



US Army Corps
of Engineers
Seattle District

PROGRAMMATIC ESA¹ CONSULTATION
Specific Project Information Form
 For Nearshore Fill
 Version: 21 April 2006



Eligibility for Programmatic Consultation

This application:

- Meets all of the requirements of this programmatic consultation
- Does not meet all of the requirements of this programmatic consultation. This form constitutes a reference biological evaluation in association with:
 NMFS reference: WSB-00-582
 USFWS reference: 1-3-00-I-1524 & 1-3-00-IC-I525

1. **Programmatic Activity:** Nearshore Fill
2. **Drawings** - Drawings and photographs must be submitted. Drawings must include a vicinity map; plan, profile, and cross-section drawings of the proposed structures; and overwater 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.)
3. **Date:** _____
4. **Applicant:** _____ **Corps Reference No.:** _____
 Address: _____
 City: _____ State: _____ Zip: _____
5. **Agent:** _____
 Address: _____
 City: _____ State: _____ Zip: _____
6. **Project Name** (e.g., Alice’s Restaurant): _____
7. **Location(s) of Activity:**
 Section: _____ Township: _____ Range: _____
 Latitude: _____ Longitude: _____
 Waterbody: _____ County: _____
8. **Listed or Proposed Fish Species and their Critical Habitat Present** (If critical habitat is present, please attach an assessment on impacts to critical habitat primary constituent elements. A template for this assessment can be found on the Corps’ webpage under Forms): _____

¹ Endangered Species Act

9. **Listed Non-Fish Species and their Critical Habitat Present** (listed non-fish species are not covered under this programmatic consultation; individual consultation is required for the non-fish species):

Summary of Endangered Species Act Consultation for Non-Fish Species and their Critical Habitat Present (e.g., no effect with work window, addendum with effects analysis, etc.): _____

10. **Description of Work:** Describe what is being placed, installed, or constructed and the type of material used:

Construction Techniques – Describe how the work will be done:

Machinery (types): _____

By Hand: _____

11. **Forage Fish Habitat** – only complete this section if the project is in tidal waters.

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:

If there is no WDFW documented habitat present, 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.** In order to meet all ESA requirements for this programmatic consultation, all programmatic 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"/>	Work will be performed within the approved work windows.
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<u>Timing:</u> 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 – Endangered Species Act.)
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	This Programmatic Consultation does not apply to the following fresh waters: the Columbia River Mainstem, Baker Bay, and Snake River.
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Material is not placed in or within 300 feet of 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"/>	Gravel materials are washed and clean prior to being brought to the site.
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Work must only occur only in the dry.
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Stockpiling shall not occur below OHW or MHHW.
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Work is done by hand except that if a barge is used to deliver material the barge shall not ground out on the bottom.
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	The material is spread out evenly and the beach grade is not altered (to avoid stranding of fish).
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Upon completion of material placement the beach shall not contain any pits, potholes, or large depressions.
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	All natural beach complexity features that were necessary to remove are repositioned or replaced in their original locations on the beach immediately following completion of the work.
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	The project complies 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 will meet **all** of the above conditions, then the applicant must sign below:

I, as the applicant, have read all the activity and waterway specific conditions and the general implementation conditions for the “Not Likely to Adversely Affect” Programmatic Consultation, dated 30 May 2001. I certify that this project meets all conditions of the programmatic consultation. In the event that the U.S. Army Corps of Engineers, Seattle District, the U.S. Fish and Wildlife Service, and/or the National Marine Fisheries Service/NOAA Fisheries determines that the conditions have not been met, I agree to comply with all resolution measures in accordance with Corps regulations.

Applicant

Date

If the applicant **has checked “Will Not Meet” for any of the above conditions**, then this section must be completed and the applicant must sign below:

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

2. 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 activity and waterway specific conditions and the general implementation conditions for this programmatic consultation, dated May 30, 2001. 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 “Not Likely to Adversely Affect” Programmatic Consultation, dated 30 May 2001.

Additional Information (complete as applicable):

1. **Summary of ESA consultation for associated project activities not covered by the Programmatic Consultation** (e.g., “no effect” for replacement of overwater structures such as decking): _____

2. **Approved Work Window:**

_____ to _____

3. **Summary of ESA Consultation for non-fish species** (e.g., “no effect” analysis, date consultation completed, etc): _____

4. **Summary of ESA Consultation for critical habitat** (e.g., “no effect” analysis, date consultation completed, etc): _____

Corps Project Manager

Date

Corps Environmental Analyst/ESA Coordinator

Date