US Army Corps of Engineers ®
Seattle District

PROGRAMMATIC ESA[1] CONSULTATION
Specific Project Information Form
For Oil Spill Containment
Version: November 21, 2002

USFWS Programmatic Reference Number: 1-3-00-I-1524 & 1-3-00-IC-I525

NMFS Programmatic Reference Number: WSB-00-582

1. **Programmatic Activity**: Oil Spill Containment
2. **Drawings** - Drawings must be submitted. See attached Drawing Guidance and Glossary of Terms.
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 Present**: _____
   _____
   _____
9. **Listed Non-Fish Species 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 (e.g., no effect with work window): _____
   _____
   _____

[1] Endangered Species Act

10. **Description of Work:** Describe what is being placed, installed, or constructed (i.e., pier, mooring buoys, pilings, dolphins, etc.) and the type of material used:

_____

_____

_____

_____

Construction Techniques – Describe how the work will be done:

Machinery (types): _____

By Hand: _____

11. **Permit Authorization Requested** (e.g., Nationwide Permit, Regional General Permit, Letter of Permission or Individual Permit): _____

12. **All Programmatic Conditions Must Be Met.**

☐ Work is done within the approved work window.

☐ No work is done over or within 300 feet of vegetated shallows (except where such vegetation is limited to State-designated noxious weeds.

☐ No large woody debris is removed.

☐ No new piling is driven.

☐ Work is done in accordance with the Spill Control and Countermeasure Plan required by 40 CFR Part 112.3 and any existing State contingency plan.

☐ The Regional Response Team (if one exists in the area) concurs with the proposed containment.

☐ Booms are anchored securely.

☐ Anchors are installed so that anchor and anchor lines do not drag.

☐ Booms will not ground out.

☐ Boom and anchor systems will be placed so that neither boom, anchor, nor anchor line will result in streambed scour.

☐ For emergency response actions, the lead federal agency (EPA, US Coast Guard, or the Corps for State response actions) will coordinate with NMFS and USFWS under "emergency procedures."

☐ All other actions that do not fit the terms of this informal programmatic consultation will be reviewed through individual informal or formal ESA consultation.

☐ The project complies with the Implementation Conditions outlined in *Not Likely to Adversely Affect (NLAA) Programmatic Consultation: General Implementation Conditions*.

☐ Timing: The action shall only occur once within one approved work window for a single and complete project. The approved work windows are described in *Programmatic Consultation – Phase I: Approved Work Windows*.

I as the applicant or designated agent 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/Agent Date

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

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 Non-Fish Species** (e.g., "no effect" determination, date consultation completed, etc): _____

2. **Summary of ESA Consultation for Associated Project Activities Not Covered by the Programmatic Consultation** (e.g., "no effect" for replacement overwater structure such as decking): ____

3. **Forage Fish Habitat** (check box if WDFW documented habitat is present):

Surf Smelt: ☐ **Allowable Work Window:**

Pacific Herring: ☐ **Allowable Work Window:**

Sand Lance: ☐ **Allowable Work Window:**

Approved Work Window (see the US Army Corps of Engineers website, http://www.nws.usace.army.mil/PublicMenu/Menu.cfm?sitename=REG&pagename=mainpage_ESA)**:**

_____ to _____

_____ _____

Corps Project Manager Date

_____ _____

Corps Environmental Analyst/ESA Coordinator Date

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Seattle District

Drawing Guidance

Drawings must be submitted, incorporating the following information, as it applies to your project. For definitions of the terms, see attached glossary.

Suggested guidance for completion of drawings. Three types of illustrations are very helpful to properly depict the proposed activity: Vicinity Map, Plan View, and Cross-Sectional View. Drawings are best prepared using clear printing, black ink, and the fewest number of sheets possible. Include the scale. The importance of clear accurate drawings cannot be overstated. If you have questions regarding completing the drawings, you may call the U.S. Army Corps of Engineers, Regulatory Branch at (206) 764-3495.

Vicinity Map. A copy of a county or city road map, or a U.S. Geological Survey topographic map may be used. Include:

a. North arrow.
b. Name of waterbody (and river mile if appropriate).
c. Location of the proposed activity (indicate with a circle, arrow, X, or similar symbol).

Plan View. This drawing illustrates the proposed project area as if you were looking down at the site from overhead.

a. North arrow.
b. Name of waterbody and direction of water flow.
c. Location of existing shoreline relative to proposed work and relative to habitat areas (listed in item 7).
d. Dimensions of the activity or structure and impervious surfaces and the distance it extends into the waterbody and/or related resource/habitat areas (listed in item 7), as appropriate.
e. Habitat Areas: If present, the following habitat areas must be shown on the plan view:
    1. Wetland delineation
    2. Riffle/pool complex delineation
    3. Side- and off-channel habitat
    4. Vegetated shallows
    5. Snake River and Ozette Lake sockeye salmon spawning areas
    6. Forage fish spawning areas (herring, surf smelt, sand lance, etc.)
    7. ESA Listed or proposed fish spawning areas (chinook salmon, chum salmon, steelhead, bull trout, and cutthroat trout)

Cross-Sectional View. This drawing illustrates the proposed activity as if it were cut from the side and/or front. Include:

a. Location of water elevation relative to the bank or shore.
b. Water depth at waterward face of project.
c. Dimensions of the activity or structure, and the distance it extends into the waterbody and/or related resource/habitat areas (listed in item 7), as appropriate.
d. Indicate dredge and/or fill areas as appropriate.
e. Indicate types and location of resource/habitat areas (listed in item 7).

Glossary of Terms

EELGRASS – Eelgrass (*Zostera marina* or *Zostera japonica)* is a rooted plant that grows in intertidal and shallow subtidal estuarine and marine areas. It is distinguished by flat, grass-like leaves up to 1.4 cm (about ¾ of an inch) wide and can be over 3 meters (6 feet) in length (height and width varying by species). The upright stems originate from an underground rhizome. The seeds are enclosed in elongated membranous, translucent packets. Eelgrass occurs up to about 1.8 meters (6 feet) above MLLW and as deep as 6.6 meter (22 feet) below MLLW, elevations varying by species. Both species grow well in sandy or muddy substrate and may be found along both low and moderate energy shorelines throughout Puget Sound. [US Army Corps of Engineers, 1984]

FORAGE FISH / FORAGE SPECIES – As used in this document, these are generic terms for all of those fish species that as adults are small enough that salmonids may prey upon, particularly in the estuarine or marine environment. The primary forage fish in estuarine or marine areas include herring, surf smelt, and sand lance. (Also known by the term "bait fish.")

INTERTIDAL VASCULAR PLANTS – Fleshy plants that grow between the extreme high tide and extreme low tide areas of brackish or saltwater systems. Examples include brass buttons, Lyngby's sedge, pickleweed, Pacific silverweed, salt grass, saltweed (fat hen), and Seaside plantain. [Corps, 1984]

KELP – Large brown alga or seaweed that grows in the intertidal region and are also plentiful below the low-tide line (Phylum *Phaeophyta).* A feature of many kelps is a holdfast consisting of a mass of stuffy rootlike structures. This type of holdfast, looking like something fished out of a jar of mixed pickles, is limited to the brown algae. Float bladders are another distinctive characteristic of many representatives of this group. [Kozloff, 1993]

LISTED SPECIES – Any species of fish, wildlife or plant, which has been determined to be endangered or threatened under section 4 of the Act. [50 CFR 402.02]

MACROALGAE – Algae (red, brown or green) where each plant is large enough to distinguish with the naked eye, usually referring to algae that grows in estuarine or marine systems. Algae may occur as individual plants in the intertidal or low tide areas such as Kelp or as thin membranes, or thick rubbery sometimes warty sheets that can be found on rocks in the intertidal area. [Kozloff, 1993]

RIFFLE AND POOL COMPLEXES – Riffle and pool complexes are one of 6 "special aquatic sites". Steep gradient sections of streams are sometimes characterized by riffle and pool complexes. Such stream sections are recognizable by their hydraulic characteristics. The rapid movement of water over a coarse substrate in riffles results in a rough flow, a turbulent surface, and high dissolved oxygen levels in the water. Pools are deeper areas associated with riffles. Pools are characterized by a slower stream velocity, a steaming flow, a smooth surface, and a finer substrate. Riffle and pool complexes are particularly valuable habitat for fish and wildlife. [40 CFR 230.45(a) Subpart E]

SPAWNING AREA – These are substrates into and upon which aquatic species will lay their eggs. Salmonid spawning areas vary by species, ESU, or DPS. Typically, salmon species eggs require 30 to 90 days of incubation. Salmon species alevin typically remain in the gravel for 30 to 150 days, emerging as fry in the spring or summer months. Total time in the gravel is typically 60 to 240 days. Bull trout eggs require a minimum of 200 days of incubation. Bull trout fry have been found to stay in gravel for 3 weeks after emergence, for a total time in gravel of 221 days. Known areas are identified by species in the WDFW StreamNet data base. Forage fish spawning areas are identified in the Washington State Department of Fish and Wildlife's 1995 "Puget Sound Intertidal Baitfish Spawning Beach Survey Project" document.

VEGETATED SHALLOW - Vegetated shallows are one of 6 "special aquatic sites". Vegetated shallows are permanently inundated areas that under normal circumstances support communities of rooted aquatic vegetation, such as turtle grass, eelgrass, kelp, other macroalgae, and intertidal vascular plants in estuarine and marine systems as well as a number of freshwater species in streams and lakes. [40 CFR 230.43(a) Subpart E]

WETLANDS – Wetlands are one of 6 "special aquatic sites". "Wetlands" means those areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soils conditions. Wetlands generally include swamps, marshes, bogs, and similar areas. [33 CFR 328.3(b) and 40 CFR 230.41(a)(1)