



US Army Corps
of Engineers
Seattle District

PROGRAMMATIC ESA¹ CONSULTATION
Specific Project Information Form
 For Tideland Markers
 Version: May 2012



<p>Eligibility for Programmatic Consultation</p> <p>To be filled out by Corps</p> <p>This application:</p> <p><input type="checkbox"/> Meets all of the requirements of this programmatic consultation</p> <p><input type="checkbox"/> Does not meet all of the requirements of this programmatic consultation. This form constitutes a reference biological evaluation in association with: NMFS reference: 2005/07506 USFWS reference: 13410-2009-I-0421</p>
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- 1. Programmatic Activity:** Tideland Markers
- 2. Drawings and Photographs - *Drawings and photographs must be submitted.*** Photographs must be submitted showing shoreline, existing overwater structures, and location of the proposed project. Drawings must include a vicinity map; plan, profile, and cross-section drawings of the proposed structures; and over- and in-water structures on adjacent properties. (For assistance with the preparation of the drawings, please refer to our *Drawing Checklist* located on our website at www.nws.usace.army.mil Select Regulatory – Regulatory/Permits – Forms.) If the work is in a tidal area, please see Section 11 of this form for additional photo requirements.
- 3. Date:** _____

4. Applicant name:			
Mailing address:			
Work phone:	Home phone:	Email:	Fax:
5. Joint-use applicant name (if applicable):			
Mailing address:			
Work phone:	Home phone:	Email:	Fax:
6. Authorized agent name:			
Mailing address:			
Work phone:	Home phone:	Email:	Fax:
7. Location where proposed work will occur			
Address (street address, city, county):			
Location of joint-use property (street address, city, county):			
Waterbody:			
¼ Section:	Section:	Township:	Range:
Latitude:		Longitude:	

¹ Endangered Species Act

8.

**To be filled out by Corps
Federally Listed or Proposed Species and their Critical Habitat Present or affected by the
proposed action:**

9. **Description of Work:** Describe what is being installed/replaced (e.g., support pile for tideland marker, buoy, etc.). Include dimensions and materials being used.

10. **Construction Techniques (describe how the tideland marker will be installed):**

11. **Forage Fish Habitat –**

Check box if Washington Department of Fish and Wildlife (WDFW) documented habitat is present. Go to the WDFW website for this information: <http://wdfw.wa.gov/fish/forage/forage.htm>, then search for each species under the link to Biology, then the link to Documented Spawning Grounds (if available, please attach a copy of the Hydraulic Project Approval from WDFW):

Surf Smelt: **Pacific Herring:** **Sand Lance:**

Check box if the proposed action will occur in potentially suitable forage fish spawning habitat:

Surf Smelt: **Pacific Herring:** **Sand Lance:**

If no boxes are checked, please explain why site is not suitable as forage fish spawning habitat.

Please describe the type of substrate and elevation and presence of aquatic vegetation at the project area. For example:

At +10 to +5 feet above MLLW, there is no aquatic vegetation, the substrate consists of large cobbles.
At +5 to +1 foot above MLLW, there is eelgrass and the substrate consists of fine sand.

In addition, please submit photographs showing the entire project area. The photographs should be taken at ground level and at low tide and should show a panoramic view of the entire project area in the dry. Photographs should clearly show the presence or absence of vegetation and the substrate composition. Close up photographs of the substrate and/or vegetation should be included if there are any areas of particular interest. To most accurately reflect vegetation distribution, photos should be taken at low tide during June 1 through October 1.

12. **Programmatic Conditions and General Conditions.** In order to meet all ESA requirements for this programmatic consultation, all programmatic conditions and general conditions listed below **must be met**. Check each condition that you will meet. Check each item “not applicable” if they do not apply to your project. If you checked “will not meet” for any of the conditions, you must complete the “Will Not Meet” section at the end of this document.

Will Meet	Will Not Meet	Not Applicable	PROGRAMMATIC CONDITIONS
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	1. Work will be performed within the approved work windows for listed species and forage fish. The action shall only occur once within one approved work window for a single and complete project. The approved work windows are described in <i>Programmatic Consultation – Phase I: Approved Work Windows</i> . (Note: These work windows are located on our website at www.nws.usace.army.mil . Select Regulatory – Regulatory/Permits – Permit Guidebook – Chapter VIa. - Endangered Species.)
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	2. Work is limited to the placement of tideland markers, either by a single pile or buoys.
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	3. Work will occur only in marine/estuarine areas
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	4. All natural habitat complexity features will be retained. Moved downed wood will be returned to its previous location upon completion of the work.
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	5. Tideland marker buoys will be placed by hand at low tide or from a small boat at a maximum depth of 6 feet at high water.
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	6. Tideland markers will not be located within 25 feet of vegetated shallows (except where such vegetation is limited to State-designated noxious weeds).
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	7. Buoys and anchors will not be located over or within 25 feet of spawning habitat for listed, proposed, or forage fish species.
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	8. Buoys will be anchored securely and anchors will be installed so that the anchor lines do not drag or scour.
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	9. Anchor will be helical screw, or if substrate is too hard, a fully-cured concrete container or structure will be used to secure tideland markers.
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	10. No new piling will be placed in freshwater. In marine or estuary waters, excluding the mouth of the Columbia River, piling placement will be limited to one new pile.
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	11. If using steel piling, only vibratory installation with no proofing is allowed under this programmatic. Vibratory or impact installation of wood, concrete, plastic, or other non-metal piles is allowed.

Will Meet	Will Not Meet	Not Applicable	PROGRAMMATIC CONDITIONS
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	12. Prior to project initiation, the following information will be provided to the Service for all actions that include pile driving: 1) anticipated dates and duration of pile driving; 2) type and size of pile; and 3) estimated number of strikes per day. Following completion of pile driving, the following information will be provided to the Service, referencing the Corps permit number and applicant names as indicated on the SPIF: 1) actual dates and duration of pile driving; and 2) average number of piles installed per day and strikes per pile.
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	13. Pile driving in marine waters will occur during daylight hours only and work will occur between 2 hours after sunrise and 2 hours before sunset during marbled murrelet nesting season (April 1 to September 15).
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	14. If using wood piling, the only treatment allowed will be ACZA and treatment must comply with the Western Wood Preservers Institute BMPs. Design measures will prevent abrasion of the treated wood and reduce the potential for the release of contaminants into the aquatic environment. No coal-tar treated steel piles will be used.
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	15. Treated wood piling associated with floats will incorporate design features to minimize contact between the treated wood and the float(s) or attachments to the float(s) during all water levels.
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	16. To reduce the release of contaminants, instead of pulling piles (e.g., with a crane), creosote and pentachlorophenol-treated piles will be removed with vibratory pile extraction equipment, or cut a minimum of 2 feet below the substrate, or partially cut with new piling secured to the existing pile.
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17. Unless it can be demonstrated that the surrounding substrate will fill the hole within 1 day, or if precluded by EPA or the Washington State Department of Ecology due to locations within a Superfund or Model Toxic Control Act (MTCA) site, the holes left when pulling or cutting treated piling will be capped with appropriate material (such as clean sand, or a plastic or steel pile cap for cut piling). If fill (i.e., clean sand) is used to cap the area, the fill material will match sediment substrate of the site.
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	18. Removed creosote-treated piles shall be disposed of in a manner that precludes their further use. Piles will be cut into manageable lengths (4-foot or less) for transport and disposal in an approved upland location that meets the liner and leachate standards of the Minimum Functional Standards, Chapter 173-304 WAC, and that is in compliance with the Endangered Species Act. No reuse of treated wood will occur. In all cases, applicants will be prepared to provide documentation of disposal with the statement of compliance.

Will Meet	Will Not Meet	Not Applicable	PROGRAMMATIC CONDITIONS
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	10. All treated wood will be contained during and after removal to preclude sediments and any contaminated materials from re-entering the aquatic environment. If necessary, a containment boom will be placed around the work area to capture debris and cuttings.
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	20. All piling will be capped with a device to preclude perching by piscivorous birds.

Will meet	Will not meet	Not Applicable	GENERAL CONDITIONS
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	G1. No new access roads, routes, or trails will be included as part of the proposed action.
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	G2. Any fill material (e.g., sand, gravel, and rock) will be washed and cleaned prior to being brought to the site.
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	G3. All fill material will be obtained from a commercial source that is operating in compliance with the Endangered Species Act.
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	G4. No stockpiling or staging of material will occur below OHW or MHHW.
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	G5. No trenching will occur through any water of the U.S. (i.e., for electrical cables).
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	G6. No work will be performed and structures and fill materials will not be placed in or adjacent to vegetated shallows (except where such vegetation is limited to State-designated noxious weeds), wetlands, special aquatic sites, or suitable forage fish spawning habitat.
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	G7. Barges will not be used within 25 feet and material will not be placed in or on vegetated shallows (except where such vegetation is limited to State-designated noxious weeds) or other special aquatic sites.
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	G8. If a barge is used to deliver material, the barge or other structures shall not ground out on the bottom.
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	G9. The bottom of any structure, vessel, watercraft grid or watercraft lift will be at least 1 foot above the level of the substrate during all water levels.
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	G10. All equipment that will operate over water or below OHWM or MHHW will be cleaned of accumulated grease, oil, or mud. All leaks will be repaired prior to arriving on site. Equipment will be inspected daily for leaks, accumulations of grease, etc., and any identified problems will be fixed before operating over water or below the OHWM or MHHW.
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	G11. No solvents or other chemicals will be used in or over the water during the construction or operation of the proposed action.

Will meet	Will not meet	Not Applicable	GENERAL CONDITIONS
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	G12. No waste material, including material associated with treated wood decks, will enter the waterbody.
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	G13. All waste material and construction debris will be collected and disposed of at an approved facility that is in compliance with the Endangered Species Act.
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	G14. Any leftover construction materials will be collected and disposed of off-site.
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	G15. All floating debris generated during construction will be retrieved, removed, and disposed of at an approved upland location.
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	G16. Two oil absorbing floating booms, appropriate for the size of the work area, will be available onsite whenever heavy equipment operates within 150 feet of open water and there is a potential for hazardous materials to enter surface waters. The booms will be stored in a location that facilitates immediate deployment in the event of a spill.
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	G17. Fueling and servicing of equipment will be confined to an established staging area that is at least 150 feet from open water or wetlands. Spill containment systems must be adequate to contain all fuel leaks.
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	G18. Equipment and vehicles will be stored in established staging areas when not in use (excluding cranes, which cannot be easily moved).
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	G19. A written spill prevention, control, and countermeasures plan will be prepared for activities that include the use of heavy equipment. The plan will describe measures to prevent or reduce impacts from accidental leaks or spills, and will contain a description of all hazardous materials that will be used, proper storage and handling, and monitoring methods. A spill kit will be available onsite during construction and stored in a location that facilitates immediate deployment if needed.
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	G20. If work will be done in or within 25 feet of an existing or previously designated Superfund site or Washington State Model Toxic Control Act (MTCA) site, BMPs established by EPA during CERCLA coordination or Washington State Department of Ecology during MTCA will be followed.
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	G21. All activities that may result in sound levels of 92 dBA or more within suitable marbled murrelet nesting habitat, or less than 92 dBA and located within 11 yards of suitable marbled murrelet nesting habitat, will occur outside the breeding period (April 1 to September 15).

Will meet	Will not meet	Not Applicable	GENERAL CONDITIONS
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	G22. All activities that may result in sound levels of 92 dBA or more within suitable northern spotted owl nesting, roosting, and/or foraging habitat, or less than 92 dBA and located within 20 yards of suitable northern spotted owl nesting, roosting, and/or foraging habitat, will occur outside the early breeding period (March 1 through July 15).
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	G23. Projects located within Wahkiakum and Cowlitz Counties, west of Longview and east of Skamokawa, will not alter woodland or tidal spruce forest that are suitable Columbia white-tailed deer habitat and will not enable higher traffic speeds or volumes.
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	G23. Projects constructed on islands in the Columbia River between 2 miles east of Cathlamet and 2 miles west of Skamokawa will not occur from June 1 through June 30 to protect Columbia white-tailed deer fawning.
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	G25. Projects within 1/4 mile of suitable western snowy plover nesting or foraging habitat will not occur from March 15 through September 30.
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	G26. The project will comply with the <i>General Implementation Conditions</i> for our programmatic consultations (Note: These are located on our website at www.nws.usace.army.mil . Select Regulatory – Regulatory/Permits – Forms.)

If the applicant **has checked “Will Not Meet” for any of the above conditions**, or there are associated project activities not covered by this Programmatic Consultation or new species and/or critical habitat is not covered under this Programmatic Consultation, then this section must be completed and the applicant must sign below.

Please contact the Corps if you have questions.

1. Why can't you meet all of the conditions of this programmatic consultation? _____

2. Are there associated project activities not covered by this Programmatic Consultation? If so, what are the impacts of associated project activities not covered by this Programmatic Consultation: _____

3. Are there species and/or critical habitat in the vicinity of the project that are not covered under this Programmatic Consultation? If so, what are the impacts to species not covered under this Programmatic Consultation: _____

4. Why are the impacts of the proposed project “Not Likely to Adversely Affect” ESA species? How have you minimized impacts? (Note: If your effect analysis is lengthy, you may attach an addendum.) _____

I, as the applicant, have read all the USFWS and NMFS requirements for their Programmatic Consultations dated September 9, 2009 and January 16, 2008, respectively. These requirements are listed on the Seattle District Corps webpage at http://www.nws.usace.army.mil/PublicMenu/Menu.cfm?sitename=REG&pagename=Phase_I. I understand that informal consultation with National Marine Fisheries Service and U.S. Fish and Wildlife Service will be initiated with this form. I will not proceed with construction until I receive written notification from the U.S. Army Corps of Engineers that the proposed work is authorized.

Applicant

Date

----- Below to be completed by the Corps -----

Note to PM: If the applicant meets **all** of the conditions of this programmatic consultation, complete this section. If the applicant does **not** meet all of the conditions of this programmatic consultation, do **not** complete this section; instead, complete a Memorandum for the Services – Reference Biological Evaluation Form.

I have reviewed the Department of the Army application and this form for consistency with the USFWS and NMFS requirements Programmatic Consultations dated September 9, 2009 and January 16, 2008, respectively.

Additional Information (complete as applicable):

1. Summary of ESA consultation for associated project activities not covered by the Programmatic Consultation (e.g., work that is out of our jurisdiction, work that is considered a NE to listed species not covered under the programmatic): _____

2. Approved Work Window:

_____ to _____

3. Federally listed species or critical habitat not covered under this programmatic: _____

4. Summary of ESA Consultation for listed species or critical habitat not covered under this programmatic (e.g., “no effect” analysis for newly listed species or newly designated critical habitat):

Corps Project Manager

Date

Corps Senior Scientist

Date