



**US Army Corps
of Engineers**
Seattle District

Information Paper

Mid-Columbia River

Reference Biological Assessment for Residential Overwater Structures



Effective: June 1, 2004

In an effort to minimize impacts to the aquatic environment and streamline the permit application process, the U.S. Army Corps of Engineers, Seattle District (Corps), has developed a reference biological assessment for residential piers, ramps, and floats (overwater structures) in the mid-Columbia River between Chief Joseph and Rock Island dams and in the Okanogan River from river mile 5.0 to its mouth.

Under the Corps' Federal permit program, permit applications are reviewed for the project's potential impact on threatened and endangered species pursuant to the Endangered Species Act (ESA). The ESA requires that Federal agencies such as the Corps take action as necessary to ensure that they do not authorize, fund, or carry out actions that are likely to jeopardize the continued existence of endangered or threatened species or result in the destruction or adverse modification of designated critical habitat for such species.

The purpose of the ESA is to conserve "the ecosystems upon which endangered and threatened species depend" and to conserve and recover listed species. A number of fish and wildlife species have been listed as threatened or endangered under the ESA in the mid-Columbia River and surrounding region. To fulfill our obligations under the ESA, the Corps, through consultation with the National Marine Fisheries Service (NMFS) and the U.S. Fish and Wildlife Service (USFWS), must evaluate the potential impact of proposed work on listed species.

The Corps takes an active role in coordinating with the NMFS and the USFWS to develop procedures to meet the requirements of the ESA and provide applicants with timely permit decisions. Currently, individual consultations with the NMFS for proposed overwater structures in the mid-Columbia River and lower Okanogan River take approximately 180 days to complete. Individual consultations with the USFWS take approximately 30 days. Recently, the Corps completed a programmatic consultation with the NMFS for residential overwater structures in the mid-Columbia River and lower Okanogan River (NMFS reference 2002/01468). The resulting programmatic biological opinion (PBO) eliminates the need to conduct case-by-case consultations with the NMFS for projects that meet the terms and conditions of the PBO.

To facilitate this new process, the Corps has developed a reference biological assessment (RBA), which lists conservation measures based on the PBO and other requirements of the Corps' Regulatory program. The RBA provides permit applicants a form on which to describe a proposed project and demonstrate that the work would comply with the terms and conditions of the PBO. The advantage of complying with the PBO is that the Corps would only need to complete ESA consultation with the USFWS, which would significantly reduce the time needed to meet the ESA requirements.

If a project design meets all the conservation measures listed in the RBA, consultation will only be required with the USFWS. However, a project design that does not meet all of the RBA's conservation measures will require consultation with both the NMFS and the USFWS. A completed RBA can serve as the documentation used for consultation with the NMFS and/or the USFWS. Alternatively, the applicant can submit a biological evaluation as the documentation for ESA consultation.

If you are proposing a residential overwater structure, you should submit (1) a completed *Joint Aquatic Resources Permit Application Form*; (2) project plans, which include a vicinity map, plan view, section view, and a framing plan illustrating the relationship of the framing, float tubs, and grating; (3) a completed RBA or biological evaluation; and if applicable, (4) a mitigation plan, (5) a spill prevention, control and containment plan, and (5) documentation regarding joint-use. Submitting site photographs is highly recommended.

Designing a project that complies with all of the RBA conservation measures will meet the current ESA requirements and ensure a project does not jeopardize protected species or destroy their critical habitat. Proposals that do not meet all of the conservation measures may use the RBA, however, individual ESA consultation will be required. The Corps will continue to coordinate with the USFWS and the NMFS to meet our obligations under the ESA and to provide timely service to permit applicants. The RBA may be revised as new information is developed. Please contact the Corps for the latest version of this RBA or with questions concerning the use of this RBA.