



Oil Spill Containment Version: May 30, 2001

Location: This informal programmatic consultation applies to proposed actions in Washington State where the National Marine Fisheries Service and U.S. Fish and Wildlife Service have concurred that the project not likely to adversely affect listed fish species and designated critical habitat and will not jeopardize proposed fish species or destroy or adversely modify proposed critical habitat.

Implementation Conditions: To be covered by this informal programmatic consultation, all actions addressed herein shall comply with the Implementation Conditions outlined in **Programmatic Consultation – Phase I: General Implementation Conditions**. In addition, each action shall comply with specific conditions outlined below.

Timing: The action shall only occur once within one “work season” (the approved work windows described in **Programmatic Consultation – Phase I: Approved Work Windows**) for a single and complete project. For example, only a maximum of 18 piles shall be replaced on a single pier within the approved work window. The following year, up to 18 piles may be replaced on the same pier within the approved work window for that year.

Adjacent: For the purposes of this document, “adjacent” is defined as within 300 linear feet. This is used when restricting projects from impacting special aquatic sites (such as an eelgrass bed or wetland) and/or salmonid or forage fish spawning areas.

Oil Spill Containment: Activities required for the containment (but not cleanup) of oil and hazardous substances [which are subject to the National Oil and Hazardous Substances Pollution Contingency Plan (40 CFR 300)], including placement of booms and anchors, provided that:

1. In Fresh Waters excluding the Columbia River mainstem:

- Work is done within the approved work window.
- No work is done in or adjacent to 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.

2. In the Columbia River mainstem including Snake River and Baker Bay:

- Work is done within the approved work window.
- No work is done in or adjacent to 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.

3. In Marine/Estuarine Waters excluding Baker Bay:

- Work is done within the approved work window.
- No work is done in or adjacent to vegetated shallows.
- 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.”
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