name.

## SECTION 7: AGENCY CONTACT INFORMATION:

- List the name of the organization submitting the Clearance Form

## SECTION 8: ATTACHMENTS:

- Photos: Include photos of the entire building, especially the elevations that can be seen from the street. Include close-ups of features that will be impacted by the project.
- Additional Information: When applicable, include window specifications, plans or diagrams that illustrate pertinent existing conditions and/or proposed work
- Continuation sheets for additional Section 4 or 5 narrative or to append a formal Determination of Eligibility (DOE) or Finding of Effect (FOE). These materials may also be submitted as a separate document.
- A map with location of project clearly marked with latitude and longitude coordinates in decimal degree format to the 5<sup>th</sup> decimal point is REQUIRED for all projects funded with Historic Preservation Funds through the Certified Local Government Grant. A single point for projects encompassing less than 5 acres is sufficient.

# OREGON SHPO CLEARANCE FORM

Do not use this form for ODOT or Federal Highway projects or to record archaeological sites

This form is for: **federal** cultural resource reviews (Section 106); **state** cultural resource reviews (ORS 358.653)

## SECTION 1: PROPERTY INFORMATION

SHPO Case Number: 24-0400

Resource Name: 2120 Queen Avenue SE

Street Address: 2120 Queen Avenue SE, Albany OR 97322

City: Albany

County: Linn

Agency Project:

Project Name: Valor Place Apartments

If there is not a street address, include the Township, Range, and Section, cross streets, or other address description

Owner:  Private  Local Gov  State Gov  Federal Gov  Other: \_\_\_\_\_

Are there one or more buildings or structures?  YES  NO – If no, skip to Section 2 and append photo(s)

Is the property listed in the National Register of Historic Places?  YES – Individually  YES – In a district  NO

Original Construction date: 1960  Check box if date is estimated

Siding Type(s) and Material(s): 8-inch cement board Window Type(s) and Material(s): multipaned 1-over-1 vinyl, vinyl sliders

Has the property been physically altered?  No Alterations  Few Alterations  Major / Many Alterations

## SECTION 2: APPLICANT DETERMINATION OF ELIGIBILITY - Check the appropriate box

The purpose of this review is to avoid impacts to properties that are "eligible" (historic) or already listed in the National Register of Historic Places. Fully establishing historic significance can be very costly and time consuming. Therefore initial evaluations are based on age (50 years or greater) and integrity (historic appearance), which are the minimum qualifications for listing in the National Register. Additional documentation may be needed further in the process, but typically initial evaluations allow the review process to proceed expeditiously.

The property is considered **Eligible** at this time because it is already listed in the National Register **or**

- is at least 50 years old **and** retains its historic integrity (minimal alterations to key features)
- has potential significance (architectural or historical)

The property is considered **Not Eligible** at this time because it:

- is less than 50 years old **or** is 50 years or older but there have been major alterations to key features
- is known to have no significance, based on National Register-level documentation and evaluation

## SECTION 3: APPLICANT DETERMINATION OF EFFECT - Check the appropriate box

The project has **NO EFFECT** on a property that is eligible or already listed in the National Register, either because there is no eligible property involved or the eligible property will not be impacted physically or visually.

The project will have a minor impact on a property that is eligible or already listed in the National Register, and therefore there is **NO ADVERSE EFFECT**. Minor impacts include replacement of some, but not all, siding, doors, or windows, etc.

The project will have a major impact on a property that is eligible or already listed in the National Register, therefore there is an **ADVERSE EFFECT**. Major impacts include full or partial demolition, complete residing, full window replacement, etc.

## STATE HISTORIC PRESERVATION OFFICE COMMENTS – Official use only

**Eligibility:**  Concur with the eligibility determination above.  
 Do not concur with the eligibility determination above.

**Effect:**  Concur with the effect determination above.  
 Do not concur with the effect determination above.

RECEIVED STAMP

Signed: \_\_\_\_\_ Date: \_\_\_\_\_

RLS	
ILS	

## CONTACT INFORMATION STAMP

Comments:

# OREGON SHPO CLEARANCE FORM

Do not use this form for ODOT or Federal Highway projects or to record archaeological sites

## SECTION 4: PREVIOUS ALTERATIONS TO THE BUILDING OR STRUCTURE

Only complete this section for buildings that are 50 years old or older. Describe any alterations that have already occurred to the building, such as material replacement, including siding, windows, and doors; any additions, including garages; and any removal or addition of architectural details, such as brackets, columns, and trim. Provide estimated dates for the work. Attach additional pages as necessary.

The property consists of one (1) one-story residential structure constructed around 1960, and two small accessory buildings on approximately 0.32 acres of land with paved parking, lawn and new landscaping.

According to historical research and aerial photographs, the property was vacant in 1948, and the single-family house was there in 1963.

Exterior alterations include a flat-roof garage addition to the front in the 1960s. A gable roof was added to the garage in the 1980s and combined with the existing gable roof. The siding is 8-inch-wide cement board lap siding. The windows are vinyl.

## SECTION 5: PROJECT DESCRIPTION

Describe what work is proposed, including what materials will be used and how they will be installed. Specifically identify what historic materials will be retained, restored, replaced, or covered. Include drawings, photos, cut sheets (product descriptions), additional sheets, and other materials as necessary. For vacant lots, please describe the intended use.

No alterations are proposed to the subject property.

The property is within 300 feet of a proposed 30-unit affordable housing development for Veterans, Valor Place Apartments.

The property is zoned Residential Medium Density (RM). It is bounded by single-family residential structure to the west, vacant land and apartments to the south, apartments to the east and a combination of apartments and single-unit dwellings to the north.

## SECTION 6: FUNDING SOURCE

ARRA    FCC    FERC    HUD    ODOE    USDARD    USFS    HPF  
 Other: Veterans Affairs Supportive Housing

## SECTION 7: AGENCY CONTACT INFORMATION

Name of Organization Submitting the Project: City of Albany

Project Contact Name and Title: Anne Catlin, Comprehensive Planning Manager

Street Address, City, Zip: PO Box 490, Albany, OR 97321

Phone: 541-917-7550

Email: beth.freelander@albanyoregon.gov

Date of Submission: 6/4/2024

## SECTION 8: ATTACHMENTS

### REQUIRED

3 – 4, color, 4 x 5 photographs of the subject property, digital or print.  
One photo is sufficient for vacant property

### AS NEEDED

Contact SHPO staff with questions

Project area map, for projects including more than one tax lot. (Required for HPF-funded projects). See instructions.

Additional drawings, reports, or other relevant materials

Continuation sheet for sections 4 or 5, or additional context to determine National Register Eligibility.

**SHPO Mailing Address: Review and Compliance, Oregon SHPO, 725 Summer St. NE, Suite C, Salem, OR 97301**  
**Documents meeting all aspects of the digital submission policy may be submitted by email to**  
**ORSHPO.Clearance@oregon.gov**

# OREGON SHPO CLEARANCE FORM CONTINUATION SHEET

*Do not use this form for ODOT, Federal Highway projects or to record archaeological sites*

## CONTINUATION SHEET

- Include additional documentation for Section 4 or 5 as necessary. Attach maps, drawings, and reports as needed to illustrate current conditions and the planned project. If submitting this form by email, photos and maps may be inserted into continuation sheets.
- If completing a complete Determination of Eligibility (DOE) or Finding of Effect (FOE), use continuation sheets as necessary or include appendixes.

### DETERMINATION OF ELIGIBILITY:

A review of the National Register of Historic Places, the City of Albany National Register District and Local Historic Inventory, and the Oregon Historic Sites Database indicates that the subject property and the vicinity properties within the Area of Potential Influence (Visual APE: 300 feet) are not listed on the National Register of Historic Places; are not located within, or adjacent to, a Historic District; and are not listed as local landmarks on the Local Historic Inventory. The property is more than one mile from the closest residential historic district. (See Attached Map Figure 1.)

Based on an evaluation of the individual National Register Criteria for Eligibility, the property and associated resources do not meet the criteria for eligibility in the National Register of Historic Places.

- A. Researching historical records at the City and Albany Regional Museum, no events are associated with this property.
- B. According to ownership research, no persons of local, state, or other significance resided on the property.
- C. The house has been altered with new siding and windows, and a garage addition to the front and does not exhibit any unique material or method of construction that shapes the historic identity of the area, or of Albany's development.
- D. The property was on the outskirts of town in the late 1940s in agricultural use. Except for the house to the west, the few older residences and agricultural fields have been replaced with newer residential and commercial development, most construction occurring since 1990.

The property is not associated with a significant local or national theme, or with other older buildings in the APE.

**FINDING OF EFFECT:** The Responsible Entity concludes the property is not a historic property per 36 CFR 800.16.

The Responsible Entity proposes a Finding of No Adverse Effect because the undertakings do not meet the criteria in 36 CFR 800.5(a)(1).

Notice was mailed to three area tribes on 2/6/2024 due to potential ground disturbance associated with the removal of the structures and site clearance. No responses were received from the tribes.

### FRONT/SOUTH FACADE:



# OREGON SHPO CLEARANCE FORM CONTINUATION SHEET

*Do not use this form for ODOT, Federal Highway projects or to record archaeological sites*

## WEST FAÇADE:



## EAST FAÇADE:



# OREGON SHPO CLEARANCE FORM CONTINUATION SHEET

*Do not use this form for ODOT, Federal Highway projects or to record archaeological sites*

1948 AERIAL:



1963 AERIAL:



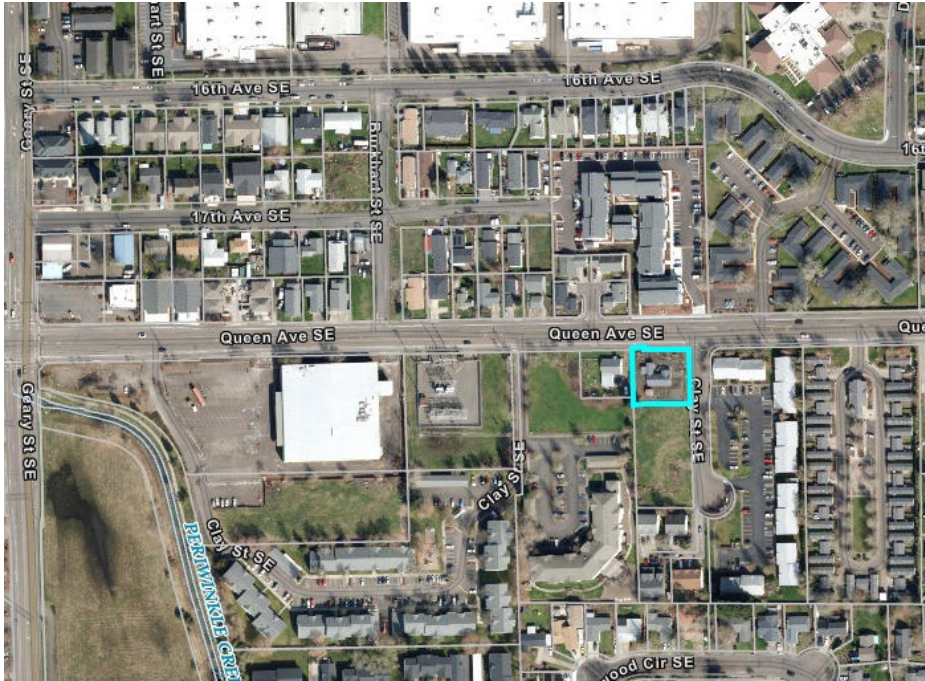
1923 AERIAL:



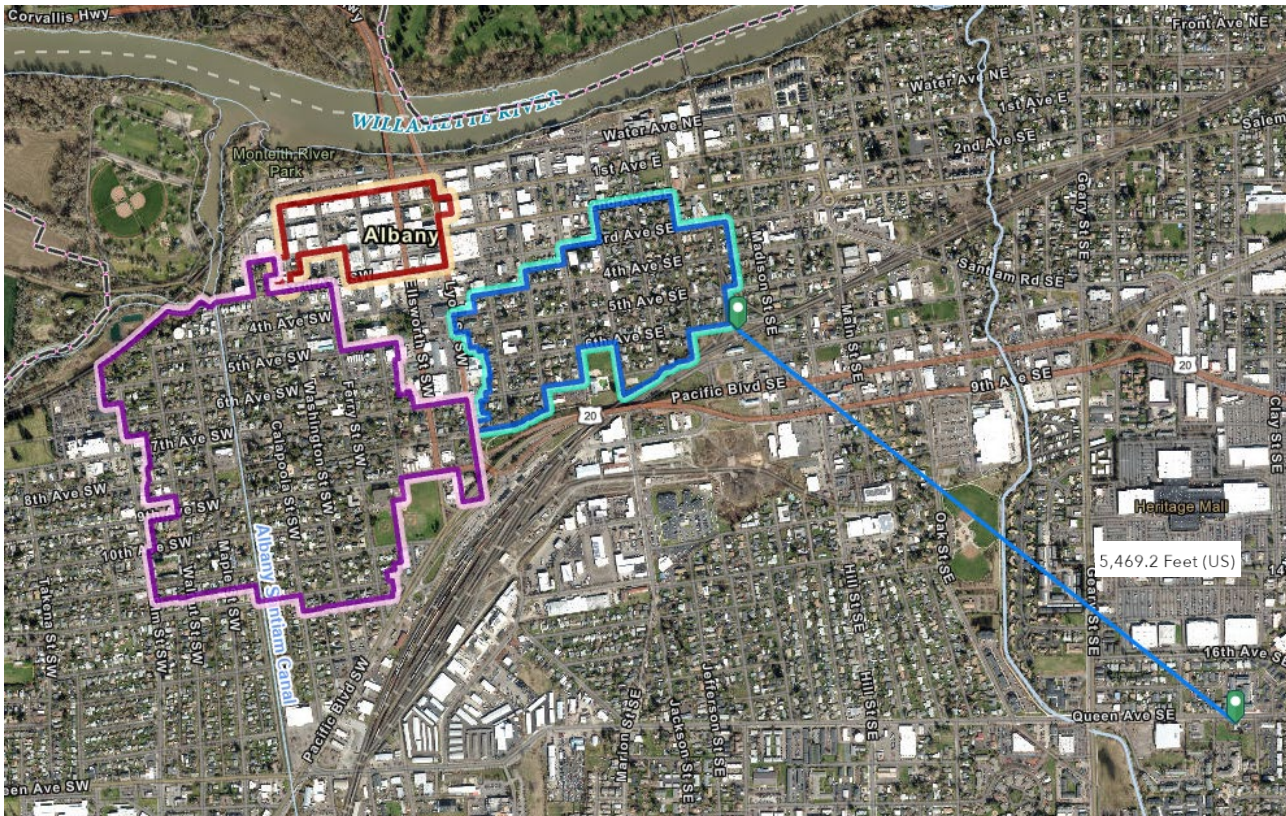
# OREGON SHPO CLEARANCE FORM CONTINUATION SHEET

Do not use this form for ODOT, Federal Highway projects or to record archaeological sites

## AREA MAP:



## PROXIMITY TO HISTORIC DISTRICTS:

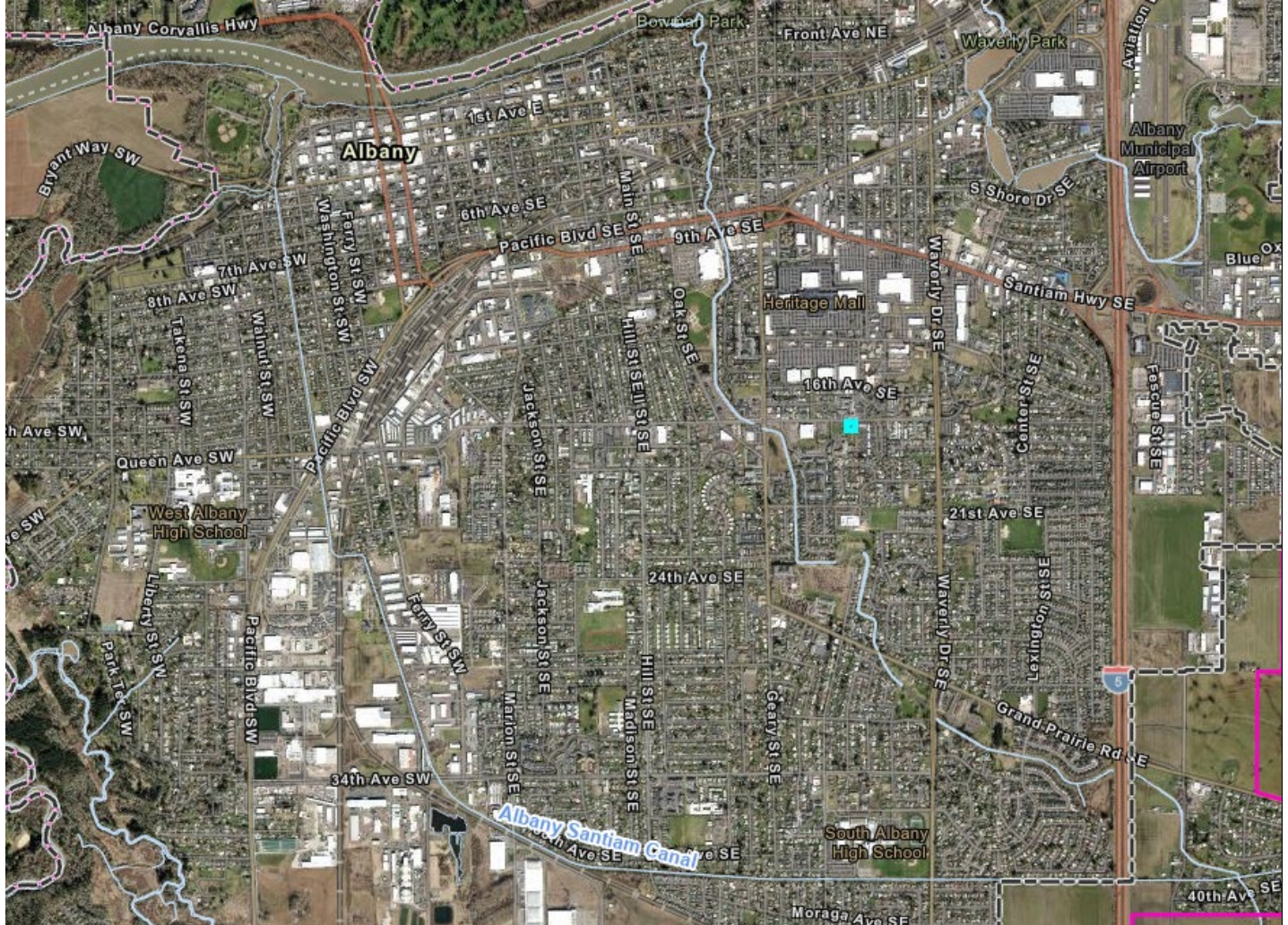




# OREGON SHPO CLEARANCE FORM CONTINUATION SHEET

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## LOCATION MAP:



# OREGON SHPO CLEARANCE FORM INSTRUCTIONS

*Do not use this form for ODOT, Federal Highway projects or to record archaeological sites*

## **SECTION 1: PROPERTY INFORMATION:**

- Include complete address and agency project number and name, if applicable.
- Check YES if there are any buildings on the site. Check NO if it is a vacant parcel (in which case it will be evaluated for archaeology and the potential impact on surrounding buildings only.)
- Check YES if your research (look on our website at <http://heritagedata.prd.state.or.us/historic/> and/or call your local planning office) shows the property is listed. Check NO if you find that it is not listed.
- Fill in the construction date. Check box if date is estimated.
- Describe the siding and window types and materials. Examples: double hung wood windows; vertical wood siding.
- Check to what degree the property has been altered. Ask yourself, would the original owner recognize the building, or have there been many changes that obscure the historic features?

## **SECTION 2: APPLICANT DETERMINATION OF ELIGIBILITY:**

- Check the ELIGIBLE box if the building is listed (National Register OR Local landmarks register), has previously been evaluated as eligible, or is 50 years of age AND the majority of the exterior historic features are retained.
- Check the NOT ELIGIBLE box if the building is not yet 50 years old, or if in your opinion there have been many and/or major changes (e.g. additions, siding and/or window replacement, porch enclosures).
- Applicants who acknowledge that the property meets the minimum qualifications for listing in the National Register but choose to contest this determination must complete a Determination of Eligibility (DOE). The DOE must demonstrate that the property is not eligible for the National Register using the Criteria listed in National Register Bulletin 15, "How to Apply the National Register Criteria for Evaluation." The DOE may be submitted on continuation sheets or as a separate document.

## **SECTION 3: APPLICANT DETERMINATION OF EFFECT:**

- Check the NO EFFECT box if the property is NOT ELIGIBLE for listing in the National Register or if the work will not replace or alter the appearance of any of the building's exterior features.
- Check the NO ADVERSE EFFECT box if the property is ELIGIBLE for listing or is already listed in the National Register and the work is visible (e.g. re-roofing with same materials, window or siding repair, adding a vent) but will not remove or obscure historic features.
- Check ADVERSE EFFECT if the property is ELIGIBLE or listed in the National Register and the work includes major changes, such as replacing the siding or windows.

## **SECTION 4: PREVIOUS ALTERATIONS**

- List the changes that **already** occurred to the building, including siding, windows, doors, porches, additions including dormers, or if the property was moved. Include the approximate date of each alteration. The information can be provided in list format.

## **SECTION 5: PROJECT DESCRIPTION:**

- Clearly describe what is being repaired or replaced, and how that work will be done. What materials and installation process are proposed? Include sufficient information (e.g. close-up photos, product specification sheets) so we can compare what exists with what is proposed. The information can be provided in list format.

## **SECTION 6: FUNDING SOURCE:**

- Check the federal or state agency funding the project; or check "other" and fill in the agency name.

## **SECTION 7: AGENCY CONTACT INFORMATION:**

- List the name of the organization submitting the Clearance Form

## **SECTION 8: ATTACHMENTS:**

- Photos: Include photos of the entire building, especially the elevations that can be seen from the street. Include close-ups of features that will be impacted by the project.
- Additional Information: When applicable, include window specifications, plans or diagrams that illustrate pertinent existing conditions and/or proposed work
- Continuation sheets for additional Section 4 or 5 narrative or to append a formal Determination of Eligibility (DOE) or Finding of Effect (FOE). These materials may also be submitted as a separate document.
- A map with location of project clearly marked with latitude and longitude coordinates in decimal degree format to the 5<sup>th</sup> decimal point is REQUIRED for all projects funded with Historic Preservation Funds through the Certified Local Government Grant. A single point for projects encompassing less than 5 acres is sufficient.

## Noise (EA Level Reviews)

### Valor Place Apartments, 2080 Queen Ave SE, Albany, Oregon

General requirements	Legislation	Regulation
<p>HUD’s noise regulations protect residential properties from excessive noise exposure. HUD encourages mitigation as appropriate.</p>	<p>Noise Control Act of 1972</p> <p>General Services Administration Federal Management Circular 75-2: “Compatible Land Uses at Federal Airfields”</p>	<p>Title 24 CFR 51 Subpart B</p>
References		
<p><a href="https://www.hudexchange.info/programs/environmental-review/noise-abatement-and-control">https://www.hudexchange.info/programs/environmental-review/noise-abatement-and-control</a></p>		

**1. What activities does your project involve? Check all that apply:**

- New construction for residential use

NOTE: HUD assistance to new construction projects is generally prohibited if they are located in an Unacceptable zone, and HUD discourages assistance for new construction projects in Normally Unacceptable zones. See 24 CFR 51.101(a)(3) for further details.

→ *Continue to Question 2.*

- Rehabilitation of an existing residential property

NOTE: For major or substantial rehabilitation in Normally Unacceptable zones, HUD encourages mitigation to reduce levels to acceptable compliance standards. For major rehabilitation in Unacceptable zones, HUD strongly encourages mitigation to reduce levels to acceptable compliance standards. See 24 CFR 51 Subpart B for further details.

→ *Continue to Question 2.*

- A research demonstration project which does not result in new construction or reconstruction, interstate, land sales registration, or any timely emergency assistance under disaster assistance provisions or appropriations which are provided to save lives, protect property, protect public health and safety, remove debris and wreckage, or assistance that has the effect of restoring facilities substantially as they existed prior to the disaster

→ *Based on the response, the review is in compliance with this section. Continue to the Worksheet Summary below.*

- None of the above

→ Based on the response, the review is in compliance with this section. Continue to the Worksheet Summary below.

**2. Complete the Preliminary Screening to identify potential noise generators in the vicinity (1000' from a major road, 3000' from a railroad, or 15 miles from an airport).**

**Indicate the findings of the Preliminary Screening below:**

There are no noise generators found within the threshold distances above.

→ Based on the response, the review is in compliance with this section. Continue to the Worksheet Summary below. Provide a map showing the location of the project relative to any noise generators.

Noise generators were found within the threshold distances.

→ Continue to Question 3.

**3. Complete the Noise Assessment Guidelines to quantify the noise exposure. Indicate the findings of the Noise Assessment below:**

Acceptable: (65 decibels or less; the ceiling may be shifted to 70 decibels in circumstances described in §24 CFR 51.105(a))

**Indicate noise level here:**

→ Based on the response, the review is in compliance with this section. Continue to the Worksheet Summary below. Provide noise analysis, including noise level and data used to complete the analysis.

Normally Unacceptable: (Above 65 decibels but not exceeding 75 decibels; the floor may be shifted to 70 decibels in circumstances described in 24 CFR 51.105(a))

**Indicate noise level here:**

If project is rehabilitation:

→ Continue to Question 4. Provide noise analysis, including noise level and data used to complete the analysis.

If project is new construction:

**Is the project in a largely undeveloped area<sup>1</sup>?**

No

---

<sup>1</sup> A largely undeveloped area means the area within 2 miles of the project site is less than 50 percent developed with urban uses or does not have water and sewer capacity to serve the project.

→ Continue to Question 4. Provide noise analysis, including noise level and data used to complete the analysis, and any other relevant information.

Yes

→ Your project requires completion of an Environmental Impact Statement (EIS) pursuant to 51.104(b)(1)(i). Elevate this review to an EIS-level review.

Unacceptable: (Above 75 decibels)

Indicate noise level here:

If project is rehabilitation:

HUD strongly encourages conversion of noise-exposed sites to land uses compatible with high noise levels. Consider converting this property to a non-residential use compatible with high noise levels.

→ Continue to Question 4. Provide noise analysis, including noise level and data used to complete the analysis, and any other relevant information.

If project is new construction:

**Your project requires completion of an Environmental Impact Statement (EIS) pursuant to 51.104(b)(1)(i). You may either complete an EIS or provide a waiver signed by the appropriate authority. Indicate your choice:**

Convert to an EIS

→ Provide noise analysis, including noise level and data used to complete the analysis.

Continue to Question 4.

Provide waiver

→ Provide an Environmental Impact Statement waiver from the Certifying Officer or the Assistant Secretary for Community Planning and Development per 24 CFR 51.104(b)(2) and noise analysis, including noise level and data used to complete the analysis.

Continue to Question 4.

- 4. HUD strongly encourages mitigation be used to eliminate adverse noise impacts. Explain in detail the exact measures that must be implemented to mitigate for the impact or effect, including the timeline for implementation. This information will be automatically included in the Mitigation summary for the environmental review.**

Mitigation as follows will be implemented:

→ Provide drawings, specifications, and other materials as needed to describe the project's noise mitigation measures. Continue to the Worksheet Summary.

No mitigation is necessary.

**Explain why mitigation will not be made here:**

→ Continue to the Worksheet Summary.

### **Worksheet Summary**

#### **Compliance Determination**

Provide a clear description of your determination and a synopsis of the information that it was based on, such as:

- Map panel numbers and dates
- Names of all consulted parties and relevant consultation dates
- Names of plans or reports and relevant page numbers
- Any additional requirements specific to your region

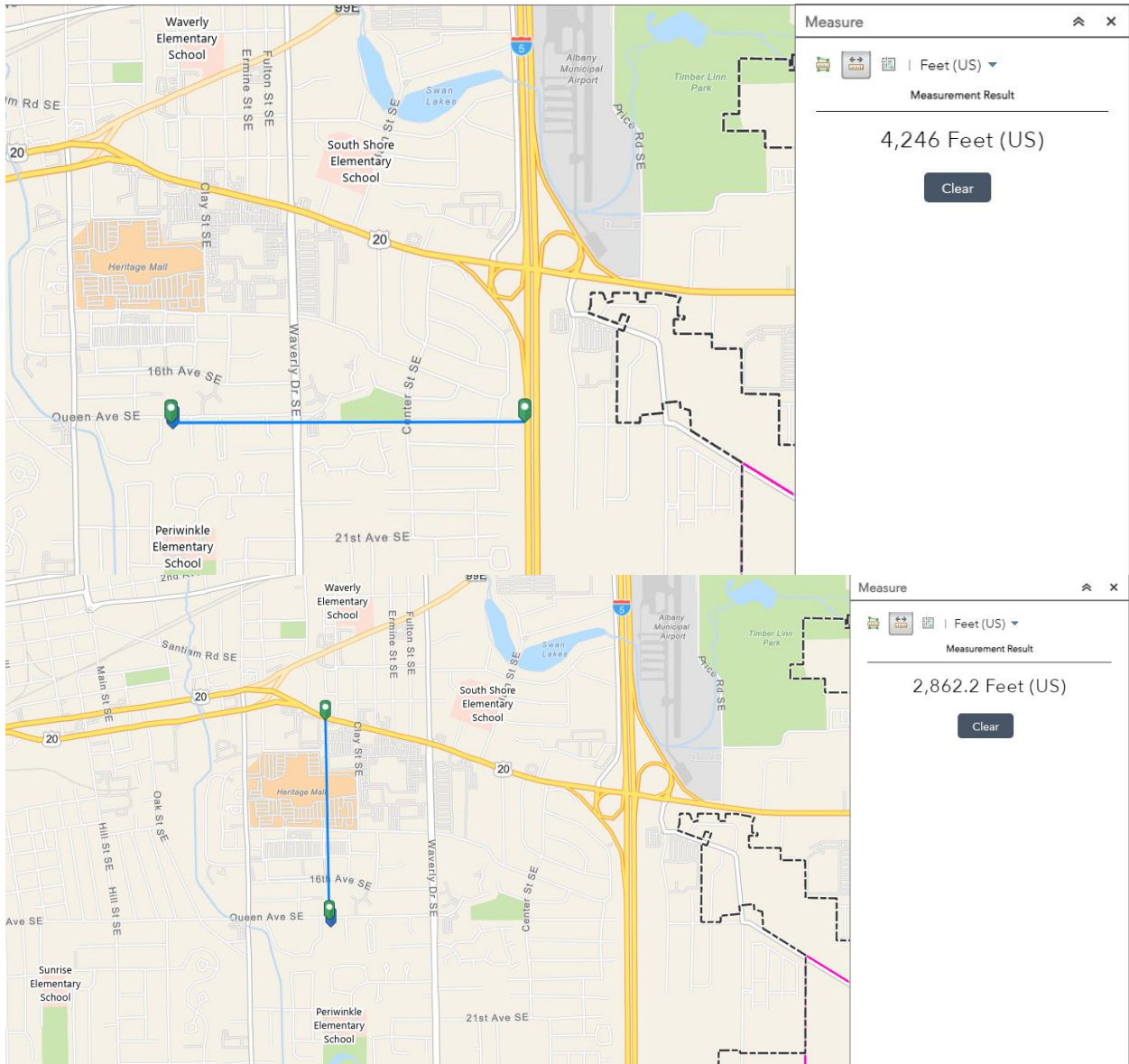
The project site is more than 3,000 feet from a railway, more than 1,000 feet from a major road and there is no military or FAA-regulated airports within 15 miles.

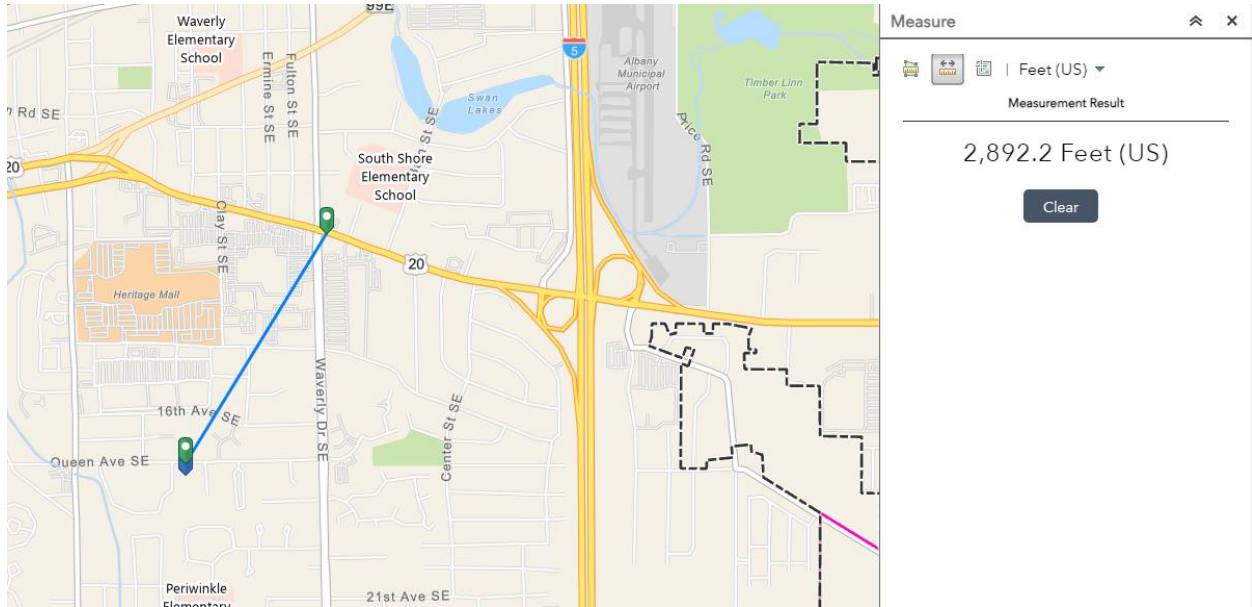
**Are formal compliance steps or mitigation required?**

Yes

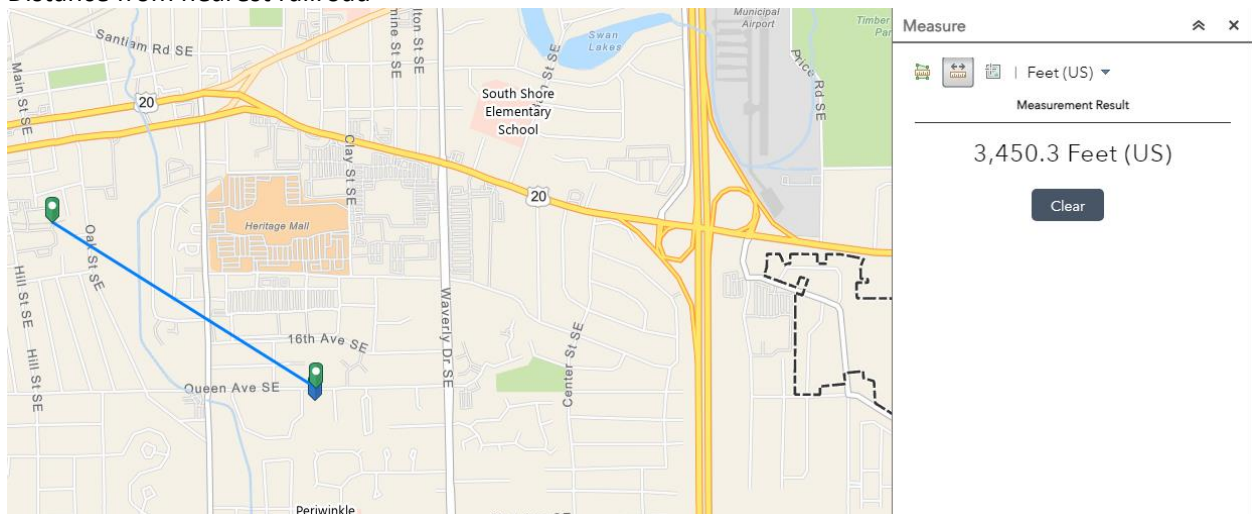
No

2080 Queen Ave, Distance from major roads





Distance from nearest railroad





## Sole Source Aquifers (CEST and EA)

General requirements	Legislation	Regulation
The Safe Drinking Water Act of 1974 protects drinking water systems which are the sole or principal drinking water source for an area and which, if contaminated, would create a significant hazard to public health.	Safe Drinking Water Act of 1974 (42 U.S.C. 201, 300f et seq., and 21 U.S.C. 349)	40 CFR Part 149
Reference		
<a href="https://www.hudexchange.info/environmental-review/sole-source-aquifers">https://www.hudexchange.info/environmental-review/sole-source-aquifers</a>		

**1. Does your project consist solely of acquisition, leasing, or rehabilitation of an existing building(s)?**

- Yes → *Based on the response, the review is in compliance with this section. Continue to the Worksheet Summary below.*
- No → *Continue to Question 2.*

**2. Is the project located on a sole source aquifer (SSA)<sup>1</sup>?**

- No → *Based on the response, the review is in compliance with this section. Continue to the Worksheet Summary below. Provide documentation used to make your determination, such as a map of your project (or jurisdiction, if appropriate) in relation to the nearest SSA and its source area.*
- Yes → *Continue to Question 3.*

**3. Does your region have a memorandum of understanding (MOU) or other working agreement with EPA for HUD projects impacting a sole source aquifer?**

Contact your Field or Regional Environmental Officer or visit the HUD webpage at the link above to determine if an MOU or agreement exists in your area.

- Yes → *Provide the MOU or agreement as part of your supporting documentation. Continue to Question 4.*
- No → *Continue to Question 5.*

**4. Does your MOU or working agreement exclude your project from further review?**

- Yes → *Based on the response, the review is in compliance with this section. Continue to the Worksheet Summary below. Provide documentation used to make your determination and document where your project fits within the MOU or agreement.*

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<sup>1</sup> A sole source aquifer is defined as an aquifer that supplies at least 50 percent of the drinking water consumed in the area overlying the aquifer. This includes streamflow source areas, which are upstream areas of losing streams that flow into the recharge area.

No → Continue to Question 5.

**5. Will the proposed project contaminate the aquifer and create a significant hazard to public health?**

Consult with your Regional EPA Office. Your consultation request should include detailed information about your proposed project and its relationship to the aquifer and associated streamflow source area. EPA will also want to know about water, storm water and waste water at the proposed project. Follow your MOU or working agreement or contact your Regional EPA office for specific information you may need to provide. EPA may request additional information if impacts to the aquifer are questionable after this information is submitted for review.

No → *Based on the response, the review is in compliance with this section. Continue to the Worksheet Summary below. Provide your correspondence with the EPA and all documents used to make your determination.*

Yes → *Work with EPA to develop mitigation measures. If mitigation measures are approved, attach correspondence with EPA and include the mitigation measures in your environmental review documents and project contracts. If EPA determines that the project continues to pose a significant risk to the aquifer, federal financial assistance must be denied. Continue to Question 6.*

**6. In order to continue with the project, any threat must be mitigated, and all mitigation must be approved by the EPA. Explain in detail the proposed measures that can be implemented to mitigate for the impact or effect, including the timeline for implementation.**

→ *Continue to the Worksheet Summary below. Provide documentation of the consultation (including the Managing Agency's concurrence) and any other documentation used to make your determination.*

## **Worksheet Summary**

### **Compliance Determination**

Provide a clear description of your determination and a synopsis of the information that it was based on, such as:

- Map panel numbers and dates
- Names of all consulted parties and relevant consultation dates
- Names of plans or reports and relevant page numbers
- Any additional requirements specific to your region

The project is not located on a sole source aquifer area. The project is in compliance with Sole Source Aquifer requirements.

**Are formal compliance steps or mitigation required?**

Yes

No

### Sole Source Aquifers Map

Project site: 2080 Queen Ave, Albany, OR



## Wetlands (CEST and EA)

General requirements	Legislation	Regulation
Executive Order 11990 discourages that direct or indirect support of new construction impacting wetlands wherever there is a practicable alternative. The Fish and Wildlife Service's National Wetlands Inventory can be used as a primary screening tool, but observed or known wetlands not indicated on NWI maps must also be processed. Off-site impacts that result in draining, impounding, or destroying wetlands must also be processed.	Executive Order 11990	24 CFR 55.20 can be used for general guidance regarding the 8 Step Process.
<b>References</b>		
<a href="https://www.hudexchange.info/environmental-review/wetlands-protection">https://www.hudexchange.info/environmental-review/wetlands-protection</a>		

**1. Does this project involve new construction as defined in Executive Order 11990, expansion of a building's footprint, or ground disturbance?**

The term "new construction" shall include draining, dredging, channelizing, filling, diking, impounding, and related activities and any structures or facilities begun or authorized after the effective date of the Order.

No → *Based on the response, the review is in compliance with this section. Continue to the Worksheet Summary below.*

Yes → *Continue to Question 2.*

**2. Will the new construction or other ground disturbance impact an on- or off-site wetland?**

The term "wetlands" means those areas that are inundated by surface or ground water with a frequency sufficient to support, and under normal circumstances does or would support, a prevalence of vegetative or aquatic life that requires saturated or seasonally saturated soil conditions for growth and reproduction. Wetlands generally include swamps, marshes, bogs, and similar areas such as sloughs, potholes, wet meadows, river overflows, mud flats, and natural ponds. Wetlands under E.O. 11990 include isolated and non-jurisdictional wetlands.

No, a wetland will not be impacted in terms of E.O. 11990's definition of new construction.  
→ *Based on the response, the review is in compliance with this section. Continue to the Worksheet Summary below. Provide a map or any other relevant documentation to explain your determination.*

Yes, there is a wetland that be impacted in terms of E.O. 11990's definition of new construction.

→ You must determine that there are no practicable alternatives to wetlands development by completing the 8-Step Process.

Provide a completed 8-Step Process as well as all documents used to make your determination, including a map. Be sure to include the early public notice and the final notice with your documentation.

Continue to Question 3.

- 3. For the project to be brought into compliance with this section, all adverse impacts must be mitigated. Explain in detail the exact measures that must be implemented to mitigate for the impact or effect, including the timeline for implementation.**

**Which of the following mitigation actions have been or will be taken? Select all that apply:**

- Permeable surfaces
- Natural landscape enhancements that maintain or restore natural hydrology through infiltration
- Native plant species
- Bioswales
- Evapotranspiration
- Stormwater capture and reuse
- Green or vegetative roofs with drainage provisions
- Natural Resources Conservation Service conservation easements
- Compensatory mitigation

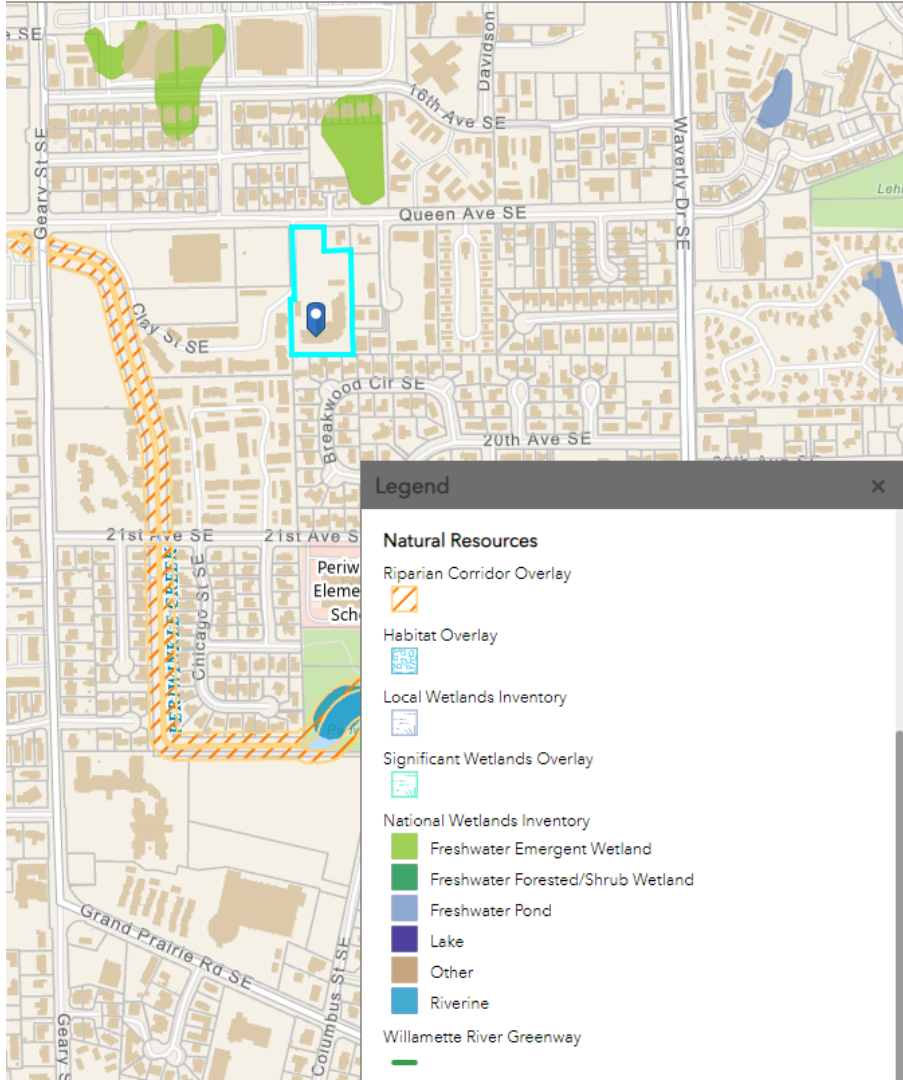
### **Worksheet Summary**

#### **Compliance Determination**

Provide a clear description of your determination and a synopsis of the information that it was based on, such as:

- Map panel numbers and dates
- Names of all consulted parties and relevant consultation dates
- Names of plans or reports and relevant page numbers
- Any additional requirements specific to your region

The maps below depicts the property in relation to wetlands in the Albany. There are no significant wetlands on the property according to the USFWS National Wetlands Inventory, the Oregon Statewide Wetlands Inventory or local wetlands inventory. No wetlands were observed on the site. Therefore, the proposed undertaking will comply Executive Order (EO) 11990, Protection of Wetlands, as well as the requirements of Federal Register 24 CFR Parts 50, 55 and 58.



**Property Info**

Search for an address or locate on map

2080 QUEEN AVE SE

< Taxlots

**2080 QUEEN AVE SE**  
**Owner Name:** [LBHA-CLAYTON MEADOWS LLC](#)  
**Taxlot Number:** 11503W08DB06000  
**Zoning:** [RMA -- Residential Medium Density Attached](#)  
**Neighborhood:** Periwinkle  
**City Council Ward:** 3  
**Trash Pickup Day:** Thursday  
**Inside Albany City Limits:** YES

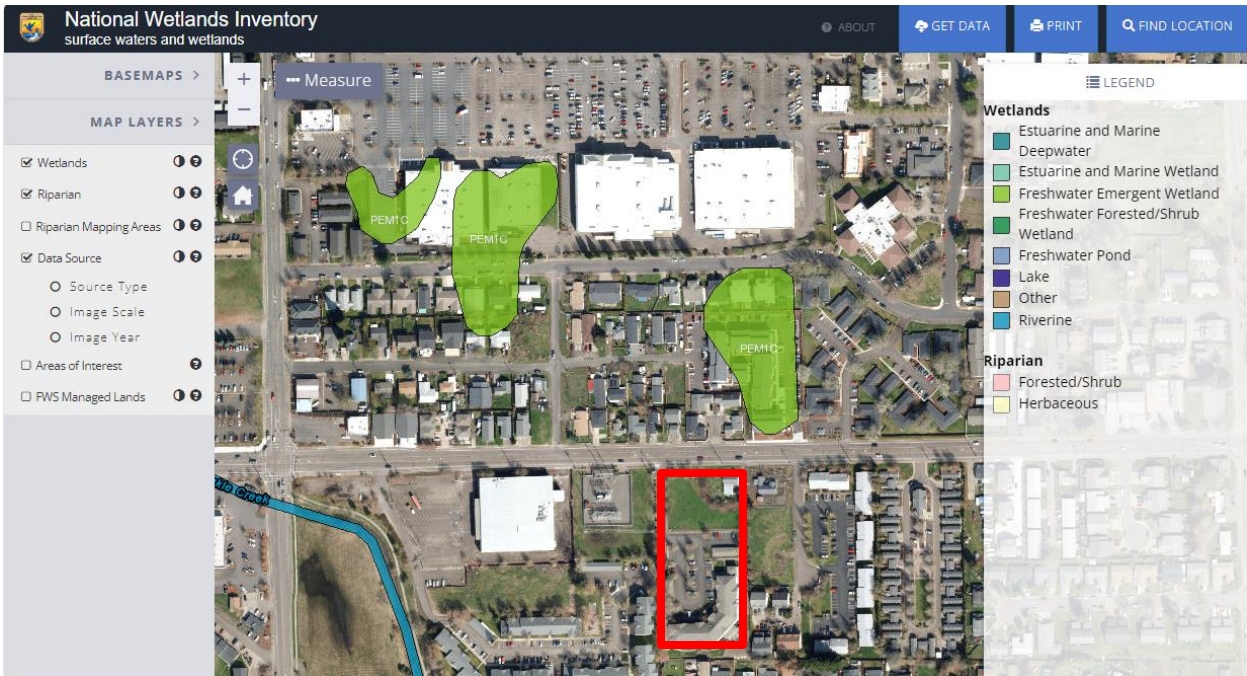
**Nearby School**  
[Periwinkle Elementary School](#)  
[Calapooia Middle School](#)  
[South Albany High School](#)

**Flood**  
**FEMA FIRM Panel:** [41043C0527G](#)  
**Slope:** 12% to 25%

**Environmental**  
**Soils:** CONCORD SILT LOAM

Property Report

Open Streetview



Are formal compliance steps or mitigation required?

Yes



No

## Wild and Scenic Rivers (CEST and EA)

General requirements	Legislation	Regulation
The Wild and Scenic Rivers Act provides federal protection for certain free-flowing, wild, scenic and recreational rivers designated as components or potential components of the National Wild and Scenic Rivers System (NWSRS) from the effects of construction or development.	The Wild and Scenic Rivers Act (16 U.S.C. 1271-1287), particularly section 7(b) and (c) (16 U.S.C. 1278(b) and (c))	36 CFR Part 297
References		
<a href="https://www.hudexchange.info/environmental-review/wild-and-scenic-rivers">https://www.hudexchange.info/environmental-review/wild-and-scenic-rivers</a>		

### 1. Is your project within proximity of a NWSRS river as defined below?

**Wild & Scenic Rivers:** These rivers or river segments have been designated by Congress or by states (with the concurrence of the Secretary of the Interior) as wild, scenic, or recreational

**Study Rivers:** These rivers or river segments are being studied as a potential component of the Wild & Scenic River system.

**Nationwide Rivers Inventory (NRI):** The National Park Service has compiled and maintains the NRI, a register of river segments that potentially qualify as national wild, scenic, or recreational river areas

No

→ Based on the response, the review is in compliance with this section. Continue to the Worksheet Summary below. Provide documentation used to make your determination, such as a map identifying the project site and its surrounding area or a list of rivers in your region in the Screen Summary at the conclusion of this screen.

Yes, the project is in proximity of a Nationwide Rivers Inventory (NRI) River.

→ Continue to Question 2.

### 2. Could the project do *any* of the following?

- Have a direct and adverse effect within Wild and Scenic River Boundaries,
- Invade the area or unreasonably diminish the river outside Wild and Scenic River Boundaries, or
- Have an adverse effect on the natural, cultural, and/or recreational values of a NRI segment.

## Environmental Justice (CEST and EA)

General requirements	Legislation	Regulation
Determine if the project creates adverse environmental impacts upon a low-income or minority community. If it does, engage the community in meaningful participation about mitigating the impacts or move the project.	Executive Order 12898	
<b>References</b>		
<a href="https://www.hudexchange.info/environmental-review/environmental-justice">https://www.hudexchange.info/environmental-review/environmental-justice</a>		

**HUD strongly encourages starting the Environmental Justice analysis only after all other laws and authorities, including Environmental Assessment factors if necessary, have been completed.**

**1. Were any adverse environmental impacts identified in any other compliance review portion of this project's total environmental review?**

Yes → *Continue to Question 2.*

No → *Based on the response, the review is in compliance with this section. Continue to the Worksheet Summary below.*

**2. Were these adverse environmental impacts disproportionately high for low-income and/or minority communities?**

Yes

**Explain:**

→ *Continue to Question 3. Provide any supporting documentation.*

No

**Explain:**

→ *Continue to the Worksheet Summary and provide any supporting documentation.*

3. All adverse impacts should be mitigated. Explain in detail the proposed measures that must be implemented to mitigate for the impact or effect, including the timeline for implementation.

Mitigation as follows will be implemented:

→ Continue to Question 4.

No mitigation is necessary.

**Explain why mitigation will not be made here:**

→ Continue to Question 4.

4. Describe how the affected low-income or minority community was engaged or meaningfully involved in the decision on what mitigation actions, if any, will be taken.

→ Continue to the Worksheet Summary and provide any supporting documentation.

## **Worksheet Summary**

### **Compliance Determination**

Provide a clear description of your determination and a synopsis of the information that it was based on, such as:

- Map panel numbers and dates
- Names of all consulted parties and relevant consultation dates
- Names of plans or reports and relevant page numbers
- Any additional requirements specific to your region

No adverse effects were identified. Additionally a review of the data included in the EJscreen tool via NEPAssist did not indicate any causes of concern for creating or contributing to concentrations of low income residents.

**Are formal compliance steps or mitigation required?**

Yes

No

Location: User-specified point center at 44.624060, -123.078666

Ring (buffer): 0.5-miles radius

Description:

Summary of ACS Estimates		2017 - 2021
Population		7,408
Population Density (per sq. mile)		8,941
People of Color Population		1,732
% People of Color Population		23%
Households		2,598
Housing Units		2,773
Housing Units Built Before 1950		47
Per Capita Income		21,908
Land Area (sq. miles) (Source: SF1)		0.83
% Land Area		100%
Water Area (sq. miles) (Source: SF1)		0.00
% Water Area		0%

	2017 - 2021 ACS Estimates	Percent	MOE (±)
<b>Population by Race</b>			
Total	7,408	100%	1,476
Population Reporting One Race	6,747	91%	1,895
White	6,049	82%	1,466
Black	29	0%	40
American Indian	34	0%	50
Asian	84	1%	62
Pacific Islander	1	0%	13
Some Other Race	549	7%	264
Population Reporting Two or More Races	661	9%	265
Total Hispanic Population	1,378	19%	523
Total Non-Hispanic Population	6,029		
White Alone	5,675	77%	1,465
Black Alone	29	0%	40
American Indian Alone	26	0%	47
Non-Hispanic Asian Alone	84	1%	62
Pacific Islander Alone	1	0%	13
Other Race Alone	0	0%	13
Two or More Races Alone	213	3%	125
<b>Population by Sex</b>			
Male	3,746	51%	731
Female	3,661	49%	768
<b>Population by Age</b>			
Age 0-4	980	13%	387
Age 0-17	2,873	39%	691
Age 18+	4,534	61%	398
Age 65+	775	10%	144

**Data Note:** Detail may not sum to totals due to rounding. Hispanic population can be of any race.

N/A means not available. **Source:** U.S. Census Bureau, American Community Survey (ACS) 2017 - 2021

Location: User-specified point center at 44.624060, -123.078666  
 Ring (buffer): 0.5-miles radius  
 Description:

	2017 - 2021 ACS Estimates	Percent	MOE (±)
<b>Population 25+ by Educational Attainment</b>			
Total	3,987	100%	448
Less than 9th Grade	261	7%	102
9th - 12th Grade, No Diploma	331	8%	137
High School Graduate	851	21%	132
Some College, No Degree	1,319	33%	299
Associate Degree	511	13%	165
Bachelor's Degree or more	712	18%	155
<b>Population Age 5+ Years by Ability to Speak English</b>			
Total	6,428	100%	963
Speak only English	5,416	84%	952
Non-English at Home <sup>1+2+3+4</sup>	1,012	16%	321
<sup>1</sup> Speak English "very well"	641	10%	248
<sup>2</sup> Speak English "well"	235	4%	177
<sup>3</sup> Speak English "not well"	90	1%	88
<sup>4</sup> Speak English "not at all"	47	1%	72
<sup>3+4</sup> Speak English "less than well"	137	2%	114
<sup>2+3+4</sup> Speak English "less than very well"	371	6%	211
<b>Linguistically Isolated Households*</b>			
Total	100	100%	64
Speak Spanish	96	96%	61
Speak Other Indo-European Languages	4	4%	13
Speak Asian-Pacific Island Languages	0	0%	13
Speak Other Languages	0	0%	13
<b>Households by Household Income</b>			
Household Income Base	2,598	100%	281
< \$15,000	208	8%	57
\$15,000 - \$25,000	437	17%	125
\$25,000 - \$50,000	707	27%	288
\$50,000 - \$75,000	669	26%	122
\$75,000 +	577	22%	126
<b>Occupied Housing Units by Tenure</b>			
Total	2,598	100%	281
Owner Occupied	877	34%	127
Renter Occupied	1,721	66%	273
<b>Employed Population Age 16+ Years</b>			
Total	4,655	100%	458
In Labor Force	2,960	64%	426
Civilian Unemployed in Labor Force	332	11%	425
Not In Labor Force	1,695	36%	261

**Data Note:** Detail may not sum to totals due to rounding. Hispanic population can be of anyrace.

N/A means not available. **Source:** U.S. Census Bureau, American Community Survey (ACS)

\*Households in which no one 14 and over speaks English "very well" or speaks English only.

Location: User-specified point center at 44.624060, -123.078666

Ring (buffer): 0.5-miles radius

Description:

	2017 - 2021 ACS Estimates	Percent	MOE (±)
<b>Population by Language Spoken at Home*</b>			
Total (persons age 5 and above)	5,053	100%	910
English	4,344	86%	909
Spanish	627	12%	446
French, Haitian, or Cajun	0	0%	18
German or other West Germanic	13	0%	53
Russian, Polish, or Other Slavic	9	0%	42
Other Indo-European	0	0%	18
Korean	0	0%	18
Chinese (including Mandarin, Cantonese)	36	1%	146
Vietnamese	0	0%	18
Tagalog (including Filipino)	12	0%	37
Other Asian and Pacific Island	3	0%	21
Arabic	0	0%	18
Other and Unspecified	9	0%	61
Total Non-English	708	14%	1,286

**Data Note:** Detail may not sum to totals due to rounding. Hispanic population can be of any race.  
N/A means not available. **Source:** U.S. Census Bureau, American Community Survey (ACS) 2017 - 2021.  
\*Population by Language Spoken at Home is available at the census tract summary level and up.



Consultation with the appropriate federal/state/local/tribal Managing Agency(s) is required, pursuant to Section 7 of the Act, to determine if the proposed project may have an adverse effect on a Wild & Scenic River or a Study River and, if so, to determine the appropriate avoidance or mitigation measures.

Note: Concurrence may be assumed if the Managing Agency does not respond within 30 days; however, you are still obligated to avoid or mitigate adverse effects on the rivers identified in the NWSRS

No, the Managing Agency has concurred that the proposed project will not alter, directly, or indirectly, any of the characteristics that qualifies or potentially qualifies the river for inclusion in the NWSRS.

→ *Based on the response, the review is in compliance with this section. Continue to the Worksheet Summary below. Provide documentation of the consultation (including the Managing Agency's concurrence) and any other documentation used to make your determination.*

Yes, the Managing Agency was consulted and the proposed project may alter, directly, or indirectly, any of the characteristics that qualifies or potentially qualifies the river for inclusion in the NWSRS.

→ *Continue to Question 3.*

**3. For the project to be brought into compliance with this section, all adverse impacts must be mitigated. Explain in detail the proposed measures that must be implemented to mitigate for the impact or effect, including the timeline for implementation.**

→ *Continue to the Worksheet Summary below. Provide documentation of the consultation (including the Managing Agency's concurrence) and any other documentation used to make your determination.*

### **Worksheet Summary**

## Compliance Determination

Provide a clear description of your determination and a synopsis of the information that it was based on, such as:

- Map panel numbers and dates
- Names of all consulted parties and relevant consultation dates
- Names of plans or reports and relevant page numbers
- Any additional requirements specific to your region

The project site is not in the vicinity of any Wild and Scenic Rivers or any rivers being studied as potential components of the National Wild and Scenic River System. Therefore, the project will not impact any Wild or Scenic River or Study River. This project is in compliance with the Wild and Scenic Rivers Act.

## Are formal compliance steps or mitigation required?

Yes

No

Valor Place location shown by red dot. No wild and scenic rivers in the vicinity, indicated by thick orange lines on the map. There are two study rivers in Oregon, but neither are in Albany.

Find a River

State  
Oregon

Classification

Outstandingly Remarkable Values

Results



## Commercial Facilities

Project site indicated by yellow marker

### Grocery Stores in the area

grocery store

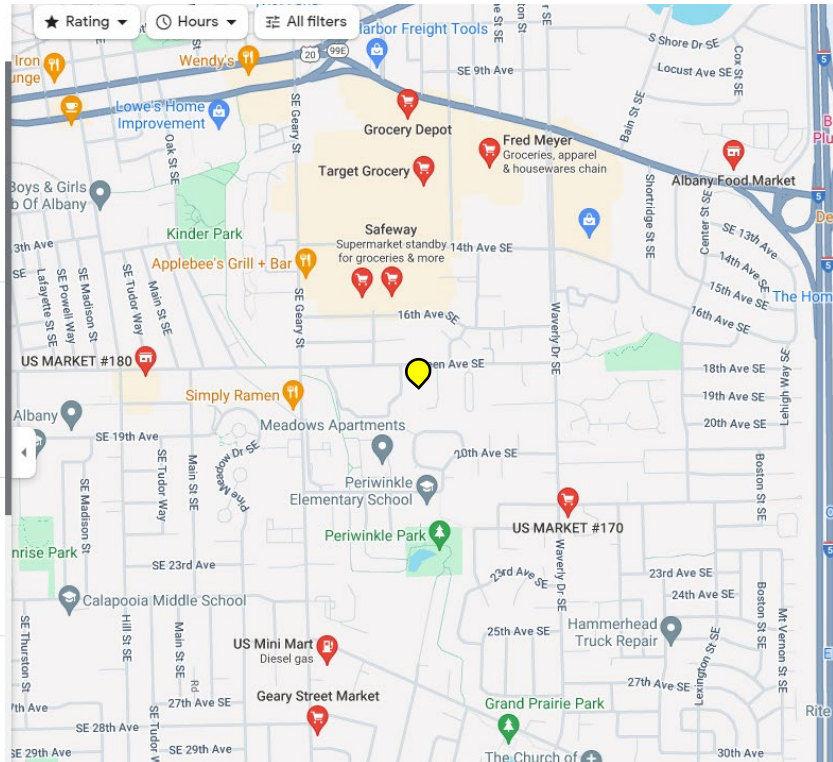
Results

**Grocery Outlet**  
4.3 ★★★★★ (653) · \$  
Grocery store · 1950 14th Ave SE  
Source for discount groceries & more  
Open · Closes 9 PM · (541) 791-1588  
In-store shopping · Delivery

**Safeway**  
4.1 ★★★★★ (1,850) · \$\$  
Grocery store · 1990 14th Ave SE  
Supermarket standby for groceries & more  
Open · Closes 11 PM · (541) 812-2380  
In-store shopping · Curbside pickup · Delivery

**Target Grocery**  
3.0 ★★★★★ (1)  
Grocery store · 2255 14th Ave SE  
Open · Closes 10 PM · (541) 926-5727  
In-store pickup

**Fred Meyer**  
4.2 ★★★★★ (1,172)  
Grocery store · 2500 Santiam Hwy SE  
Groceries, apparel & housewares chain  
Open · Closes 10 PM · (541) 926-9463



### Pharmacies in the area

pharmacy

Results

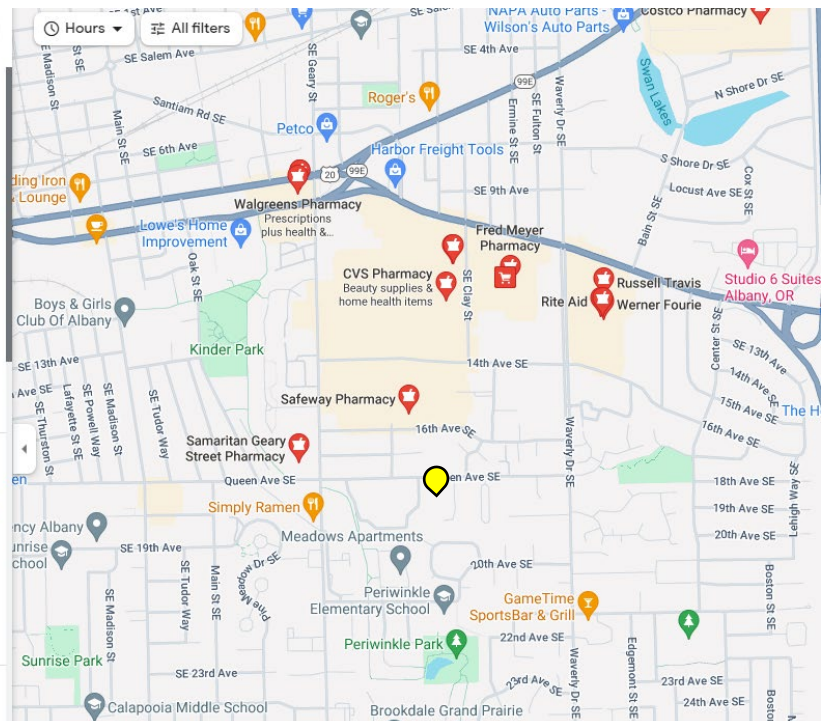
**Sponsored**

**Fred Meyer**  
4.2 ★★★★★ (1,172)  
Grocery store · 2500 Santiam Hwy SE  
Groceries, apparel & housewares chain  
Open · Closes 10 PM · (541) 926-9463  
✓ In-store shopping · ✓ Curbside pickup · ✓ Delivery

**Kroger® Pharmacy Near You**  
[Visit Site](#) · kroger.com/health/pharmacy

**Walgreens Pharmacy**  
2.0 ★★★★★ (199) · \$\$  
Pharmacy · 1700 Pacific Blvd SE  
Prescriptions plus health & beauty items  
Open · Closes 1:30 PM · Reopens 2 PM · (541) 926-5214  
Curbside pickup

**Samaritan Geary Street Pharmacy**




## Retail Stores in the area


stores and shopping

Results


**Marshalls**  
4.2 ★★★★★ (395)  
Department store · 2000 14th Ave SE  
Brand-name apparel & decor  
Opens soon · 9:30 AM · (541) 928-7109  
In-store shopping

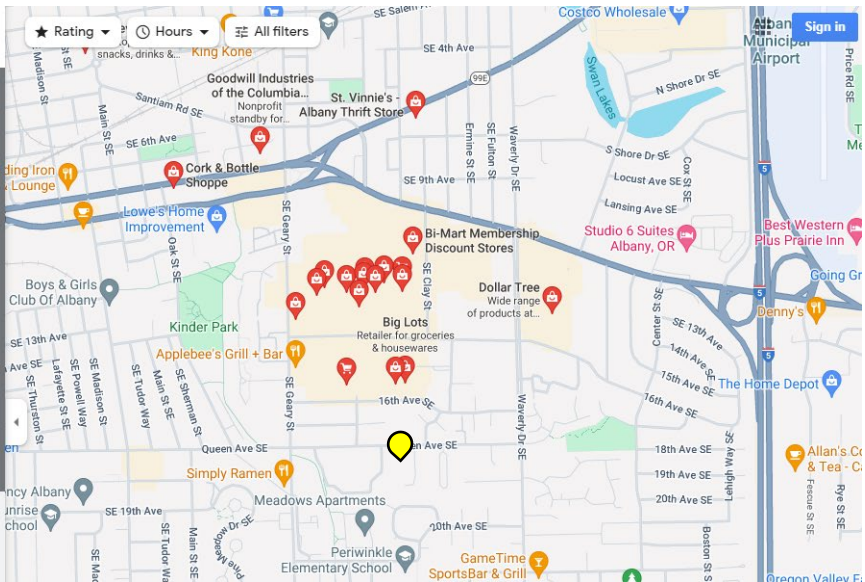


**Ross Dress for Less**  
4.0 ★★★★★ (845) · \$  
Clothing store · 2005 14th Ave SE  
Discounted apparel, shoes & housewares  
Opens soon · 9:30 AM · (541) 928-8299  
In-store shopping



**Old Navy**  
3.9 ★★★★★ (326) · \$  
Clothing store · 2189 14th Ave SE  
Casual clothing source for kids & adults  
Closed · Opens 10 AM · (541) 791-5032  
In-store shopping · In-store pickup






## Restaurants in the area


Restaurants

Results


**Pop's Branding Iron Restaurant & Lounge**  
4.0 ★★★★★ (1,929) · \$  
American · 901 Pacific Blvd SE  
Veteran spot for diner fare  
Open · Closes 10 PM  
Dine-in · Takeout · No delivery




**Roger's Restaurant**  
4.4 ★★★★★ (1,337) · \$  
American · 2165 Pacific Blvd SE  
Open · Closes 8 PM  
Dine-in · Takeout · Delivery  
[ORDER ONLINE](#)

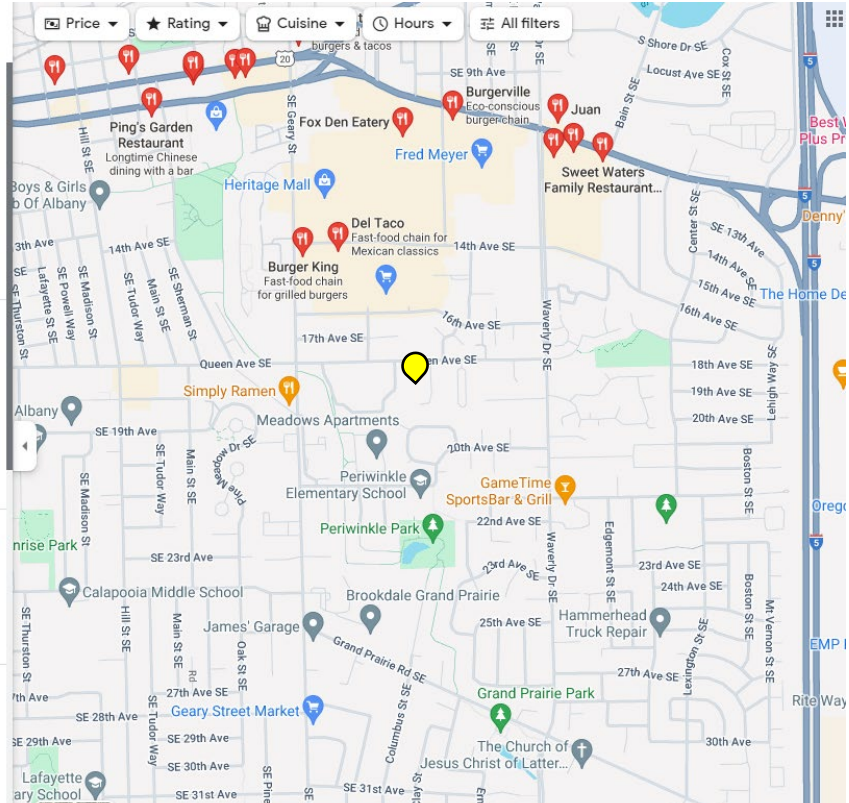


**Fox Den Eatery**  
4.0 ★★★★★ (111) · \$\$  
Restaurant · 2224 Santiam Hwy SE  
Open · Closes 2 AM  
Dine-in · Takeout · No delivery



**Elmer's Restaurant (Albany, OR)**  
4.4 ★★★★★ (1,953) · \$\$  
Breakfast · 2802 Santiam Hwy SE  
Diner-style outpost for casual fare  
Open · Closes 9 PM  
Dine-in · Takeout · Delivery





## Health Care and Social Services

medical clinic

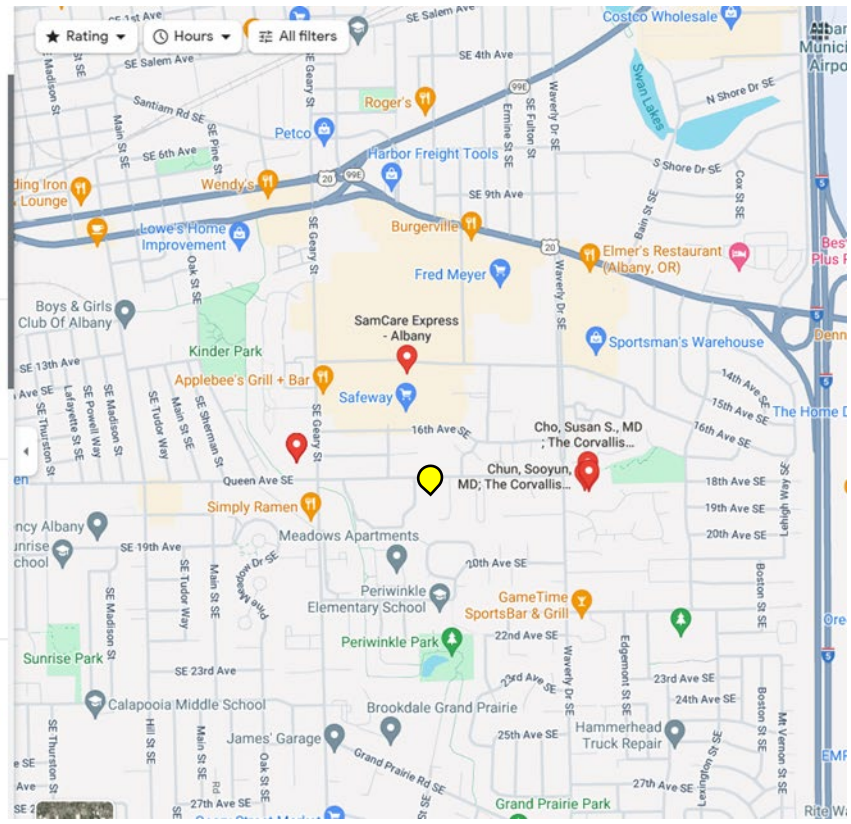
Results

**The Corvallis Clinic at Waverly Drive/Albany**  
 3.2 ★★★★★ (42)  
 Medical clinic · 1705 Waverly Dr SE  
 Open · Closes 5:30 PM · (541) 967-8221

**SamCare Express - Albany**  
 3.5 ★★★★★ (8)  
 Medical clinic · 1970 14th Ave SE #130  
 Open · Closes 6 PM · (541) 812-5670

**Samaritan Family Medicine Resident Clinic - Geary Street**  
 2.5 ★★★★★ (2)  
 Medical clinic · 6842, 1700 SE Geary St Suite 300  
 Open · Closes 6 PM · (541) 812-5300

**Samaritan Family Medicine - Geary Street**  
 4.0 ★★★★★ (165)  
 Medical clinic · 1700 SE Geary St Ste 200  
 Open · Closes 5 PM · (541) 812-5570



social services

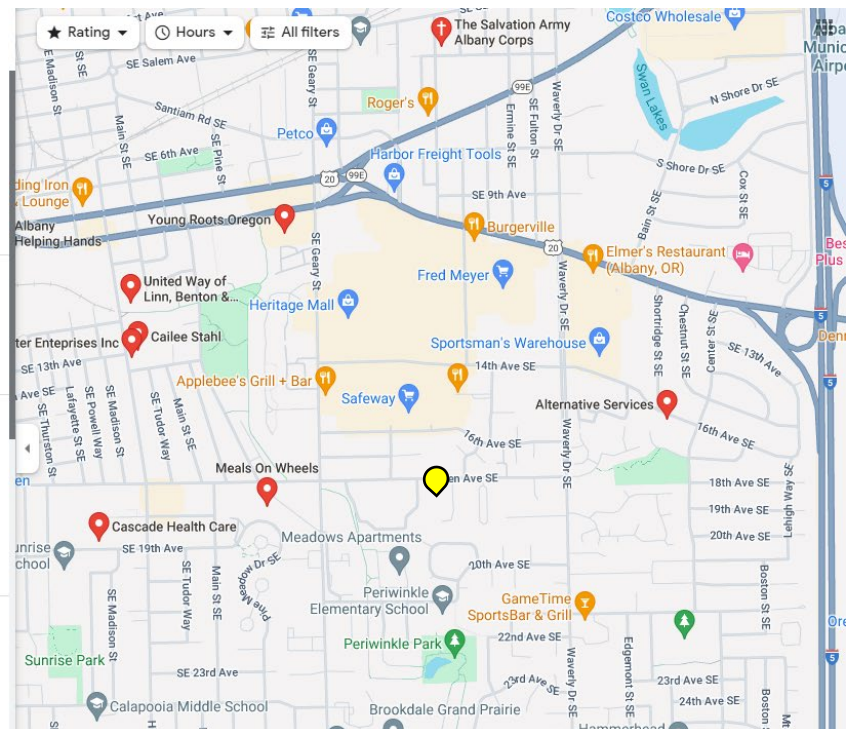
Results

**Human Services Self Sufficiency**  
 3.9 ★★★★★ (169)  
 Social services organization · 118 SE 2nd Ave  
 Open · Closes 5 PM · (541) 967-2078

**Child Welfare**  
 2.7 ★★★★★ (21)  
 Social services organization · 118 SW 2nd Ave # D  
 Open · Closes 5 PM · (541) 967-2060

**Oregon Department of Human Services - Albany Self-Sufficiency**  
 4.2 ★★★★★ (44)  
 State government office · 118 SE 2nd Ave  
 Open · Closes 5 PM · (541) 967-2078

**Center Enterprises Inc**  
 No reviews  
 Social services organization · 1305 Lafayette St SE  
 Open now · (541) 928-2183



### Disability Services

3.1 ★★★★★ (25)

State government office · 1400 Queen Ave SE # 103  
Open · Closes 5 PM · (541) 967-8630



### Linn County Developmental Disability Programs

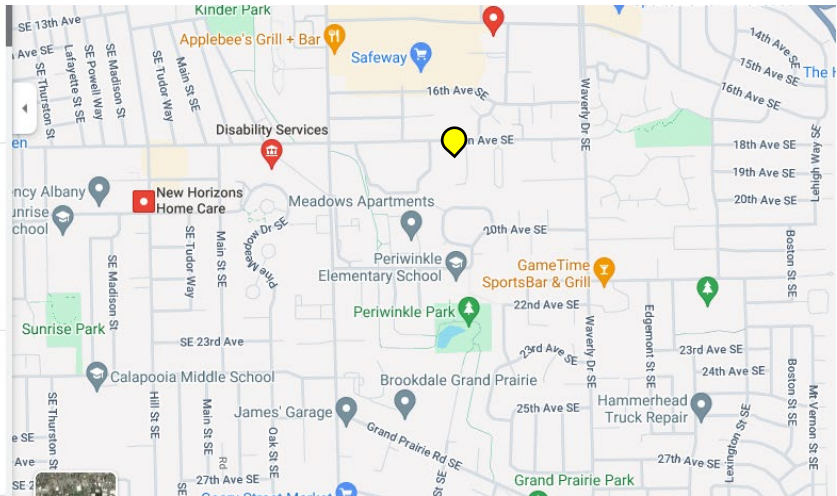
5.0 ★★★★★ (3)

County government office · 2730 Pacific Blvd SE  
Open · Closes 5 PM · (541) 967-3890



### Supported Living Foundations

No reviews  
Disability services and support organization  
(458) 223-2334



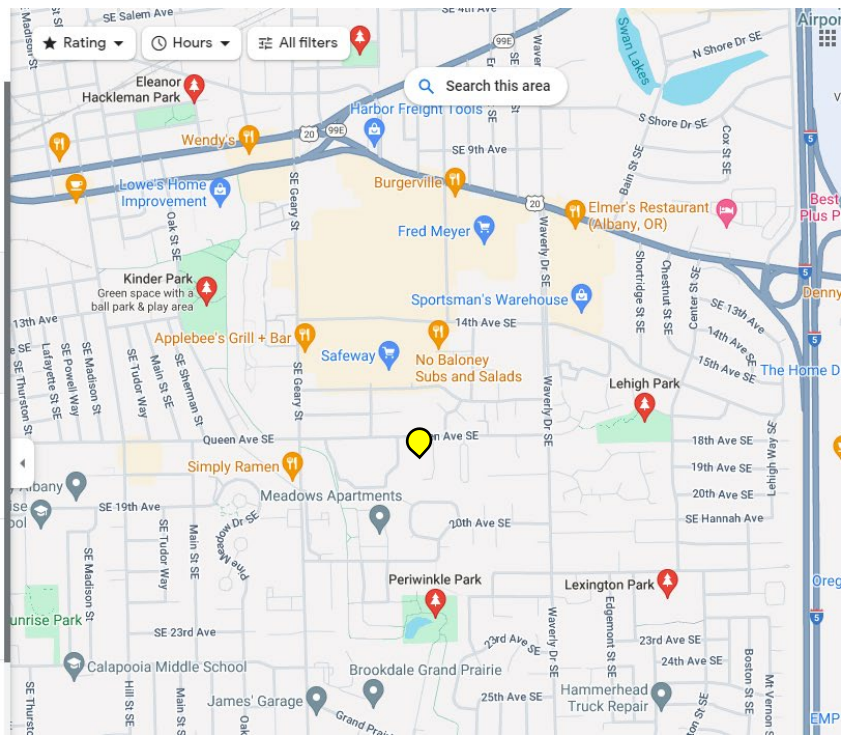
## Parks, Open Space and Recreation

### Parks in the area

Search: parks

Results

- Lexington Park**  
4.5 ★★★★★ (248)  
Park · 3000 21st Ave SE  
Open · Closes 10 PM
- Grand Prairie Park**  
4.5 ★★★★★ (486)  
Park · 2530 Grand Prairie Rd SE  
Serene spot with a playground & pond  
Open · Closes 10 PM
- Periwinkle Park**  
4.8 ★★★★★ (34)  
Park · 2298 21st Ave SE
- Timber Linn Memorial Park**  
4.5 ★★★★★ (849)  
Park · 900 Price Rd SE  
Veterans memorial, lake & playground  
Open · Closes 8 PM
- Lehigh Park**  
4.2 ★★★★★ (25)  
Park · 3100 17th Ave SE



## Library in the area

Best 2 min 7 min 2 min

2110 Queen Ave SE, Albany, OR 97322

Albany Public Library, 2450 14th Ave SE, Albany, OR 97322

Add destination

Options

Send directions to your phone Copy link

via SE Davidson St 7 min 0.3 mile

Details

Mostly flat

Map details: Search along the route, Restaurants, Coffee, Groceries, Thing >. Landmarks include: Great Clips, Oregon State Credit Union, No Baloney Subs and Salads, Jessie Carlson - State Farm Insurance Agent, Albany Public Library, Security Alarm Corporation, Rich's Sewing, Vacuums, Hot Tubs & Grills, Safeway, Marshalls, Grocery Outlet, Heritage Plaza, Willow Glen Apartments, Queen Court Apartments, Premier Apartments, Periwinkle Place, Holy Cross Lutheran, Social Security Administration, Regal Albany, Fourteenth Avenue Salon and Day Spa.

## Transit and Accessibility

Best 1 min 5 min 6 min 1 min

2110 Queen Ave SE, Albany, OR 97322

Queen & Geary, Albany, OR 97322

Add destination

Leave now Options

Send directions to your phone Copy link

via Queen Ave SE 6 min 0.3 mile

Details

Map details: Landmarks include: Applebee's Grill + Bar, Heritage Plaza, Grocery Outlet, Safeway, Marshalls, Art Plus Signs & Designs, Samaritan Family Medicine - Geary Street, Spirit Espresso, Wheeler Dealer Discount store, Simply Ramen, Periwinkle Creek Apartments, Clayton Meadows, Queen Court Apartments, Queen & Geary, 2110 Queen Avenue Southeast.



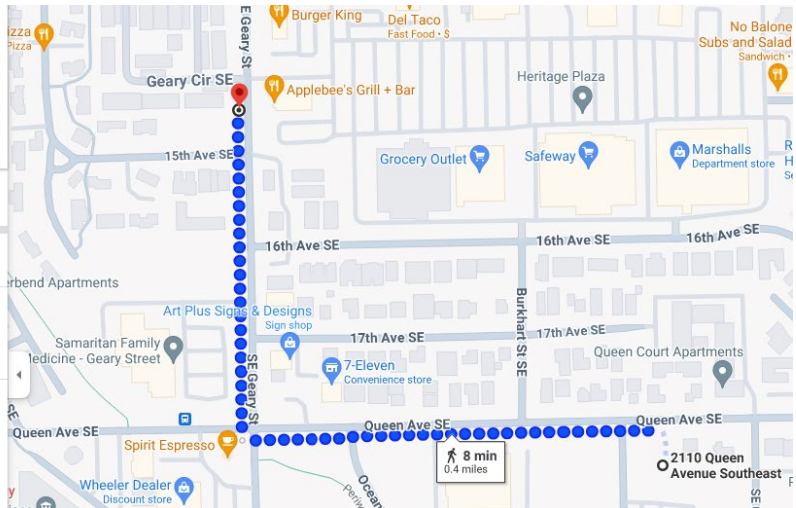
Add destination

Leave now Options

[Send directions to your phone](#) [Copy link](#)

via Queen Ave SE and SE Geary St **9 min**  
 0.4 mile

[Details](#)



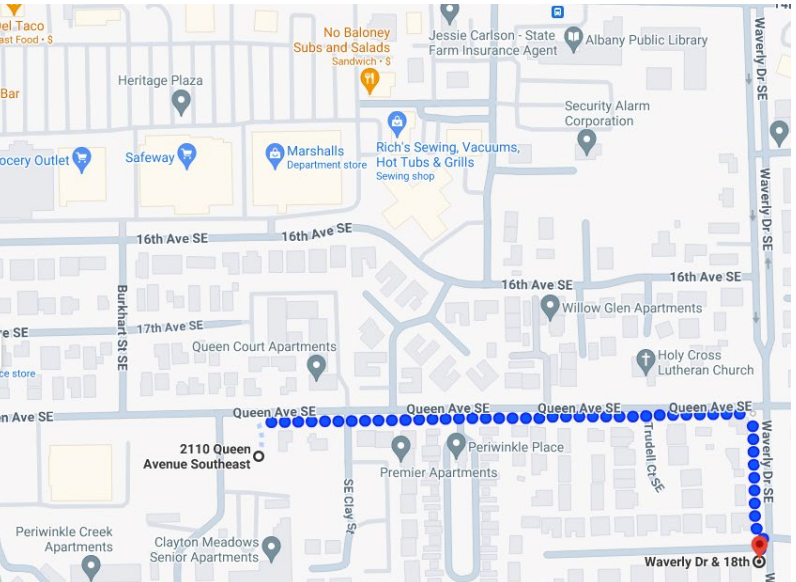
Add destination

Leave now Options

[Send directions to your phone](#) [Copy link](#)

via Queen Ave SE **9 min**  
 0.4 mile

[Details](#)



Add destination

Leave now Options

[Send directions to your phone](#) [Copy link](#)

via SE Davidson St and 14th Ave SE **12 min**  
 0.5 mile

[Details](#)

