

PROGRAMMATIC ENDANGERED SPECIES ACT CONSULTATION, PHASE I

Minor Bank Stabilization Repair

List of Requirements

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Programmatic Endangered Species Act (ESA) Consultations [U.S. Fish and Wildlife Service (USFWS) reference number 01EWF00-2015-I-0104, National Marine Fisheries Service (NMFS) reference number WCR-2005-07506] have been completed for the activities listed below. If you can design your project to meet all or most of the requirements of the Programmatic Biological Evaluation as summarized on this List below, then the U.S. Army Corps of Engineers' (Corps) ESA review of your permit application will be expedited and streamlined. The submittal of this List to the Corps is not required. However, to further expedite your review, you may include a description of how you meet these requirements in your permit application materials.

	Programmatic ESA Requirements
	1. Work will be performed within the approved work windows for listed species and forage fish. The action shall only occur once within the approved work window for a single and complete project. These work windows are located on the Corps website at www.nws.usace.army.mil . Select Regulatory Branch, Permit Information, Permit Guidebook, Chapter X. Work Windows. (<i>Note: Required to meet NMFS programmatic conditions only. No work window restrictions for USFWS programmatic conditions.</i>)
	2. Bank stabilization is limited to small areas of existing bulkhead or sloped revetment including rock wall, timber wall, and occasional repair of a concrete wall. There is no complete replacement necessary.
	3. Eroded areas will not be reclaimed.
	4. For partial replacement, the damaged area will be removed by hand with hand tools, a trench will be excavated at the damaged location, and new material will be placed. The trench is typically 2 feet deep and trench width depends upon the type of material. Excavated material will be stockpiled upland and transported from the beach by wheelbarrow.
	5. For rock walls, fallen rocks will be lifted off the beach and put back into place by hand or with an excavator on uplands.
	6. For concrete repairs, concrete will be poured in forms with rebar and timber, which will be sprayed with a biodegradable lubricant prior to concrete placement to ensure it will not stick. Concrete will cure before the incoming tide and uncured concrete will not come into contact with the waterbody.
	7. For repair of timber bulkheads, timber piles will be driven by hand or pile driver.
	8. Less than 10% of the total bank protection has been damaged or has failed, and will be repaired.
	9. Repairs will not exceed 10 linear feet.
	10. Repairs will be between 10 and 50 linear feet (<i>Note: USFWS programmatic conditions only. If proposed, the Corps must consult individually with NMFS.</i>)
	11. Repair will be in-kind and in-place at the existing structure.
	12. Timber will be untreated or treated with biodegradable, non-toxic material.
	13. No uncured concrete shall come into contact with the waterbody.

	Programmatic ESA Requirements
	14. All work will be done in the dry, during low tide.
	15. Bioengineering will be employed wherever possible.
	16. Access to the beach will be via existing upland access.
	17. <u>In freshwater:</u> The placement of missing rock along the bank will be limited to areas that were previously armored and where sub-base native soils are not exposed and there will be no excavation (<i>Note:</i> Required to meet USFWS programmatic conditions only).
	18. Upon completion of material placement, the beach will not contain any pits, potholes, or large depressions. All natural beach complexity features will not be disturbed. Moved downed wood will be returned to its previous position following completion of the work.
	19. All work on the beach will be done by hand with the use of a hand truck, wheelbarrow, and shovels.
	20. No heavy equipment will operate on the beach.
	21. No work will be done over or adjacent to vegetated shallows (e.g. eelgrass; except where such vegetation is limited to State-designated noxious weeds), wetlands, or spawning habitat for forage fish species.

	GENERAL CONDITIONS (as applicable)
	G1. No new access roads, routes, or trails will be included as part of the proposed action.
	G2. Any fill material (e.g., sand, gravel, and rock) will be washed and cleaned prior to being brought to the site.
	G3. All fill material will be obtained from a commercial source that is operating in compliance with the Endangered Species Act.
	G4. No stockpiling or staging of material will occur waterward of the Ordinary High Water Mark (OHWM) or High Tide Line (currently Mean Higher High Water).
	G5. No trenching will occur through any water of the U.S. (i.e., for electrical cables).
	G6. No work will be performed and structures and fill materials will not be placed in or adjacent to vegetated shallows (e.g. eelgrass; except where such vegetation is limited to State-designated noxious weeds), wetlands, special aquatic sites, or suitable forage fish spawning habitat.
	G7. Barges will not be used within 25 feet and material will not be placed in or on vegetated shallows (e.g. eelgrass; except where such vegetation is limited to State-designated noxious weeds) or other special aquatic sites.
	G8. If a barge is used to deliver material, the barge or other structures shall not ground out on the bottom.
	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.

	GENERAL CONDITIONS (as applicable)
	G10. All equipment that will operate over water or waterward of the OHWM or High Tide Line 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 High Tide Line.
	G11. No solvents or other chemicals will be used in or over the water during the construction or operation of the proposed action.
	G12. No waste material, including material associated with treated wood decks, will enter the waterbody.
	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.
	G14. Any leftover construction materials will be collected and disposed of off-site.
	G15. All floating debris generated during construction will be retrieved, removed, and disposed of at an approved upland location.
	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.
	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.
	G18. Equipment and vehicles will be stored in established staging areas when not in use (excluding cranes, which cannot be easily moved).
	G19. A written spill prevention, control, and countermeasures plan should be prepared for activities that include the use of heavy equipment. The plan should 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 should be available onsite during construction and stored in a location that facilitates immediate deployment if needed.
	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.
	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).
	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).

	GENERAL CONDITIONS (as applicable)
	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.
	G24. 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.
	G25. Projects within 1/4 mile of suitable western snowy plover nesting or foraging habitat will not occur from March 15 through September 30.
	G26. The project will comply with the <i>General Implementation Conditions</i> for our programmatic consultations (<i>Note:</i> These are located on our website at www.nws.usace.army.mil . Select Regulatory Branch, Permit Information, Forms & Templates).