



U.S. Department
of Transportation

**Federal Highway
Administration**

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**FINDING OF NO SIGNIFICANT IMPACT
Cape Meares Road Relocation Project**

Cape Meares Loop Road
OR TILLAMOOK B780(1)
Tillamook County, OR

This Finding of No Significant Impact is submitted pursuant to:
42 U.S.C. 4332(2)(c)

Decision

The Western Federal Lands Highway Division (WFLHD) of the Federal Highway Administration (FHWA), in cooperation with Tillamook County, has determined that the selected course of action for restoring service on the Cape Meares Loop Road will have no significant impact on the human or natural environment. The selected course of action is described as the Preferred Alternative in the *Cape Meares Road Relocation Project Environmental Assessment (EA)* (FHWA, October 18, 2017), hereafter referred to as the Selected Alternative. The Selected Alternative and its mitigation measures meet the stated purpose and need of the project while minimizing impacts to the human and natural environment. Comments received through the public involvement process and review of the EA were considered in this decision; the comments and FHWA's responses are attached.

The EA was prepared in compliance with the National Environmental Policy Act (NEPA), which considers the effects of federal, federally-funded, and/or federally-permitted projects on the quality of the human and natural environment. The project is being financed through Oregon Federal Lands Access Program (FLAP) funding, Federal Emergency Relief Funding, and County Match Funding. FHWA is the federal lead agency for NEPA compliance and Tillamook County is a partner. In addition to NEPA compliance, FHWA will complete the project design, issue a construction contract, and administer construction.

Selected (Preferred) Alternative

The project is located in the northern Coast Range in Tillamook County, Oregon, approximately 5.7 miles west of the City of Tillamook. The Selected Alternative will construct a bypass around a historic landslide area that closed an approximate 1.5-mile section of Cape Meares Loop Road located between the communities of Oceanside and Cape Meares on January 11, 2013. The Selected Alternative, described in the EA as the Preferred Alternative, meets the purpose and need for the project because it will restore service on Cape Meares Loop Road and reopen this section of the Three Capes Scenic Route that provides visitor access to Cape Meares National Wildlife Refuge (Refuge) and Cape Meares State Scenic Viewpoint and Lighthouse (Scenic Viewpoint). The Selected Alternative will also provide a tsunami bypass route for Oceanside and Netarts when Highway 131 (Netarts Highway) is closed.

The Selected Alternative is approximately 1.7 miles in length, consisting of one 11-foot travel lane in each direction and 2-foot paved shoulders for a total paved roadway of 26-feet, and follows the alignment of existing forest roads where possible to minimize the extent of clearing and grading. The new paved roadway will be located within a standard right-of-way width of 60 feet, which will include side slopes, roadway drainage ditches, and retaining walls if required.

The Selected Alternative requires approximately 16 acres of new public right-of-way. Culverts will be installed where the Selected Alternative crosses Coleman Creek and other streams. Typical traffic control and wayfinding signage will be provided. The roadway will be maintained by Tillamook County. The segment of Cape Meares Loop Road that is currently open, and that provides access from the south to the Refuge and Scenic Viewpoint, will remain.

Construction of the Selected Alternative will occur within an approximately 100-foot-wide construction corridor. Temporary easements will be obtained for the portions of the construction corridor that will be outside of the 60-foot-wide right-of-way. All construction access and staging will be from Cape Meares Loop Road and contained within existing private roadways and the construction corridor. Construction of the Selected Alternative is expected to last approximately two years.

Construction activities will include:

- Pre-construction geotechnical activities
- Clearing vegetation
- Earthwork including excavation (with some areas of potential rock blasting), embankment construction, and grading of the roadbed
- Construction of walls (wall type to be determined)
- Installation of culverts and other drainage features, as needed
- Asphalt paving
- Installation of permanent traffic control, such as painted striping and signage
- Revegetation
- In-water work to install culverts at stream crossings, including at Coleman Creek

Environmental Consequences of the Selected Alternative

The EA analyzed the effects of the Selected Alternative on numerous resources, including: transportation; land use, farmland, forestland, and utilities; social/economic changes and environmental justice; air quality, noise, and energy; soils and geology; water resources, water quality, and floodplains; wetland; fish, wildlife, and vegetation; cultural resources; recreation; hazardous materials; visual quality; and cumulative effects for all of these resources.

No significant impacts to these resources were identified. These findings are based on the evidence and conclusions set forth in the EA, which is incorporated by reference here.

Table 1 summarizes the environmental consequences of the Selected Alternative by each evaluated resource.

Table 1. Summary of Environmental Consequences of the Selected Alternative by Resource

Environmental Resource	Environmental Consequences of the Selected Alternative
Transportation	<p>Temporary construction effects</p> <ul style="list-style-type: none"> • Construction could result in short-term traffic delays and/or detours on Cape Meares Loop Road where the Selected Alternative will connect to the existing roadway. <p>Direct and indirect effects</p> <ul style="list-style-type: none"> • Restores access to the Refuge and Scenic Viewpoint from the north. Restores access to the community of Cape Meares from the south. • Restores the secondary access to Netarts, Cape Meares, and Oceanside when Highway 131 and Bayocean Road are closed. • Provides a tsunami escape route. • Slightly modify the access route to destinations along the current alignment of Cape Meares Loop Road.
Land Use, Farmland, Forestland, and Utilities	<p>Temporary construction effects</p> <ul style="list-style-type: none"> • Temporary easements of approximately 8 acres for construction activities. • Access to adjacent properties could be temporarily affected by traffic delays and lane closures. <p>Direct and indirect effects</p> <ul style="list-style-type: none"> • Approximately 16 acres of land zoned Forest converted to right-of-way. • Approximately 28 acres of land used for right-of-way where the existing road is closed, which is currently included in Tillamook County’s Forest zone, may be vacated during the right-of-way process. • Requires an exception to Statewide Planning Goal 4 for conversion of forestland. • The Selected Alternative alignment will slightly modify the access route to destinations along the current alignment of Cape Meares Loop Road. • Utility providers could locate new facilities within the roadway right-of-way. • Potential reduction in traffic along the existing road alignment could reduce traffic noise levels in the Refuge, benefitting wildlife and visitors.

Environmental Resource	Environmental Consequences of the Selected Alternative
Social/Economic Changes and Environmental Justice	<p>Temporary construction effects</p> <ul style="list-style-type: none"> • Residents and visitors may experience brief delays or detours due to temporary lane closures or reroutes, at the connection to the existing road. • Provide opportunities for construction-related employment and temporary increase in sales for nearby businesses. <p>Direct and indirect effects</p> <ul style="list-style-type: none"> • No residential or business displacements. • Right-of-way acquisitions could result in a slight reduction in land available for timber harvesting. Vacated right-of-way could potentially be used for future timber growth. • Increased safety of the communities and visitors from improved connectivity and emergency access. • No disproportionately high and adverse effects on minority or low-income populations.
Air Quality/Noise/Energy	<p>Temporary construction effects</p> <ul style="list-style-type: none"> • Increased dust, noise levels and energy consumption from construction activities and equipment. <p>Direct and indirect effects</p> <ul style="list-style-type: none"> • Since changes in regional vehicle miles traveled are not anticipated, no long-term increase in regional air pollutants. National emissions control programs are anticipated to reduce regional and local MSAT emissions regardless of vehicle-miles traveled. • Minor increase in noise levels from traffic along the realigned roadway. Noise levels at sensitive receptors, such as the nearby rural residence, are not expected to change. • Negligible effect on Oregon's predicted statewide energy consumption.
Soils and Geology	<p>Temporary construction effects</p> <ul style="list-style-type: none"> • Areas of ground disturbance could be prone to erosion if left unprotected. Slopes could be unstable if not retained or flattened. <p>Direct and indirect effects</p> <ul style="list-style-type: none"> • Roadway alignment avoids the active landslide area that resulted in the existing closure along Cape Meares Loop Road. • A future large earthquake or tsunami event could result in slope and/or retaining wall failures along the roadway.

Environmental Resource	Environmental Consequences of the Selected Alternative
Water Resources, Water Quality, and Floodplains	<p>Temporary construction effects</p> <ul style="list-style-type: none"> • Soil compaction during construction could result in localized impacts to groundwater flows, reduce the infiltration capacity and increase surface runoff. • Small, accidental petroleum spills could occur where groundwater levels are shallow. <p>Direct and indirect effects</p> <ul style="list-style-type: none"> • Vegetation removal, soil disturbance, and paving may increase impervious surfaces, erosion, sediment deposition, and stormwater runoff that could affect water quality. • Potential for increased roadway pollutants in stormwater.
Wetlands	<p>Temporary construction effects</p> <ul style="list-style-type: none"> • Approximately 0.04 acre of temporary wetland effects • Potential increase in sedimentation of nearby streams <p>Direct and indirect effects</p> <ul style="list-style-type: none"> • Approximately 0.02 acre of permanent wetland fill • Installation of new or replaced culverts at stream crossings
Fish, Wildlife, and Vegetation	<p>Temporary construction effects</p> <ul style="list-style-type: none"> • Vegetation and habitat removal of approximately 20.50 acres within the 100-foot-wide construction corridor. • Construction noise will cause some wildlife to temporarily reduce their use of the surrounding habitat, including nesting activities of marbled murrelet and northern spotted owl (threatened species). • Removal of approximately 0.28 acre of habitat for marbled murrelet and approximately 8.34 acres of habitat for northern spotted owl. <p>Direct and indirect effects</p> <ul style="list-style-type: none"> • Permanent removal of approximately 12.34 acres of vegetation and habitat, which could also alter predator-prey relationships. • Removal of approximately 0.07 acre of habitat for marbled murrelet and 5.04 acres of habitat for northern spotted owl. • Potential to spread noxious weeds.
Cultural Resources	<p>Temporary construction effects</p> <ul style="list-style-type: none"> • None <p>Direct and indirect effects</p> <ul style="list-style-type: none"> • No direct effect on cultural resources. • Geotechnical boring could expose buried cultural resources.

Environmental Resource	Environmental Consequences of the Selected Alternative
Recreation	<p>Temporary construction effects</p> <ul style="list-style-type: none"> • Visitors to recreation lands may experience brief delays or detours due to temporary lane closures or reroutes, at the connection to the existing road. • Temporary increases in noise levels and dust along the portion of the Oregon Coast Trail that uses Cape Meares Loop Road. <p>Direct and indirect effects</p> <ul style="list-style-type: none"> • No conversion of recreation land to a roadway use. • No use of any Section 4(f) or Section 6(f) properties. • Restore access from Cape Meares Loop Road to recreation lands. • Reconnect the Three Capes Scenic Route. • Reopen the use of Cape Meares Loop Road for the Oregon Coast Bike Route.
Hazardous Materials	<p>Temporary construction effects</p> <ul style="list-style-type: none"> • Potential to disturb unknown hazardous materials in the soils. • Potential for accidental spills of hazardous materials used during construction. <p>Direct and indirect effects</p> <ul style="list-style-type: none"> • None. There are no known hazardous material sites located within the project area.
Visual Quality	<p>Temporary construction effects</p> <ul style="list-style-type: none"> • Construction equipment, workers, materials and staging area will add new elements into existing views. Viewers will perceive a temporary decrease in visual quality. <p>Direct and indirect effects</p> <ul style="list-style-type: none"> • Trees will block views of most of the roadway, including light and glare from vehicle traffic. Neutral effect on visual quality as perceived by residential viewers. • Restored connection of the Three Capes Scenic Loop will allow recreationists, touring and local motorists to drive the roadway as a “loop” to access the visual scenery. Beneficial effect to visual quality as perceived by these viewers. • Existing portion of Cape Meares Loop Road that is closed will likely continue to be affected by landslides.
Cumulative Effects	<ul style="list-style-type: none"> • None

Wetlands Determination

In accordance with Executive Order 119990, Protection of Wetlands, the proposed roadway improvement and its wetlands impacts have been closely evaluated, including submission of a *Wetland Delineation Report* to the Oregon Department of State Lands (DSL). As a result of the Selected Alternative, approximately 0.04 acre of wetlands will be temporarily affected and approximately 0.02 acre of wetland will be permanently filled, of the existing 0.7 acre of wetland within the study area.

The Selected Alternative includes all practicable measures to minimize harm to wetlands that may result from such use while still meeting the purpose and need of the project and applicable roadway standards. Mitigation for wetland impacts will be detailed in coordination with the U.S. Army Corps of Engineers (USACE) and DSL through a Joint Permit Application for the DSL removal/fill permit and a USACE Clean Water Act Section 404 permit. FHWA has determined there is no practicable alternative to the proposed construction in wetlands.

Basis for Decision

The Selected Alternative meets the purpose and need for the project because it will:

- Restore service on Cape Meares Loop Road and reopen this section of the Three Capes Scenic Route that provides visitor access to the Refuge and Scenic Viewpoint.
- Construct a bypass around the historic landslide area.
- Provide a tsunami escape route for the communities of Oceanside and Cape Meares and an emergency detour route for Oceanside and Netarts when Highway 131 (Netarts Highway) is closed due to slope failures.
- Provide Cape Meares access to emergency services, schools, and jobs when slides and roadway closures occur on Bayocean Road.

The Selected Alternative, in combination with the mitigation measures described in Chapter 6 of the EA, will not result in significant impacts on the environment.

Public Involvement

Resource and regulatory agencies, nearby tribal governments, adjacent property owners, and the general public were engaged to provide information on the status of the roadway closure and the progress of the project, and to obtain feedback on the early alternatives that were considered. Chapter 4 of the EA provides a summary of the project's public, agency and tribal outreach activities that were conducted prior to release of the EA.

On October 18, 2017, FHWA and Tillamook County published a Notice of Availability that the EA was available for review and comment. The Notice of Availability for the EA, including notification of the comment period and public open house, were placed in both a local and statewide newspaper, the *Tillamook Headlight Herald* and *The Oregonian*, respectively. Copies of the EA were publicly available at the Tillamook County library and the Oregon State University Open Campus in Tillamook.

As stated in the Notice of Availability, the 30-day comment period on the EA started on October 18, 2017, and ended on November 17, 2017. During the comment period a public open house for the project was held on Thursday, November 2, 2017, from 4 pm to 6 pm, at the Tillamook County Library. Three written comments were received during the open house. No other agency or public comments were received during the comment period. Generally, the comments received were in support of the project and appreciative of the effort to clearly explain the project and its potential beneficial and adverse effects. The comments received during the comment period, and responses to the comments, are attached.

Permits and Approvals

Required permits and approvals will be obtained prior to construction. The following permits and approvals are expected to be required for implementation of the Selected Alternative:

- U.S. Army Corps of Engineers Section 404 Permit, including a coastal zone consistency review by DLCD
- Oregon DSL Section 404 Removal-Fill Permit
- Section 401 Water Quality Certification
- Section 402 NPDES General Construction Stormwater Permit
- Oregon Statewide Goal 4 Exception
- Tillamook County permits, including the Coastal Zone Management Act certification

Finding of No Significant Impact

Pursuant to the National Environmental Policy Act of 1969 (NEPA), FHWA as the federal lead agency assessed the environmental impacts of the proposed project. The EA was prepared in accordance with the Council on Environmental Quality NEPA Regulations set forth in 40 Code of Federal Regulations (CFR) Parts 1500 to 1508, including the guidelines for determining the significance of proposed federal action (40 CFR 1508.27), and with FHWA Regulations contained in 23 CFR Part 771. The proposed project also conforms with all applicable federal statutes and executive orders.

The FHWA has determined that the Selected Alternative will have no significant impact on the human or natural environment. This FONSI is based on the referenced EA and related documentation, which has been independently evaluated by FHWA and determined to adequately and accurately discuss the need, environmental issues, and impacts of the proposed project and appropriate mitigation measures. Comments received through the public involvement and EA review process were considered in this decision. The EA provides sufficient evidence and analysis for determining that an environmental impact statement is not required by section 102(2)(C) of NEPA or its implementing regulations. The FHWA takes full responsibility for the accuracy, scope, and content of the attached EA.

RECOMMENDED BY:

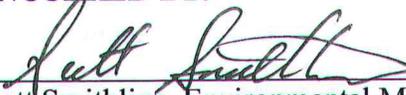


Jennifer Chariarse, Environmental Protection Specialist

1/18/2018

Date

CONCURRED BY:



Scott Smithline, Environmental Manager

1/18/2018

Date

APPROVED BY:



Dan Donovan, Chief of Business Operations

1-18-2018

Date

Responses to Comments Received on the EA

Name	Comment Topics	Comment	Response to Comment
Pat Collins	<ul style="list-style-type: none"> • Project support 	Glad to see County is continuing to push forward on restoring the “Loop”—I’ve followed this for the year I’ve lived in O’side.	Thank you for your support of the project. FHWA and Tillamook County recognize the importance of restoring the “Loop” to the nearby communities.
No name provided	<ul style="list-style-type: none"> • Appreciation for open house • Noise 	Thanks for the effort to explain the project. Wish we could [take] the “jake brakes” off the new road—it’s been nice not listening to or dealing with the gravel trucks since the closure.	<p>Thank you for your feedback on FHWA’s and Tillamook County’s efforts to explain the project at the open house.</p> <p>The Oregon Revised Statutes (ORS) 811.492 currently prohibit the use of unmuffled engine brakes, which would include unmuffled compression brakes (“jake brakes”), on a highway unless it is to avoid an emergency situation. ORS 810.214 required the Oregon Transportation Commission to adopt uniform standards for posting signs prohibiting the use of unmuffled engine brakes. The Oregon Department of Transportation (ODOT) has an “Unmuffled Engine Braking Prohibited” sign available to remind drivers of the state provisions. Citizens can work with ODOT to request the installation of these signs in specified locations if it meets the following warrants:</p> <ol style="list-style-type: none"> 1. The area has an established record of unmuffled engine brake noise complaints (minimum of six different people complaining about four different incidents) supported by an engineering investigation. 2. Signed concurrence from the law enforcement agency in the jurisdiction that the sign falls within acknowledging an action plan to enforce the law. 3. Approval of State Traffic Engineer on State Highways. 4. Jurisdictions other than ODOT may use their own criteria to determine the location of this sign.
No name provided	<ul style="list-style-type: none"> • Appreciation for open house • Project support 	Thank you for the clear and complete update. Looking forward to completion.	Thank you for your feedback on FHWA’s and Tillamook County’s efforts with the project open house and for your support of the project.