



US Army Corps  
of Engineers  
Seattle District

# Special Public Notice

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## Streamlined Endangered Species Act Consultation: Programmatic Biological Evaluation

*As of August 8, 2001, the Corps received concurrence from U.S. Fish and Wildlife Service (USFWS) and National Marine Fisheries Service (NMFS) on minor changes made to the programmatic consultation. These changes included approval of the programmatic consultation from USFWS for Central and Eastern Washington, updates to fish work windows - especially Lake Washington and Lake Chelan, updates to the ESA Notification and Tracking Form, and updates to the General Implementation Conditions. Revisions are noted in bold/italics throughout the document.*

*Be aware that updates to work windows and activities are likely to occur on an annual basis. We recommend that you regularly contact the Corps or visit our website for the most up-to-date information:*

<http://www.nws.usace.army.mil/reg/reg.htm>

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As of November 9, 2000, the U.S. Army Corps of Engineers, Seattle District, Regulatory Branch (Corps) completed Phase I of an Endangered Species Act (ESA) programmatic consultation with U.S. Fish and Wildlife Service (USFWS) and National Marine Fisheries Service (NMFS) on the "*Programmatic Biological Evaluation for the State of Washington for Salmonids Species Listed or Proposed By the National Marine Fisheries Service and U.S. Fish and Wildlife Service Under the Endangered Species Act (ESA)*", dated October 13, 2000, (*revised May 30, 2001*) hereto referred as the PBE.

The purpose of this special public notice is to advise permit applicants and agents who apply for Department of the Army permits, as well as other interested parties, of the following:

- **The New Programmatic ESA Consultations.**
  - **Activities and species covered by the programmatic consultation.**
  - **Compliance requirements for the programmatic consultation.**
  - **The programmatic consultation and listed or proposed species that are not covered.**
- **ESA Requirements for Corps Regional General Permits (RGPs) not Covered by the Programmatic Consultation.**
  - **Lake Chelan - New Piers and Floats.**
  - **Washington State Parks - Mooring Buoys.**
  - **Washington Department of Fish and Wildlife - Fill to Restore Salmon Spawning Area.**
  - **Washington Department of Fish and Wildlife - Fill for fish passage through Culverts.**
  - **U.S. Forest Service - Fill for Fish Habitat Enhancement.**

## The New Programmatic ESA Consultations

- **Questions and Answers Regarding the Programmatic Consultation.**
- **The Programmatic Consultation and Other ESA Resources Available on the Corps Web Page.**
- **Other ESA Streamlined Processes being Developed by the Corps.**

### **THE NEW PROGRAMMATIC ESA CONSULTATIONS:**

Under the Corps' Federal permit program, all permit applications must be reviewed for the potential impact on threatened and endangered species pursuant to Section 7 of the ESA. This includes even potentially minor activities which may be authorized by nationwide permits (NWP). (To find out about NWPs, see the Corps' Special Public Notice dated June 16, 2000.)

The new programmatic ESA consultation has obtained concurrence from USFWS and NMFS for certain activities on a regional scale that are "not likely to adversely affect" ESA listed fish species and designated critical habitat, "will not jeopardize" fish species proposed for listing under ESA, and "will not adversely modify" proposed critical habitat.

By meeting general implementation conditions, specific conditions for each activity, and after-the-fact reporting requirements, case-by-case informal consultation with USFWS and NMFS is not required for these activities covered by the new programmatic consultation. The activities must still comply with Corps notification and permitting requirements.

***As of August 8, 2001, the Corps received concurrence from USFWS on the activities covered by the programmatic consultation for Central and Eastern Washington. The programmatic consultation now covers the entire state of Washington for listed and proposed fish species protected by USFWS.***

The Corps has received concurrence from NMFS on the activities covered by the programmatic consultation, except for temporary recreational structures, for all of Washington State. The Corps will continue consulting with NMFS on temporary recreational structures, and many other activities covered by NWPs via individual, case-by-case, consultation procedures outlined in Section 7 of the ESA.

Copies of the entire text of the PBE are available upon request. Please contact the Corps at the address or telephone number listed on the front page.

#### ***Activities covered under the programmatic consultation:***

The following activities are covered under the programmatic consultation. (See enclosure 1 for specific activity conditions.)

- ◆ Aids to Navigation
- ◆ Mooring Buoys
- ◆ Temporary Recreational Structures [not approved for listed salmon and steelhead]
- ◆ Replacement of up to Eighteen (18) Existing Piling
- ◆ Installation or Replacement of One (1) Boatlift
- ◆ Scientific Measurement Devices
- ◆ Oil Spill Containment
- ◆ Fish and Wildlife Harvesting
- ◆ Tideland Markers
- ◆ Nearshore Fill for State Hydraulic Project Approval (HPA) Mitigation Requirements
- ◆ Minor Bank Stabilization Repair Activities

## The New Programmatic ESA Consultations

The description and conditions for the activities covered under the programmatic consultation are separated into three geographic regions. The conditions for each activity may vary by region or the activity may not be approved in certain regions. The three regions are:

- ◆ Freshwaters *excluding* the Columbia River Mainstem.
- ◆ The Columbia River Mainstem *including* the Snake River Mainstem and Baker Bay (mouth of the Columbia River).
- ◆ Marine/Estuarine Waters *excluding* Baker Bay (mouth of the Columbia River).

Copies of the individual programmatic biological evaluations for each activity are available upon request. Please contact the Corps at the address and telephone number listed on the front page.

### ***Compliance requirements for the programmatic consultation:***

In addition to meeting requirements for NWP, Letters of Permission (LOPs), or standard individual permits (IPs), all activities must meet the "General Implementation Conditions" (enclosure 2). In addition, all activities must submit the "ESA Notification and Tracking Form" (enclosure 3). If pre-construction notification is not required by the Corps permitting procedures, then the "ESA Notification and Tracking Form" may be submitted "after-the-fact", within 30 days after construction is completed.

***When a proposed activity meets both the parameters of a Regional General Permit (RGP) and the Programmatic Consultation (such as boatlifts on Lake Washington), the applicant may submit a "statement of compliance", identifying the dates the work will be conducted, and an ESA Notification and Tracking Form in lieu of a Joint Aquatic Resource Permit Application (JARPA).***

When specified, the activities must also meet the approved work windows (enclosure 4). A list of the activities, separated by region, with their specific conditions is provided in enclosure 1.

If the proposed activity does not meet the general implementation conditions and the specific activity conditions, then the proposed activity must go through the individual, case-by-case, ESA consultation procedures outlined in Section 7 of the ESA and described in the Corps' Special Public Notice dated April 11, 2000.

### ***The programmatic consultation and listed or proposed species that are not covered:***

The programmatic consultation, at this time, only covers ESA consultation for listed or proposed fish species in Washington State. If there are other listed or proposed species (i.e., birds, amphibians, plants, or mammals) in the project area, individual, case-by-case, ESA consultation procedures outlined in Section 7 of the ESA must be followed for those species.

### **ESA REQUIREMENTS FOR CORPS REGIONAL GENERAL PERMITS (RGPs) NOT COVERED BY THE PROGRAMMATIC CONSULTATION:**

The following RGPs have been covered by the activities proposed in the programmatic consultation, as long as the activity is in compliance with all general implementation conditions, specific activity conditions, and notification and tracking requirements.

- ◆ Lake Sammamish – Installation and Maintenance of Portable Lift Stations (Boat Lifts)
- ◆ Lake Washington – Installation and Maintenance of Portable Lift Stations (Boat Lifts)
- ◆ Placement of Tideland Markers in Grays Harbor, Island, Jefferson, King, Kitsap, Mason, Pacific, Pierce, Skagit, Snohomish, and Whatcom Counties.

## The New Programmatic ESA Consultations

***As stated above - when a proposed activity meets both the parameters of a Regional General Permit (RGP) and the Programmatic Consultation (such as boatlifts on Lake Washington), the applicant may submit a "statement of compliance" with the dates the work will be conducted and an ESA Notification and Tracking Form in lieu of a Joint Aquatic Resource Permit Application (JARPA).***

The RGPs discussed below are either not covered or only partially covered by the programmatic consultation. ESA Consultation requirements are discussed for each RGP.

### ***Lake Chelan - New Piers and Floats:***

If a new pier or float is proposed in Lake Chelan, in compliance with RGP OYB-1-003738, the applicant must contact the Corps prior to construction to ensure that the project is in compliance with ESA. The applicant may be required to submit a Biological Evaluation/Assessment (BE/BA) for the project. For general ESA consultation information and guidance on writing a BE/BA, please refer to the Special Public Notice "Corps of Engineers Regulatory Program and the Endangered Species Act", dated April 11, 2000.

The Corps plans on initiating programmatic consultation for this RGP in the near future.

### ***Washington State Parks - Mooring Buoys:***

Single boat mooring buoys in Washington State Parks are covered by the programmatic consultation, as long as the activity is in compliance with the general implementation conditions, specific activity conditions, and the notification and tracking requirements. For all other activities, Washington State Parks must contact the Corps prior to construction to ensure that the project is in compliance with ESA. Washington State Parks may be required to submit a Biological Evaluation/Assessment (BE/BA) for these activities.

### ***Washington Department of Fish and Wildlife - Fill to Restore Salmon Spawning Area:***

Fill activities proposed by Washington Department of Fish and Wildlife (WDFW) to restore salmon spawning areas are partially covered by the programmatic consultation under "Nearshore Fill for State Hydraulic Project Approval (HPA) Mitigation Requirements", as long as the activity is in compliance with the general implementation conditions, specific activity conditions, and the notification and tracking requirements. For all other activities, WDFW must contact the Corps prior to construction to ensure that the project is in compliance with ESA. The WDFW may be required to submit a Biological Evaluation/Assessment (BE/BA) for these activities.

The Corps is currently developing information to initiate programmatic consultation to address stream restoration activities, including activities that are covered under this RGP.

### ***Washington Department of Fish and Wildlife - Fill for fish passage through Culverts:***

Fill activities proposed by WDFW for fish passage through culverts is not covered by the programmatic consultation. For all other activities, WDFW must contact the Corps prior to construction to ensure that the project is in compliance with ESA. The WDFW may be required to submit a Biological Evaluation/Assessment (BE/BA) for these activities.

The Corps is currently developing information to initiate programmatic consultation to address stream restoration activities, including activities that are covered under this RGP.

## The New Programmatic ESA Consultations

### ***U.S. Forest Service – Fill for Fish Habitat Enhancement:***

Fill activities proposed by U.S. Forest Service for fish enhancement are not covered by the programmatic consultation. However, U.S. Forest Service is considered the lead Federal agency under ESA. The U.S. Forest Service is responsible for complying with Section 7 of the ESA. Outside of the conditions described in the RGP, no additional requirements are necessary once the U.S. Forest Service has completed ESA compliance.

### **QUESTIONS AND ANSWERS REGARDING THE PROGRAMMATIC CONSULTATION:**

The following Questions and Answers specifically relate to the Programmatic Consultation. For Questions and Answers regarding other topics related to ESA, please check our website at <http://www.nws.usace.army.mil/reg/reg.htm>.

#### ***Q. What is Endangered Species Act (ESA) consultation?***

A. Under the Corps' Federal permit program, permit applications must be reviewed for the potential impact on threatened and endangered species pursuant to Section 7 of the ESA. The Corps, through informal and formal consultation procedures with the NMFS and USFWS, must evaluate information on the presence of threatened and endangered species (including timing and life stages), habitat for such species and their prey sources, and other parameters. The consultation process involves review and negotiations to identify potential impacts of the proposed work and conservation measures that can help protect threatened and endangered species and their habitat.

#### ***Q. When is ESA consultation required?***

A. If the Corps determines that work proposed in the permit application would have no effect on all threatened or endangered species, no further consultation with NMFS and USFWS is required. If the Corps determines that the work proposed in a permit application may affect any threatened or endangered species, some kind of consultation with NMFS and USFWS is required.

#### ***Q. What is programmatic ESA consultation?***

A. To streamline the ESA consultation process, the Corps Seattle District is working closely with NMFS and USFWS on programmatic consultations for broad categories of activities that require permits. Once a programmatic consultation for a particular activity and species is completed, ESA requirements are met for that activity as long as it complies with the terms and conditions of the programmatic consultation. While streamlined coordination or reporting may be required, case-by-case consultation between the Corps and USFWS and NMFS generally is not required for activities covered by programmatic consultations. Activities covered by programmatic ESA consultations must still comply with Corps notification and permitting requirements.

#### ***Q. What activities are currently covered by programmatic ESA consultation?***

A. The following activities are covered under the programmatic consultation for threatened and endangered salmonid species:

- Aids to Navigation
- Mooring Buoys
- Temporary Recreational Structures [not approved for listed salmon and steelhead]
- Replacement of up to Eighteen (18) Existing Piling
- Installation or Replacement of One (1) Boatlift

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- Scientific Measurement Devices
- Oil Spill Containment
- Fish and Wildlife Harvesting
- Tideland Markers
- Nearshore Fill for State Hydraulic Project Approval (HPA) Mitigation Requirements
- Minor Bank Stabilization Repair Activities

The description and conditions for the activities covered under the programmatic consultation are separated into geographic regions. The conditions for each activity may vary by region or the activity may not be approved in certain regions. Regions are separated by waterbody type and county. Additionally, all activities must comply with the general implementation conditions and timing windows of the programmatic consultations. You can obtain the conditions and timing windows from us by calling (206) 764-3495 or from our website at (<http://www.nws.usace.army.mil/reg/reg.htm>).

### ***Q. What if my activity is not one of the activities covered by one of the programmatic consultations?***

A. If your project is not one of the activities covered in the programmatic consultation, then individual ESA consultation is required if the proposed work has the potential to affect threatened or endangered species. Additionally, if any threatened or endangered species or designated critical habitat might be affected or is in the vicinity of your project, you must notify the Corps and not begin work until you receive notification from the Corps that the proposed work complies with the ESA. We recommend that you use the joint aquatic resource permit application (JARPA) form to notify us.

### ***Q. What if my project meets the conditions of the programmatic consultation but a threatened or endangered bird, mammal, amphibian, reptile, or plant species occurs in the vicinity?***

A. The new programmatic consultation covers only listed fish species. If other threatened or endangered species or designated critical habitat occur in the vicinity of your project, you must notify the Corps and not begin work until you receive notification from the Corps that the proposed work complies with the ESA. We recommend that you use the joint aquatic resource permit application (JARPA) form to notify us.

### ***Q. What if my project does not meet the conditions of the new programmatic consultation?***

A. If your project is one of the covered activities but cannot meet the conditions of the programmatic consultation, then individual consultation is required if the proposed work has the potential to affect threatened or endangered species. As always, if any threatened or endangered species or designated critical habitat might be affected or is in the vicinity of your project, you must notify the Corps and not begin work until you receive notification from the Corps that the proposed work complies with the ESA. We recommend that you use the joint aquatic resource permit application (JARPA) form to notify us.

***For many of the activities authorized under the programmatic consultation, the Corps has developed a "Reference Biological Evaluation Project-Specific Information Form". When an applicant proposes an activity that does not meet all the conditions of the programmatic consultation, the applicant may fill out the Reference BE form and provide project-specific discussion on the condition(s) not met under the programmatic consultation. The Corps then submits this form to NMFS and USFWS for individual Section 7 consultation, in-lieu of a complete formal Biological Evaluation. For copies of the forms, please contact the Corps offices or the Corps project manager for your area.***

### ***Q. Do I need to provide any specialized information if the programmatic consultation applies to my project?***

A. You must complete the programmatic consultation tracking form and send it, along with project drawings, to the Corps. If your project meets the terms and conditions of the applicable nationwide permit and the

## The New Programmatic ESA Consultations

programmatic consultation, you may submit the tracking form and drawings within 30 days after project construction. To obtain the tracking form, call the Corps Seattle District Regulatory Branch at (206) 764-3495 or check our website at <http://www.nws.usace.army.mil/reg/reg.htm>.

### ***Q. Will any other activities be addressed via programmatic consultation?***

A. We are working to cover more categories of activities via programmatic consultation. Habitat restoration and culvert removal activities will likely be the next set of approved activities. Additionally, we are working with various agencies and stakeholders who are helping us work on other categories of activities such as mooring buoy systems for multiple boats, underwater cable installation, and certain types of piers and floats. You should check our website (<http://www.nws.usace.army.mil/reg/reg.htm>) or call the Seattle District Regulatory Branch at (206) 764-3495 for the most current information.

### ***Q. Why is the Corps pursuing programmatic consultation on habitat restoration projects before other kinds of projects?***

A. The ESA requires all Federal agencies to use their authorities to carry out programs for the conservation and recovery of threatened or endangered species. In order to do our part, we are making programmatic consultations on habitat restoration projects our top priority.

## **THE PROGRAMMATIC CONSULTATION AND OTHER ESA RESOURCES AVAILABLE ON THE CORPS WEB PAGE:**

The following information is now available on the internet. The Corps web address is <http://www.nws.usace.army.mil/reg/reg.htm>.

### The Programmatic Consultation:

- ◆ List of Activities covered by the programmatic consultation and their specific conditions.
- ◆ List of the programmatic consultation General Implementation Conditions.
- ◆ List of Approved Work Windows by Waterbody or Tidal Reference Area.
- ◆ ***List of individual programmatic biological evaluations and Reference Biological Evaluation Forms.***
- ◆ Status of Ongoing Programmatic Consultations.

### ESA Resources:

- ◆ Criteria for No Effect to Listed Fish Species.
- ◆ Special Public Notice Archive.
- ◆ Questions and Answers.
- ◆ BE/BA Tools.
  - Bibliography
  - Fish Life Histories (General)
  - Environmental Baseline for Listed and Proposed Fish Species (General)
  - ESA Additional Information Requirements by Activity
    - ❖ Specific activity information requirements include, but is not limited to, dredging projects, bank stabilization activities in marine waters, road projects, overwater structures (marine and fresh waters), and removal of fish passage barriers.
  - Useful Links
- ◆ Federally Listed or Proposed Species in Washington State.

The Corps will update the web page on a regular basis with additional tools and information.

## The New Programmatic ESA Consultations

### **OTHER ESA STREAMLINED PROCESSES BEING DEVELOPED BY THE CORPS:**

The Corps is working on several initiatives to help streamline the ESA consultation and general application review process. Some of these initiatives include:

#### ***Development of Reference BE/BA's by activity and/or watershed:***

We are actively working on the development of Reference BE/BAs that will address specific activities and/or watersheds. The Reference BE/BAs will provide: species life history information, environmental baseline information by watershed or region, effects analysis of general impacts by activity, and general conservation measures by activity. The Reference BE/BAs will help minimize the amount of writing and analysis necessary for ESA review. The applicants or their agents will be able to refer the Reference BE/BAs and essentially provide only the site-specific information of the proposed activity.

#### ***Ongoing Programmatic Consultations (Phase II):***

The Corps is continuing programmatic consultation with USFWS and NMFS for additional activities. We are actively working on the development of the next phase of the programmatic consultation, referred to as Phase II. For Phase I (activities that "may affect, not likely to adversely affect" listed fish species), programmatic consultation only required addressing listed or proposed fish species. Phase II will require addressing all listed or proposed species. Unlike Phase I, the Corps will be consulting on only one or two activities at a time. In order to do our part to facilitate the recovery of listed or proposed fish species, our first priority for Phase II are restoration projects.

#### ***Delegation of ESA Consultation Requirements:***

The Corps has "delegated" ESA consultation responsibilities to Washington Department of Transportation and King County for their activities that "may affect, not likely to adversely affect" listed or proposed fish species. The Corps continues to make the "no effect" and "may affect, likely to adversely affect" determinations for these entities. Both of these entities, with oversight from the Corps, may conduct informal consultation directly with USFWS and NMFS. By "delegating" authority to such public entities, the Corps is able to spend their resources toward ESA consultation on the many remaining applications.

#### ***Cooperative Initiatives with the Public:***

Several public and private entities are cooperating with the Corps in developing either Reference BE/BAs or information for future programmatic consultations. These entities are either developing draft documents or actively participating in work groups to collect information for streamlined processes. The Corps will oversee and independently review all documents other entities may develop prior to coordinating with the Services. With such cooperation efforts, the Corps is able to use staff time more efficiently and effectively in a continuing effort to improve the ESA consultation and permitting process.

#### ***Opening the Southwest Washington Field Office:***

This summer, the Corps opened a Southwest Washington Field Office. This is our third field office in Washington State. The other field offices are located in Central and Eastern Washington. By having full-time staff located in southwest Washington, we are better able to serve the public in this region, decreasing staff time previously spent in travel and increasing public access to Corps staff. The Southwest Washington Field Office is also improving coordination between State and Federal agencies (including USFWS and NMFS) in those areas.

**SUMMARY OF ACTIVITIES COVERED  
UNDER THE PROGRAMMATIC CONSULTATION AS  
"NOT LIKELY TO ADVERSELY AFFECT"  
LISTED THRETNED AND ENDANGERED FISH OR THEIR CRITICAL HABITAT  
(All Fresh Waters *excluding* Columbia River mainstem)**

**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 Enclosure 2 of this document. In addition, each action shall comply with specific conditions outlined below.

**Timing:** For all actions described, the action shall only occur once within one "work season" (the approved work windows described in enclosure 4) 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 spawning areas or a forage fish spawning areas.

**Aids to Navigation:**

Placement of navigation aids and regulatory markers, including placement of buoys for such purposes, provided that: buoys and anchors are not located over or adjacent to vegetated shallows (except where such vegetation is limited to State-designated noxious weeds) or spawning habitat for listed or proposed fish species, no trenching occurs through any water of the U.S. (i.e., for electrical cables), no new piling is placed, if a barge is used, the barge does not ground out, flotation shall be completely contained to prevent breakup, and buoys are anchored securely and anchors are installed so that anchor lines do not drag. [from NWP 1]

**Mooring Buoys:**

Placement of mooring buoys for single boat, non-commercial use, provided that: the anchor, buoy, and moored vessel are not located over or adjacent to vegetated shallows (except where such vegetation is limited to State-designated noxious weeds) or spawning habitat for listed or proposed fish species, buoys do not exceed 4 per acre, buoys are anchored securely and anchors are installed so that anchor lines do not drag, flotation shall be completely contained to prevent breakup, and the vessel does not ground out at low water. [from NWP 10]

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### Temporary Recreational Structures:

Placement of temporary buoys, markers, small floating docks, and similar devices or structures that are for recreational use during specific events such as water skiing competitions and boat races, provided that: work is done within the approved work window, no work is done over or adjacent to vegetated shallows (except where such vegetation is limited to State-designated noxious weeds) or spawning habitat for listed or proposed fish species, no large woody debris is removed, such devices and structures do not exceed 4 per acre, any small floating docks are no larger than 400 square feet in size and multiples (no more than 4) are spaced at least the distance of the longest dock length, no new piling is driven, all wooden components are pre-painted and dried prior to installation and no treated wood is used, such devices and structures remain in the water no longer than 60 days, such devices and structures are removed within 15 days after use has been discontinued, such devices and structures are anchored securely, flotation shall be completely contained to prevent breakup, and the anchor and anchor lines do not drag. [from NWP 11]

**Note:** The activities described in this section require individual informal or formal consultation with the National Marine Fisheries Service (NMFS) if such work may affect listed or proposed fish species under NMFS jurisdiction.

### Replacement of Up to Eighteen (18) Piling:

Replacement of up to eighteen (18) existing piling with non-treated piling, provided that: work is done within the approved work window; no work is done in or adjacent to an existing or previously designated Superfund site or a site currently or previously designated for cleanup under the Washington State Model Toxic Cleanup Act; no piles are associated with log raft booms; no sheet piling is used in lieu of pole piling; existing piles are partially cut with a new pile secured directly on top, fully extracted, or cut 2-feet below the mudline; if treated piles are fully extracted or cut 2-feet below the mudline, the holes or piles are capped with appropriate material (such as clean sand, or plastic or steel pile cap for cut piles) to ensure that the chemicals from the existing pile do not leach into the adjacent sediments or water column. If fill (i.e. clean sand) is used to cap the area, the fill material should match sediment substrate of the site; removed creosote treated piles are cut into maximum lengths of 4 feet prior to disposal; if a barge is used, the barge does not ground out and the barge is not over or adjacent to vegetated shallows (except where such vegetation is limited to State-designated noxious weeds); hydraulic water jets are not used to remove or place piles; and piles are replaced in the same general location and do not extend beyond the footprint of the existing structure (i.e. pier). [from NWP 3 or LOP]

### Installation or Replacement of One (1) Boatlift:

Installation or replacement of one (1) uncovered boatlift at an existing pier or dock, provided that: work is done in approved work window; no work is done over or adjacent to vegetated shallows (except where such vegetation is limited to State-designated noxious weeds) or in or adjacent to spawning habitat for listed or proposed fish species; no large woody debris is removed; all structural steel members are pre-painted and dried prior to installation; only non-treated wood shall be used; only two (2) new piles (steel or non-treated wood) may be driven and only if necessary for boatlift installation; if a barge is used, the barge does not ground out and the barge is not over or adjacent to vegetated shallows (except where such vegetation is limited to State-designated noxious weeds); and existing boat lifts to be removed are removed in their entirety. [RGP, LOP, or NWP 3]

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### Scientific Measuring Devices

Placement of new devices or replacement of old devices (with no greater dimensions than those already in place) whose purpose is to measure and record scientific data such as staff gages, tide gages, water recording devices, water quality testing and improvement devices, and similar structures, provided that: 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) or spawning habitat for listed or proposed fish species, no uncured concrete shall come into contact with the waterbody, no new piling is placed, no land leveling or grading is conducted, no fill is placed in wetlands or waterward of OHW, work does not include weirs and flumes, placement does not require the de-watering or hydraulic modification of a stream or waterbody, and work will be done during low flow and when possible in the dry.

[from NWP 5 or 3]

### 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: 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, and ***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. [from NWP 20]

### Nearshore Fill for State Hydraulic Project Approval (HPA) Mitigation Requirements:

Placement of up to 25 cubic yards of fill material waterward of the ordinary high water line (OHW) line to meet mitigation requirements imposed by Washington State Department of Fish and Wildlife (WDFW) where all other work (the bank stabilization activity and associated stockpiling) is outside Corps jurisdiction (landward of the OHW line) and has already been constructed, provided that: work is done within the approved work window, material is not placed in or adjacent to vegetated shallows (except where such vegetation is limited to State-designated noxious weeds) or other special aquatic sites, gravel materials are washed and clean prior to being brought to the site, work occurs only in the dry, stockpiling shall not occur below OHW, work is done by hand except that if a barge is used to deliver material it shall not ground out on the bottom, the material is spread out evenly and the beach grade is not altered (to avoid stranding of fish), upon completion of material placement the beach shall not contain any pits, potholes, or large depressions, and 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. [from NWP 18]

**SUMMARY OF ACTIVITIES COVERED  
UNDER THE PROGRAMMATIC CONSULTATION AS  
"NOT LIKELY TO ADVERSELY AFFECT"  
LISTED THREATENED AND ENDANGERED FISH OR THEIR CRITICAL HABITAT  
(Columbia River Mainstem *including* Snake River Mainstem & Baker Bay)**

**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 Enclosure 2 of this document. In addition, each action shall comply with specific conditions outlined below.

**Timing:** For all actions described, the action shall only occur once within one "work season" (the approved work windows described in Enclosure 4) 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 spawning areas or a forage fish spawning areas.

**Aids to Navigation:**

Placement of navigation aids and regulatory markers, including placement of buoys for such purposes, provided that: buoys and anchors are not located over or adjacent to vegetated shallows (except where such vegetation is limited to State-designated noxious weeds) or spawning habitat for listed, proposed or forage fish species, no trenching occurs through any water of the U.S. (i.e., for electrical cables), no new piling is placed, if a barge is used, the barge does not ground out, flotation shall be completely contained to prevent breakup, and buoys are anchored securely and anchors are installed so that the anchor lines do not drag. [from NWP1]

**Mooring Buoys:**

Placement of mooring buoys for single boat, non-commercial use, provided that: the anchor, buoy, and moored vessel are not located over or adjacent to vegetated shallows (except where such vegetation is limited to State-designated noxious weeds) or spawning habitat for listed, proposed or forage fish species, buoys do not exceed 4 per acre, buoys are anchored securely and anchors are installed so that anchor lines do not drag, flotation shall be completely contained to prevent breakup, and the vessel does not ground out at low water. [from NWP 10]

## The New Programmatic ESA Consultations

### Temporary Recreational Structures:

Placement of temporary buoys, markers, small floating docks, and similar devices or structures that are for recreational use during specific events such as water skiing competitions and boat races, provided that: work is done within the approved work window, no work is done over or adjacent to vegetated shallows (except where such vegetation is limited to State-designated noxious weeds) or spawning habitat for listed, proposed or forage fish species, no large woody debris is removed, such devices and structures do not exceed 4 per acre, any small floating docks are no larger than 400 square feet in size and multiples (no more than 4) are spaced at least the distance of the longest dock length, no new piling is driven, all wooden components are pre-painted and dried prior to installation and no treated wood is used, such devices and structures remain in the water no longer than 60 day, such devices and structures are removed within 15 days after use has been discontinued, such devices and structures are anchored securely, flotation shall be completely contained to prevent breakup, and anchors are installed so that anchor lines do not drag. [from NWP 11]

**Note:** The activities described in this section require individual informal or formal consultation with the National Marine Fisheries Service (NMFS) if such work may affect listed or proposed fish species under NMFS jurisdiction.

### Replacement of Up to Eighteen (18) Piling:

Replacement of up to eighteen (18) existing piling with non-treated piling, provided that: work is done within the approved work window; no work is done in or adjacent to an existing or previously designated Superfund site or a site currently or previously designated for cleanup under the Washington State Model Toxic Cleanup Act; no piles are associated with log raft booms; no sheet piling is used in lieu of pole piling; existing piles are partially cut with a new pile secured directly on top, fully extracted, or cut 2-feet below the mudline; if treated piles are fully extracted or cut 2-feet below the mudline, the holes or piles are capped with appropriate material (such as clean sand, or plastic or steel pile cap for cut piles) to ensure that the chemicals from the existing pile do not leach into the adjacent sediments or water column. If fill (i.e. clean sand) is used to cap the area, the fill material should match sediment substrate of the site; removed creosote treated piles are cut into maximum lengths of 4 feet prior to disposal; if a barge is used, the barge does not ground out and the barge is not over or adjacent to vegetated shallows (except where such vegetation is limited to State-designated noxious weeds); hydraulic water jets are not used to remove or place piles; and piles are replaced in the same general location and do not extend beyond the footprint of the existing structure (i.e. pier). [from NWP 3 or LOP]

### Installation or Replacement of One (1) Boatlift:

Installation or replacement of one (1) uncovered boatlift at an existing pier or dock, provided that: work is done in approved work window; no work is done over or adjacent to vegetated shallows (except where such vegetation is limited to State-designated noxious weeds) or in or adjacent to spawning habitat for listed, proposed or forage fish species; no large woody debris is removed; all structural steel members are pre-painted and dried prior to installation; only non-treated wood shall be used; only two (2) new piles (steel or non-treated wood) may be driven and only if necessary for boatlift installation; if a barge is used, the barge does not ground out and the barge is not over or adjacent to vegetated shallows (except where such vegetation is limited to State-designated noxious weeds); and existing boat lifts to be removed are removed in their entirety. [RGP, LOP, or NWP 3]

## The New Programmatic ESA Consultations

### Scientific Measuring Devices:

Placement of new devices or replacement of old devices (with no greater dimensions than those already in place) whose purpose is to measure and record scientific data such as staff gages, tide gages, water recording devices, water quality testing and improvement devices, and similar structures, provided that: 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) or spawning habitat for listed, proposed or forage fish species, no uncured concrete shall come into contact with the waterbody, no new piling is placed, no land leveling or grading is conducted, no fill is placed in wetlands or waterward of OHW or MHHW, work does not include weirs and flumes, placement does not require the de-watering or hydraulic modification of a stream or waterbody, and work will be done during low flow and when possible in the dry. [from NWP 5 or 3]

### 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: 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, and 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. [from NWP 20]

### Fish and Wildlife Harvesting:

Placement of crab or shrimp pots, non-commercial clam digging, and non-commercial oyster and mussel harvesting provided that: work only occurs in estuarine portions of the Columbia River (Baker Bay), and no clam digging or oyster and mussel harvesting activities occur over or adjacent to vegetated shallows. [from NWP 4]

### Tideland Markers

Placement of tideland markers, either by a single piling or buoys, provided that: work is done within the approved work window, work only occurs in the estuarine portions of the Columbia River (Baker Bay), no work occurs in or adjacent to vegetated shallows, piles are not treated with creosote or pentachlorophenol, no uncured concrete is used, barges and boats do not ground, if a barge is used, the barge does not ground out and the barge is not over or adjacent to vegetated shallows (except where such vegetation is limited to State-designated noxious weeds), and buoys are anchored securely and anchors and anchor lines do not drag. [RGPs on tidal markers]

**SUMMARY OF ACTIVITIES COVERED  
UNDER THE PROGRAMMATIC CONSULTATION AS  
"NOT LIKELY TO ADVERSELY AFFECT"  
LISTED THREATENED AND ENDANGERED FISH OR THEIR CRITICAL HABITAT  
(Marine/Estuarine Waters *excluding* Baker Bay)**

**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 is 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 Enclosure 2 of this document. In addition, each action shall comply with specific conditions outlined below.

**Timing:** For all actions described, the action shall only occur once within one "work season" (the approved work windows described in Enclosure 4) 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 spawning areas or a forage fish spawning areas.

**Aids to Navigation:**

Placement of navigation aids and regulatory markers, including buoys and up to one new pile or one new dolphin (3 piles) for such purposes, provided that: work is done within the approved work window; structures are not located over or adjacent to vegetated shallows; no trenching occurs through any water of the U.S. (i.e., for electrical cables); the pile is not treated with creosote or pentachlorophenol; all piling or dolphins are capped with a device to preclude perching by piscivorous birds; if a barge is used, the barge does not ground out and the barge is not over or adjacent to vegetated shallows (except where such vegetation is limited to State-designated noxious weeds); and buoys are anchored securely and anchors are installed so that the anchor lines do not drag. [from NWP 1]

**Mooring Buoys:**

Placement of mooring buoys for single boat, non-commercial use, provided that: the anchor, buoy, and moored vessel are not located over or adjacent to vegetated shallows or spawning habitat for forage species, buoys do not exceed 4 per acre, buoy anchors are installed so that the anchor line does not drag, flotation shall be completely contained to prevent breakup, and the vessel does not ground out at low water. [from NWP 10]

## The New Programmatic ESA Consultations

### Temporary Recreational Structures:

Placement of temporary buoys, anchors, markers, small floating docks, and similar devices or structures that are for recreational use during specific events such as water skiing competitions and boat races, provided that: work is done within the approved work window, no work takes place over or adjacent to vegetated shallows or spawning habitat for forage species, no large woody debris is removed, such devices and structures do not exceed 4 per acre, any small floating docks are no larger than 400 square feet in size and multiples (no more than 4) are spaced at least the distance of the longest dock length, no new piling is driven, such devices and structures remain in the water no longer than 60 days, such devices and structures are removed within 15 days after use has been discontinued, flotation shall be completely contained to prevent breakup, and such devices and structures are anchored securely, and the anchors installed so that the anchor lines do not drag. [from NWP 11]

**Note:** The activities described in this section require individual informal or formal consultation with the National Marine Fisheries Service (NMFS) if such work may affect listed or proposed fish species under NMFS jurisdiction.

### Replacement of Up to Eighteen (18) Piling:

Replacement of up to eighteen (18) existing piling, provided that: work is done within the approved work window; no work is done in or adjacent to an existing or previously designated Superfund site or a site currently or previously designated for cleanup under the Washington State Model Toxic Cleanup Act; no piles are associated with log raft booms; no sheet piling is used in lieu of pole piling; no piles treated with creosote or pentachlorophenol are used; existing piles are partially cut with a new pile secured directly on top, fully extracted, or cut 2-feet below the mudline; if treated piles are fully extracted or cut 2-feet below the mudline, the holes or piles are capped with appropriate material (such as clean sand, or plastic or steel pile cap for cut piles) to ensure that the chemicals from the existing pile do not leach into the adjacent sediments or water column. If fill (i.e. clean sand) is used to cap the area, the fill material should match sediment substrate of the site; removed creosote treated piles are cut into maximum lengths of 4 feet prior to disposal; if a barge is used, the barge does not ground out and the barge is not over or adjacent to vegetated shallows; hydraulic water jets are not used to remove or place piles; and piles are replaced in the same general location and do not extend beyond the footprint of the existing structure (i.e. pier). [from NWP3 or LOP]

### Installation or Replacement of One (1) Boatlift:

Installation or replacement of one (1) uncovered boatlift at an existing pier or dock, provided that: work is done in approved work window; no work is done over or adjacent to vegetated shallows or spawning habitat for forage species; no large woody debris is removed; all structural steel members are pre-painted and dried prior to installation; no wood or piles treated with creosote or pentachlorophenol shall be used, only two (2) new piles may be driven and only if necessary for boatlift installation; if a barge is used, the barge does not ground out and the barge is not over or adjacent to vegetated shallows (except where such vegetation is limited to State-designated noxious weeds); and existing boat lifts to be removed are removed in their entirety. [RGP, LOP, or NWP 3]

## The New Programmatic ESA Consultations

### Scientific Measuring Devices:

Placement of new devices or replacement of old devices (with no greater dimensions than those already in place) whose purpose is to measure and record scientific data such as staff gages, tide gages, water recording devices, water quality testing and improvement devices, and similar structures, provided that: work is done within approved work window, no work is done over or adjacent to vegetated shallows or spawning habitat for forage species, no uncured concrete comes into contact with tidal waters, only one new pile or dolphin is placed, the pile or dolphin is not treated with creosote or pentachlorophenol, no land leveling or grading is conducted, no fill is placed in wetlands or waterward of MHHW, work does not include weirs and flumes, placement does not require the de-watering or hydraulic modification of a waterbody, and work will be done during low tide and when possible in the dry. [from NWP 5 or 3]

### 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: 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, **and 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. [from NWP20]

### Fish and Wildlife Harvesting:

Placement of crab or shrimp pots, non-commercial clam digging, and non-commercial oyster and mussel harvesting, provided that: no clam digging or oyster and mussel harvesting activities occur over or adjacent to vegetated shallows. [from NWP4]

### Tideland Markers:

Placement of tideland markers, either by a single piling or buoys, provided that: work is done within the approved work window, no work occurs in or adjacent to vegetated shallows, piles are not treated with creosote or pentachlorophenol, no uncured concrete is used, barges and boats do not ground, if a barge is used, the barge does not ground out and the barge is not over or adjacent to vegetated shallows (except where such vegetation is limited to State-designated noxious weeds), and buoys are anchored securely and anchors and anchor lines do not drag. [RGPs on tidal markers]

## The New Programmatic ESA Consultations

### **Nearshore Fill for State Hydraulic Project Approval (HPA) Mitigation Activities:**

Placement of up to 25 cubic yards of fill material waterward of the mean higher high water (MHHW) line to meet mitigation requirements imposed by Washington State Department of Fish and Wildlife (WDFW) where all other work (the bank stabilization activity and associated stockpiling) is outside Corps jurisdiction (landward of the MHHW line) and already has been constructed, provided that: work is done within the approved work window, material is not placed in or adjacent to vegetated shallows or other special aquatic sites, gravel materials are washed and clean prior to being brought to the site, work occurs only in the dry, stockpiling shall not occur below MHHW, work is done by hand except that if a barge is used to deliver material it shall not ground out on the bottom, the material is spread out evenly and the beach grade is not altered (to avoid stranding of fish), upon completion of material placement the beach shall not contain any pits, potholes, or large depressions, and 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. [from NWP 18]

### **Minor Bank Stabilization Repair Activities:**

Minor repair of existing bulkhead or sloped revetment only in marine/estuarine waters, provided that: work is done within the approved work window, no work is done over or adjacent to vegetated shallows, wetlands, or spawning habitat for forage species, all natural beach complexity features are not disturbed, less than 10% of the total bank protection (but not to exceed a total length of 10 linear feet) has been damaged or has failed, repair is in-kind and in-place at the existing structure, timber is untreated or treated with biodegradable<sup>1</sup>, non-toxic material, no uncured concrete shall come into contact with the waterbody, all work will be done in the dry, all work on the beach is done by hand, no heavy equipment shall operate on the beach, bioengineering shall be employed wherever possible, and access to the beach is via existing upland access. [from NWP 3]

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<sup>1</sup> According to established ASTM (American Society of Testing Material) procedures the following is the definition of biodegradability: A minimum of 40% of the original sample has been decomposed to inert ingredients within twenty eight (28) days.

**GENERAL IMPLEMENTATION CONDITIONS  
FOR ACTIVITIES COVERED BY THE PROGRAMMATIC CONSULTATION**

Permittees must follow these conditions, as well as stipulations specifically related to the work, in order for the permit to be covered by this informal programmatic consultation.

**I. General Conditions:**

- 1. Notification.** Applicants and permittees must notify the Corps via *ESA Notification and Tracking Form for all actions proposed or completed under this programmatic consultation. If the notification is accomplished prior to completing the work, applicants must complete the ESA Notification and Tracking Form and submit it with their Joint Aquatic Resource Permit Application (JARPA) or pre-construction notification package.*
- 2. Agency Access.** Permittee must provide access to the work site to representatives of the Corps, NMFS, USFWS, Ecology, and WDFW during all hours of construction or operation.
- 3. Suitable Material.** Only clean, suitable material shall be used as dredged or fill material (e.g., no trash, debris, car bodies, asphalt, etc.,). Material must be free from toxic pollutants in toxic amounts.
- 4. Removal of Temporary Fills.** Any temporary fills must be removed in their entirety and the affected areas returned to their preexisting elevation and contours.
- 5. No work in a Superfund or Model Toxic Clean up Site.** No work shall occur in or adjacent to an existing or previously designated Superfund Clean-up site by the U.S. Environmental Protection Agency, or a site currently or previously designated for clean up under the State Model Toxic Clean-up Act (except for projects meeting conditions of Nationwide Permit 20).

**II. In-water Work Conditions:**

- 1. In-Water Work Period.** Where specified, all in-water work shall occur within the approved work window as outlined in Enclosure 4. Allowable in-water work periods are subject to revision as new information on ESA listed or proposed fish use is obtained.
- 2. In-Stream Work Prohibited.** Work shall be done from the top of the bank. Operation of heavy equipment directly in the active flowing channel is not covered by this consultation.
- 3. Restrictions on Heavy Equipment.** Permittee shall use equipment having the least impact. Hand labor rather than heavy equipment will be used when possible and as required for individual actions under this informal programmatic consultation. Heavy equipment working in wetlands must be placed on mats, or other temporary structures to minimize soil disturbance and compaction. If gravel is used, the gravel must be placed on a mat and the gravel and mat removed in their entirety immediately after completion of construction.
- 4. No Disturbance to Woody Riparian Vegetation.** Woody riparian vegetation shall not be disturbed or removed within 300 feet landward of the OHW of the stream, lake or MHHW of the marine/estuarine area.
- 5. No Dumping.** Material shall be carefully placed, not dumped, into the stream, lake or marine/estuarine area.

6. **Discharges in Special Areas.** Discharges into or adjacent to fish spawning area or areas with submerged vegetation are not authorized.
7. **No Herbicides Use.** No herbicides, pesticides, fertilizers, or other toxic substances are to be applied within 300 feet of a stream, lake or marine/estuarine area.

**III. Erosion Control and Water Quality Monitoring:** Permittees must ensure they take all practicable steps to control erosion during construction, and establish permanent erosion protection upon completion of the work, or during extended work stoppages.

1. **Erosion Control.** Erosion and siltation controls (such as hydro seeding, filter bags, silt fences, grass and rock-lined swales, check dams, sediment traps, truck wheel wash, soil coverings (bonded fiber matrix), organic or fabric soil detention systems, leave strips, berms, temporary sediment basins, etc.) must be used and maintained in effective operating condition during construction to protect all exposed soil, stock piles and fills from erosion. Permittees are expected to implement the following erosion control measures as appropriate:
  - a. **Stabilize exposed ground.** All exposed ground surfaces are stabilized prior to the closure of the approved work window and/or within one week of project completion, whichever occurs first. Rock check dams will be used, although sterile straw bales may be used as an adjunct.
  - b. **Stockpiling to minimize erosion.** Stockpiles shall be constructed in a manner that minimizes erosion, and is permanently stabilized at the earliest practicable date. Material will be stockpiled to reduce erosion by preventing runoff from the top of the stockpile from flowing down the stockpile face. Stockpiles shall be sloped away from the side facing the waterbody or wetland at all times (i.e. placing fill in tiers). Stockpiles shall be stabilized by hydroseeding (for long-term stockpiles) or covered with visqueen or other appropriate material for short-term erosion control of the stockpile.
  - c. **No stockpiling in a wetland or the waterbody.** No stockpiling shall occur in a wetland, riparian zone, or waterward of the OHW in any stream or lake, or MHHW in any marine/estuarine area.
  - d. **Excess material stockpiled in uplands.** All excess dredged or excavated material shall be placed in an upland location.
  - e. **Temporary erosion control.** Permittee shall install and maintain temporary erosion control and ensure that erosion control measures are inspected on a regular basis during the life of the construction.
  - f. **Use non-persistent and non-invasive plants.** If plants are utilized for temporary erosion control, species selected shall be non-persistent and non-invasive. Sterile straw or hay bales shall be used to prevent introduction of weeds. Native vegetation will be planted on disturbed sites (including project site, disposal and staging areas, and access roads) when necessary to reduce soil erosion, establish cover, prevent invasive plant colonization, and provide shade.
  - g. **Stabilize and restore temporary upland access areas.** Any temporary access areas will be built to avoid impacts to fish, wildlife, wetlands, or other sensitive resources. Construction of access roads and associated staging areas shall be protected with appropriate matting,

- i.e. sheet piling or geo-textile fabric placed under a gravel blanket or other suitable material. Any temporary roads or staging areas and associated matting constructed for the project will be removed and the area restored to pre-existing or enhanced conditions upon project completion.
- h. Use existing access areas. Where specified, existing upland access areas will be used to access the beach or stream areas.
  - i. Sedimentation ponds. Sedimentation ponds, sump ponds, swales, pumps, and any supplemental treatment facilities (may include chemical batch treatment cells, high-volume mechanical filtering devices, with or without chemical treatment, flow-through clarifiers, with or without chemical treatment, flow-through ponds, with chemical treatment) necessary for a particular project must be constructed and operational prior to fill placement. The facilities will be designed to accommodate the runoff flow that can be expected depending on the time of the year project construction will take place.
  - j. Wet season construction. If construction occurs during 1 November through 30 April of any year, only fill material containing less than 5 percent of very fine particles (such as silts, clays or the like) will be placed in the project area to reduce the amount of sedimentation generated in the construction stormwater runoff.
  - k. Stormwater treatment. Stormwater collected in temporary sedimentation basins must be treated before release into any waterbody or wetland and monitored for pH, turbidity, and settleable solids, as well as bioassays to assess treated water toxicity.
  - l. Pumping of stormwater. Pumping of stormwater runoff to sedimentation ponds will be used when such a procedure can minimize impacts and/or allow flexibility in locating sedimentation ponds.
  - m. Construction runoff. During construction, runoff from undisturbed areas will be routed around disturbed areas. This will reduce runoff quantities from exposed surfaces to further assure water quality standards are met. Diversion will be accomplished using diversion swales and/or temporary piping around construction areas. Pipe outlets, level spreaders, swales, or other devices may be used to reduce erosion at the discharges of these diverted clean water flows.
  - n. Stormwater management maintenance. The stormwater management facilities will be regularly maintained throughout the life of the project. Maintenance may include soil and turf repair as necessary, removal of sediment accumulation from the swales and ponds, and restoration of silt fencing, pipe outlets, and outfalls.
2. **Water Quality Limited Streams.** Before beginning work on Water Quality Limited streams with limits on toxic substances, metals or organic chemicals, the permittee shall coordinate with the Washington State Department of Ecology (Ecology) to develop a sediment testing plan. The plan shall include the proper testing protocol and reporting requirements. The results shall be submitted to Ecology, and permittee must receive Ecology approval before beginning work. The Washington State Water Quality Standards (WAC 173-201A) requires that runoff from construction projects not increase receiving stream turbidity by more than 5 NTU (Nephelometric Turbidity Units).

**IV. Spill Prevention and Control:** Petroleum products, chemicals, fresh cement, construction, or deleterious materials shall not be allowed to enter waters (streams, lakes, or marine/estuarine areas) or wetlands. Permittees shall take the following precautions:

1. **No fuel storage in or adjacent to waterbody.** Areas for fuel storage, and refueling and servicing of construction equipment and vehicles, shall be located a minimum of 300 feet landward from the edge of any water body or wetlands.
2. **No uncured concrete.** No uncured concrete shall be placed in any water body. Where specified in this informal programmatic consultation, concrete must be cured before it comes into contact with the waterbody.
3. **Use Biodegradable<sup>2</sup> Hydraulic Fluids.** Hydraulic fluids for machinery used for in-water work should be biodegradable in case of accidental loss of fluid.
4. **Use Clean Equipment and no "washout" of equipment in or adjacent to a waterbody.** All equipment that is used for in-water work shall be cleaned to remove external oil, grease, dirt and mud prior to placing the equipment in the water. Wash sites shall be placed so that wash water does not flow into the water body or a wetland without adequate treatment, no sediment will enter the waterbody or wetland, and it is located at a minimum of 300 feet landward from the edge of any waterbody or wetland.
5. **Report Accidental Spills to Ecology.** In the event of a spill, permittee shall stop work immediately and notify the Washington State Department of Ecology (Ecology). For Northwest Washington, contact Ecology's Northwest Regional Spill Response Office at (425) 649-7000. For Southwest Washington, contact Ecology's Southwest Regional Spill Response Office at (360) 407-6300. For Central Washington, contact Ecology's Central Regional Spill Response Office at (509) 575-2490. For Eastern Washington, contact Ecology's Eastern Regional Spill Response Office at (509) 456-2926. In addition, for Endangered Species Act purposes, accidental spills must also be reported immediately (within one business day) to the Corps at (206) 764-3495, NMFS at (360) 753-9530, and USFWS at (360) 753-9467.

**V. Minimization and Revegetation Guidelines:**

1. **Minimization.** All projects and associated construction activities must be designed so that impacts to waters of the U.S., wetlands, and habitat for listed or proposed fish species are avoided and minimized to the full extent practicable.
2. **Natural Beach/Stream Complexity Features.** Boulder, rock, and woody debris material must not be removed from any stream or shoreline area.
3. **Revegetation Guidelines.** Upon completion of work covered in this informal programmatic consultation, all disturbed herbaceous areas of the site shall be replanted with native herbaceous and/or woody vegetation. Herbaceous plantings shall occur within 48 hours of the completion of construction. Woody vegetation components shall be planted in the Fall or early Winter, whichever occurs first. The applicant shall take appropriate measures to ensure revegetation success.

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<sup>2</sup> According to established ASTM (American Society of Testing Material) procedures the following is the definition of biodegradability: A minimum of 40% of the original sample has been decomposed to inert ingredients within twenty-eight (28) days.

- a. **Planting Plan.** A planting plan must be submitted to the Corps for approval, including species names of all plants proposed and method of planting (i.e. hydroseeding, density of cuttings, etc.).
- b. **As-built Drawings.** "As-built" drawings and photographs of the planted areas or a status report must be submitted to the U.S. Army Corps of Engineers, Seattle District, Regulatory Branch (the Corps) and USFWS within 13 months of the date of permit issuance.
- c. **Submittal of Monitoring Reports.** Two monitoring reports with photographs must be submitted to the Corps and USFWS: the first monitoring report one year after the Corps written approval of the "as-built" drawings and a final monitoring report three years after the Corps written approval of the "as-built" drawings. Monitoring reports must include information on the percent of plants replaced, by species. Monitoring reports should state what caused plant failure.
- d. **Performance Standard - Year 1.** At the end of "Year 1" (Year 0 being the year of "as-builts"), planted species must have a survival rate of 100%, and be considered viable and healthy. Replanting shall be done as necessary to meet the 100% performance standard.
- e. **Final Performance Standard – Year 3.** At the end of "Year 3", planted species must have a survival rate of 80% and be considered viable and healthy. Eighty percent (80%) of the herbaceous revegetated area must be covered with native planted species or native recruit species.
- f. **Contingency Plan.** If the percent survival and cover of planted species (herbaceous and woody as outlined in the planting plan) does not achieve success (*guidelines d and e*), then remedial measures (e.g. replanting, soil amendments, or additional monitoring) may be required until the Corps and USFWS have determined that success has been achieved.
- g. **Non-native, invasive plant control.** The presence of non-native, invasive plant species shall not exceed 10% coverage of the revegetated area during the three-year monitoring period. A list of non-native, invasive wetland plant species for Western Washington is provided in Table 1.
- h. **Preservation.** During and after the three-year monitoring period, any planted woody vegetation within the revegetated areas shall not be removed, cut, or otherwise disturbed unless specifically approved, in writing, by the Corps. Herbaceous plants may be cut or mowed but not removed.

**Table 1: Common Non-native Plants Often Found in Western Washington**  
 (Source: Methods for Assessing Wetland Functions, Part 2: Procedures for Collecting Data,  
 Washington State Department of Ecology (99-116), 1999.)

**Washington's Wetlands**

<b>SPECIES NAME</b>	<b>COMMON NAME</b>
<i>Agropyron repens</i>	Quackgrass
<i>Alopecurus pratensis, A. aequalis</i>	Meadow foxtail
<i>Arcticum minus</i>	Burdock
<i>Bromus tectorum, B. rigidus, B. brizaeformis, B. secalinus, B. japonicus, B. mollis, B. commutatus, B. inermis, B. erectus</i>	Bromes
<i>Cenchrus longispinus</i>	Sanbur
<i>Centaurea solstitialis, C repens C cyanus, C maculosa, C diffusa</i>	Knapweeds
<i>Cirsium vulgare, C. arvense</i>	Thistles
<i>Cynosurus cristatus, C echinatus</i>	Dogtail
<i>Cytisus scoparius</i>	Scot's broom
<i>Dactylis glomerata</i>	Orchardgrass
<i>Dipsacus sylvestris</i>	Teasel
<i>Digitaria sanguinalis</i>	Crabgrass
<i>Echinochloa crusgalli</i>	Barnyard grass
<i>Euphorbia peplus, E. esula</i>	Spurge
<i>Festuca arundinacea, F. pratensis, F. rubra</i>	Fescue
<i>Holcus lanatus, H. mollis</i>	Velvet grass
<i>Hordeum jabatum</i>	Foxtail barley
<i>Hypericum perforatum</i>	St. John's Wort
<i>Iris pseudacorus</i>	Yellow iris
<i>Ilex aquifolium</i>	English holly
<i>Lolium perenne, L. multiflorum, L. temulentum</i>	Ryegrass
<i>Lotus corniculatus</i>	Birdsfoot trefoil
<i>Lythrum salicaria.</i>	Purple loosestrife
<i>Matricaria matricarioides</i>	Pineapple weed
<i>Medicago sativa</i>	Alfalfa
<i>Melilotus alba, M. offiinalis</i>	Sweet clover
<i>Phalaris arundinacae</i>	Reed canarygrass
<i>Phleum pratense</i>	Timothy
<i>Phragmites australis</i>	Common reed
<i>Poa compressa P. palustris, P. pratensis</i>	Bluegrass
<i>Polygonium aviculare, P. convolutus, P. cuspidatum, P. lapathifolium, P. persicaria, P. sachalineuse</i>	Knotweeds
<i>Ranunculus repens</i>	Creeping buttercup
<i>Rubus procerus (discolor), R. lacinatus, R. vestitus, R. macrophyllus, R. leucodermis</i>	Non-native blackberries
<i>Salsola kali</i>	Russian thistle
<i>Setaria viridis</i>	Green bristlegrass
<i>Sisymbrium altissimum, S. loeselii, S. officinale</i>	Tumblemustards
<i>Tanacetum vulgare</i>	Tansy
<i>Trifolium dubium, T. pratense, T. repens, T. arvense, T. subterraneum, T. hybridium</i>	Clovers
<i>Misc. cultivated species</i>	Wheat, corn, barley, rye



**ESA NOTIFICATION AND TRACKING FORM**  
**U.S. Army Corps of Engineers**  
**Seattle District, Regulatory Branch**  
**ESA Notification and Tracking Form**  
**For Nationwide Permit**

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

1. **Date:** \_\_\_\_\_
  
2. **Applicant:** \_\_\_\_\_ **Corps Reference No.** \_\_\_\_\_  
Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_
  
3. **Agent:**  
Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_
  
4. **Location(s) of Activity:**  
Section: \_\_\_\_\_ Township: \_\_\_\_\_ Range: \_\_\_\_\_  
Latitude: \_\_\_\_\_ Longitude: \_\_\_\_\_  
Waterbody: \_\_\_\_\_ County: \_\_\_\_\_
  
5. **Listed or Proposed Fish Species present:** \_\_\_\_\_  
\_\_\_\_\_
  
6. **Description of Work:** Describe what is being placed, installed, or constructed (i.e. pier, bulkhead, culvert, house, etc.) and the type of material used (i.e. untreated wood, concrete or steel piling).:  
\_\_\_\_\_  
\_\_\_\_\_
  
- Construction techniques – Describe how the work will be done:**  
Machinery (types): \_\_\_\_\_  
By Hand: \_\_\_\_\_  
See attached list(s): \_\_\_\_\_
  
7. **Timing:** Time of year for construction: \_\_\_\_\_ to \_\_\_\_\_
  
8. **Nationwide Permit(s) [NWP] proposed to be used:** \_\_\_\_\_
  
9. **Drawings - Drawings must be submitted.**

## The New Programmatic ESA Consultations

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

- **Habitat Areas:** If present, the following habitat areas must be shown on the plan view:
  - Wetland delineation
  - Riffle/pool complex delineation
  - Side- and off-channel habitat
  - Vegetated shallows
  - Snake River and Ozette Lake sockeye salmon spawning areas
  - Forage fish spawning areas (herring, surf smelt, sand lance, etc.)
  - ESA Listed or proposed fish spawning areas (chinook salmon, chum salmon, steelhead, bull trout, and cutthroat trout)
  
- **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.
  
  - **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 ¼ 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 character, 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)]

**APPROVED WORK WINDOWS (BY WATERBODY) FOR ACTIVITIES COVERED  
UNDER THE PROGRAMMATIC CONSULTATION AS  
"NOT LIKELY TO ADVERSELY AFFECT"  
LISTED THREATENED AND ENDANGERED FISH OR THEIR CRITICAL HABITAT**

*The following tables provide approved work windows when construction may occur for activities covered under the Programmatic Consultation. These work windows are updated on an annual basis.*

*To ensure you are constructing your activity during the appropriate times of year, contact the Corps at (206) 764-3495 or visit our website at: <http://www.nws.usace.army.mil/reg/reg.htm>.*

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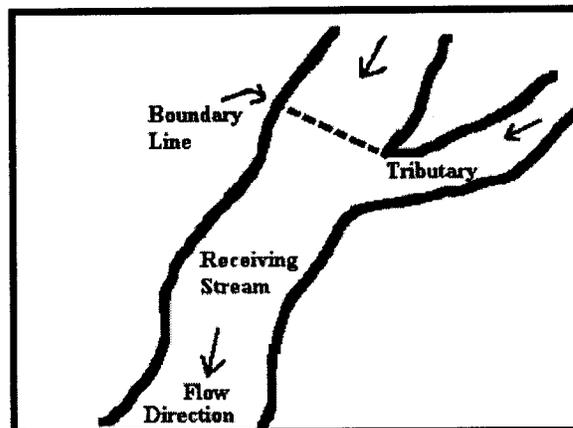
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**APPROVED WORK WINDOWS FOR FISH PROTECTION FOR  
ALL FRESHWATERS *excluding* WATERS WITHIN NATIONAL PARK BOUNDARIES,  
COLUMBIA RIVER, SNAKE RIVER, AND LAKES  
BY COUNTY AND SPECIFIC WATERCOURSE**

- (1) The general work window for a county applies to all streams within that county, unless otherwise indicated under specific stream and tributary work windows.
- (2) The work window for a listed stream applies to all its tributaries, unless otherwise indicated. Some streams flow through multiple counties. Check the listing for the county in which work is to be conducted to determine the work window for that stream.
- (3) Where a tributary is listed as a boundary, that boundary shall be the line perpendicular to the receiving stream that is projected from the most upstream point of the tributary mouth to the opposite bank of the receiving stream. (See Figure 1)

Figure 1. Stream boundary line



- (4) Work within two hundred (200) feet landward of the State's ordinary high water line in waters of the U.S. listed as "submit application" or "closed" is not authorized by the Washington State Department of Fish and Wildlife (WDFW). Site review and a specific written authorization (and State HPA) are required for these state waters.
- (5) Lakes do not include impoundments of the Columbia or Snake Rivers.
- (6) For rivers and creeks entering marine areas (coastal watercourses) other than the Columbia River and its tributaries, the marine work window will apply to marine and estuarine areas, the freshwater work window will apply to riverine and palustrine areas. Marine, estuarine, riverine, and palustrine zones are defined based on *Classification of Wetlands and Deepwaters Habitats of the United States* published by the U.S. Department of Interior, Fish and Wildlife Service (USFWS). The boundaries between marine/estuarine and riverine/palustrine areas of coastal watercourses (other than the

## The New Programmatic ESA Consultations

Columbia River and its tributaries) can be found on the National Wetland Inventory maps published by the USFWS (<http://www.nwi.fws.gov/>). These maps do not represent the actual boundaries of the jurisdictional area for any particular project but they can be used to determine the relative location of marine/estuarine and riverine/palustrine zones of coastal watercourses. In Table 1, for all coastal watercourses except the Columbia River (see Table 2) and its tributaries, the mouth (including associated sloughs or channel in the river delta) is defined as the boundary between marine/estuarine and riverine/palustrine zones.

- (7) These "approved work windows" are based on best available information as of the date of the Services' concurrence with this programmatic consultation. They may be amended or deleted in the future as new information is obtained. The Corps will use the most current version of these windows when authorizing projects for which conformance with the ESA is, in part, based on the windows in this programmatic consultation.

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**TABLE 1: SPECIFIC STREAM AND TRIBUTARY APPROVED WORK WINDOWS - ALL FRESHWATERS *excluding* WATERS WITHIN NATIONAL PARK BOUNDARIES, COLUMBIA RIVER, SNAKE RIVER, AND LAKES**

COUNTY	GENERAL WORK WINDOWS	STREAM & ALL TRIBUTARIES	WORK WINDOW
Adams	July 1 - October 31	Esquatzel Creek Palouse River	July 1 – September 30 June 15 - October 15
Asotin	July 1 - October 31	Asotin Creek Grande Ronde River	July 15 - August 15 July 15 - August 15
Benton	June 1 - September 30	Yakima River tributaries -- Corral Creek -- Spring Creek	July 1 – September 30 July 15 – September 30 July 15 – September 30
Chelan	July 1 - August 15	Chelan River -- mouth to Chelan Gorge Colockum Creek Entiat River -- below McKenzie Irrigation Dam -- Mad River -- above McKenzie Irrigation Dam Tributaries to Lake Wenatchee -- Little Wenatchee River -- White River Squilchuck Creek Stemilt Creek -- mouth to falls Wenatchee River -- mouth to upper Tumwater Canyon Bridge -- Chumstick Creek -- Icicle Creek -- Mission Creek -- Peshastin Creek ---- mouth to Negro Creek ---- above Negro Creek -- upper Tumwater Canyon Bridge to lake	July 1 – September 30 July 1 - October 31  July 1 – September 30 July 1 – August 15 July 1 – August 15 July 1 – September 30 July 1 – August 15 July 1 – August 15 July 1 - October 31  July 1 - October 31  July 1 – September 30 July 1 – August 15 July 1 – August 15 July 1 – August 15  July 1 - August 15 July 1 - October 31 July 1 – August 15

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COUNTY	GENERAL WORK WINDOWS	STREAM & ALL TRIBUTARIES	WORK WINDOW
Chelan	July 1 - August 15	-- Beaver Creek	July 1 - October 31
		-- Chiwacum Creek	July 1 - August 15
		-- Chiwawa River	July 1 - August 15
		-- Nason Creek	July 1 - August 15
Clallam*	July 15 - September 30	Bogachiel River	July 15 - August 15
		Calawah River	July 15 - August 15
		Clallam River*	July 15 - September 15
		Dungeness River*	July 15 - September 30
		Elwha	
		-- mouth* to lower dam	July 1 - August 15
		Hoko River*	July 15 - September 15
		Jimmycomelately Creek*	July 15 - September 15
		Lyre River*	July 15 - September 15
		McDonald Creek*	July 1 - August 15
		Morse Creek*	July 1 - August 15
		Pysht River*	July 15 - September 15
		Sekiu River*	July 15 - September 15
		Sol Duc River*	July 15 - August 15
Sooes River*	July 15 - September 15		
Tributaries to Lake Ozette	May 1 - September 30		
Tributaries to Lake Pleasant	May 1 - September 30		
Clark	July 1 - September 30	Lewis River	
		-- mouth to forks	June 1 - October 31
		-- East Fork Lewis River	
		---- mouth to LaCenter road bridge	July 1 - October 31
		---- above LaCenter & all tributaries	July 1 - August 31
		-- North Fork Lewis River	
		---- mouth to Merwin Dam	August 1 - August 31
		---- Cedar Creek	August 1 - September 30
---- Merwin Dam to Swift Dam	July 1 - July 31		
Lake River	June 1 - October 31		

\* For all coastal watercourses except the Columbia River (see Table 2), the mouth (including associated sloughs or channel in the river delta) is defined as the boundary between marine/estuarine and riverine/palustrine zones.

## The New Programmatic ESA Consultations

COUNTY	GENERAL WORK WINDOWS	STREAM & ALL TRIBUTARIES	WORK WINDOW
Clark	July 1 - September 30	Washougal River	August 1 - August 31
Columbia	July 15 - October 31	Tucannon River Touchet River	July 15 - August 15 July 15 - August 15
Cowlitz	July 1 - September 30	Cowlitz River -- Coweeman River -- Toutle River Kalama River Lewis River -- mouth to forks -- North Fork Lewis River ---- mouth to Merwin Dam ---- Merwin Dam to Lower Falls ---- above Lower Falls	August 1 - August 31 August 1 - September 30 July 1 - September 30 August 1 - August 31  June 1 - October 31  August 1 - August 31 July 1 - July 31 July 1 - October 31
Douglas	July 1 - October 31	None	
Ferry	July 1 - August 31	Tributaries to Lakes	March 15 - May 10 and July 1 - September 30
Franklin	June 1 - September 30	Palouse River -- above falls	June 15 - October 15
Garfield	July 15 - October 31	Asotin Creek Tucannon River	July 15 - August 15 July 15 - August 15
Grant	July 1 - October 31	None	
Grays Harbor*	July 15 - October 31	Chehalis River -- mouth* to Porter Creek -- above Porter Creek -- Cedar Creek -- Cloquallum Creek -- Porter Creek	June 1 - October 31 July 15 - September 30 July 15 - September 30 July 15 - September 30 July 15 - September 30

\* For all coastal watercourses except the Columbia River (see Table 2), the mouth (including associated sloughs or channel in the river delta) is defined as the boundary between marine/estuarine and riverine/palustrine zones.

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COUNTY	GENERAL WORK WINDOWS	STREAM & ALL TRIBUTARIES	WORK WINDOW
Grays Harbor*	July 15 - October 31	-- Satsop River	July 15 - August 31
		-- Wishkah River*	July 15 - October 15
		-- Wynoochee River	July 15 - October 15
		Copalis River*	July 15 - October 15
		Elk River*	July 15 - September 30
		Hoquiam River*	July 15 - October 15
		Humptulips River*	July 15 - October 15
		Johns River*	July 15 - September 30
		Moclips River*	July 15 - October 15
		North River	July 15 - September 15
		Quinault River*	July 15 - August 31
Island*	July 16 - September 15	None	
Jefferson*	July 15 - October 31	Big Quilcene River*	July 15 - August 31
		Bogachiel River	July 15 - August 15
		Chimacum Creek*	July 15 - August 31
		Donovan Creek*	July 15 - September 30
		Dosewallips River*	July 15 - August 31
		Duckabush River*	July 15 - August 31
		Dungeness River tributaries	July 14 - August 31
		Hoh River*	July 15 - August 15
		Little Quilcene River*	July 15 - August 31
		Queets River*	July 15 - September 15
		Quinault River	July 15 - August 15
		Salmon Creek*	July 15 - August 15
		Snow Creek*	July 15 - August 15
King*	July 1 - September 30	Green River (Duwamish)*	August 1 - August 31
		Tributaries to Lake Sammamish	July 1 - August 15
		Tributaries to Lake Washington	
		-- all tributaries except Issaquah Creek	July 1 - August 31
		-- Issaquah Creek	June 15 - July 31

\* For all coastal watercourses except the Columbia River (see Table 2), the mouth (including associated sloughs or channel in the river delta) is defined as the boundary between marine/estuarine and riverine/palustrine zones.

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COUNTY	GENERAL WORK WINDOWS	STREAM & ALL TRIBUTARIES	WORK WINDOW
King*	July 1 - September 30	Snoqualmie River	
		-- mouth to Snoqualmie Falls	July 1 - September 15
		-- Snoqualmie Falls to mouth of South Fork Snoqualmie River	June 15 - October 31
		-- North Fork Snoqualmie River	July 15 - October 31
		-- Middle Fork Snoqualmie River	July 15 - October 31
		-- South Fork Snoqualmie River	July 15 - October 31
		Sammamish River	July 16-July 31 <i>and</i> November 16-March 15
		Tolt River	
		-- mouth to forks	July 15 - October 31
		-- North Fork Tolt River	
		---- mouth to Yellow Creek	July 15 - September 15
		---- above Yellow Creek	July 15 - October 31
		-- South Fork Tolt River	
		---- mouth to dam	July 15 - September 15
		---- above dam	July 15 - October 31
White River	July 15 - August 31		
Kittitas	June 1 - September 30	Colockum Creek	July 1 - October 31
		Yakima River	
		-- Roza Dam to Teanaway River	July 1 - August 31
		-- above Teanaway River	August 1 - August 31
		-- Gold Creek (Lake Keechelus)	July 1 - July 31
		-- Kachess River	
		---- above Lake Kachess	July 1 - July 31
		---- Box Canyon Creek (Lake Kachess)	July 1 - July 31
		-- Little Naches River	July 15 - August 15
		-- Wenas Creek	August 1 - October 31
-- other Yakima River tributaries	July 15 - August 31		
Kitsap*	July 15 - October 31	Seabeck Creek*	July 15 - August 31
		Gorst Creek*	July 15 - August 31

\* For all coastal watercourses except the Columbia River (see Table 2), the mouth (including associated sloughs or channel in the river delta) is defined as the boundary between marine/estuarine and riverine/palustrine zones.

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COUNTY	GENERAL WORK WINDOWS	STREAM & ALL TRIBUTARIES	WORK WINDOW
Klickitat	June 15 - September 30	Klickitat River	June 15 - August 15
		White Salmon River	June 15 - August 15
Lewis	July 1 - September 30	Chehalis River	
		-- upstream of South Fork confluence	July 1 - August 31
		-- Newaukum River	July 1 - August 31
		-- Skookumchuck River	July 1 - August 31
		Cowlitz River	August 1 - August 31
		-- Cispus River	
		---- mouth to Walupt Creek	August 1 - August 31
		---- above Walupt Creek	Submit application
		---- McCoy Creek	August 1 - September 30
		---- Walupt Creek	Submit application
		-- Tilton River	August 1 - September 30
		-- Tributaries to Packwood Lake	Submit application
		Nisqually River	
		-- above Alder Lake	July 1 - September 30
Toutle River	July 1 - September 15		
Lincoln	June 15 - October 15	None	
Mason*	July 15 - October 31	Cloquallum Creek	July 15 - September 30
		Coulter Creek*	July 15 - September 15
		Hamma Hamma River	
		-- mouth* to falls	July 15 - August 31
		-- John Creek	July 15 - August 31
		Johns Creek*	July 15 - August 31
		Lilliwaup Creek*	
		-- below falls	July 15 - August 31
		-- above falls	July 1 - October 31
		Mill Creek*	July 15 - October 15
Satsop River	July 15 - August 31		
Schaerer Creek*	July 15 - August 31		

\* For all coastal watercourses except the Columbia River (see Table 2), the mouth (including associated sloughs or channel in the river delta) is defined as the boundary between marine/estuarine and riverine/palustrine zones.

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COUNTY	GENERAL WORK WINDOWS	STREAM & ALL TRIBUTARIES	WORK WINDOW
Mason*	July 15 - October 31	Sherwood Creek*	July 15 - September 15
		Skokomish River*	July 15 - September 15
		Tahuya River*	July 15 - September 15
		Twanoh Creek*	June 1 - October 31
		Union River	June 1 - September 15
Okanogan	July 1 - August 15	Aneas Creek	
		-- mouth to falls	July 1 - October 31
		Chewiliken Creek	
		-- mouth to falls	July 1 - October 31
		Chiliwist Creek	
		-- mouth to falls	July 1 - October 31
		Methow River	
		-- mouth to Carleton	July 1 - September 30
		Mosquito Creek	July 1 - October 31
		Nine Mile Creek	July 1 - October 31
		Omak Creek	
		-- mouth to falls	July 1 - October 31
		Similkameen River	
		-- mainstem	July 1 - September 30
-- all Similkameen River tributaries	July 1 - August 15		
Tunk Creek			
-- mouth to falls	July 1 - October 31		
Tributaries to Lake Osooyos	July 1 - September 30		
Pacific	July 15 - September 30	Chehalis River	July 1 - August 31
		Chinook River*	August 1 - August 31
		Grays River*	August 1 - September 30
		North River*	July 15 - September 15
Pend Oreille	July 1 - August 31	Big Muddy Creek	June 1 - August 31
		Bracket Creek	June 1 - August 31
		Calispel Creek	
		--mouth to Calispel Lake	June 1 - August 31

\* For all coastal watercourses except the Columbia River (see Table 2), the mouth (including associated sloughs or channel in the river delta) is defined as the boundary between marine/estuarine and riverine/palustrine zones.

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COUNTY	GENERAL WORK WINDOWS	STREAM & ALL TRIBUTARIES	WORK WINDOW
Pend Oreille	July 1 - August 31	Exposure Creek	June 1 - August 31
		Kent Creek	June 1 - August 31
		Lime Creek	June 1 - August 31
		Little Spokane River	June 15 - August 31
		Lodge Creek	June 1 - August 31
		Marshall Creek	June 1 - August 31
		Pee Wee Creek	
		-- above falls	June 1 - October 31
		Renshaw Creek	June 1 - August 31
		Tributaries to Lakes	March 15 - May 10 and July 1 - September 30
Pierce*	July 15 - August 31	Nisqually River	
		-- mouth* to Alder Lake	July 1 - August 31
		-- tributaries below Alder Lake	July 1 - September 15
		-- above Alder Lake & tributaries	July 15 - September 15
		Carbon River	July 15 - August 31
		-- South Prairie Creek	
		---- mouth to Forest Service Road #7710	July 15 - September 15
		---- above Forest Service Road #7710	July 1 - October 31
		---- Wilkeson Creek	
		----- mouth to Snell Lake	July 1 - September 30
		----- above Snell Lake	July 1 - October 31
		-- Voight Creek	
		---- mouth to falls	July 15 - September 15
		---- above falls	July 15 - October 31
Rocky Creek*	July 15 - September 30		
San Juan*	July 16 - August 31	None	
Skagit*	July 1 - September 30	Baker River	
		-- mouth to dam	June 15 - July 31
		Samish River*	

\* For all coastal watercourses except the Columbia River (see Table 2), the mouth (including associated sloughs or channel in the river delta) is defined as the boundary between marine/estuarine and riverine/palustrine zones.

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COUNTY	GENERAL WORK WINDOWS	STREAM & ALL TRIBUTARIES	WORK WINDOW
Skagit*	July 1 - September 30	-- below hatchery rack	June 15 - August 15
		-- above hatchery rack	June 15 - September 30
		Skagit River	
		-- mouth* to Sauk River	June 15 - August 31
		-- above Sauk River	June 15 - July 31
		-- Cascade River	June 15 - July 15
		-- Illabot Creek	June 15 - July 31
		-- Sauk River	July 15 - August 15
		---- Suiattle River	July 15 - August 15
		Nooksack River*	June 15 - August 15
Skamania	July 1 - September 30	Cispus River	August 1 - August 31
		-- McCoy Creek	August 1 - September 30
		East Fork Lewis River	July 15 - August 31
		North Fork Lewis River	
		-- Merwin Dam to Lower Falls	June 1 - July 31
		-- Cougar Creek	July 1 - July 31
		-- above Lower Falls	July 1 - October 31
		Little White Salmon River	July 1 - August 31
		Washougal River	August 1 - August 31
		White Salmon River	July 1 - August 31
		Wind River	August 1 - August 15
Snohomish*	July 1 - September 30	Tributaries to Lake Washington	July 1 - August 31
		Sauk River	July 15 - August 15
		-- Suiattle River	July 15 - August 15
		Snohomish River	
		-- mouth* to Highway 9	June 1 - October 31
		-- above Highway 9	July 1 - August 31
		-- Pilchuck River	
		----mouth to city of Snohomish diversion dam	July 1 - August 31
		---- above city of Snohomish	July 1 - September 15

\* For all coastal watercourses except the Columbia River (see Table 2), the mouth (including associated sloughs or channel in the river delta) is defined as the boundary between marine/estuarine and riverine/palustrine zones.

The New Programmatic ESA Consultations

COUNTY	GENERAL WORK WINDOWS	STREAM & ALL TRIBUTARIES	WORK WINDOW
Snohomish*	July 1 - September 30	diversion dam	
		-- Skykomish River	
		---- mouth to forks	July 1 - August 31
		---- North Fork Skykomish River	
		----- mouth to San Juan campground	July 1 - August 31
		----- San Juan campground to Deer Falls	Submit application
		----- above Deer Falls	July 15 - October 31
		---- Salmon Creek	Submit application
		---- South Fork Skykomish River	
		----- mouth to Sunset Falls	July 1 - August 31
		----- Sunset Falls to Alpine Falls	July 1 - September 15
		----- above Alpine Falls	July 15 - October 31
		---- Beckler River	
		----- mouth to Boulder Creek	July 1 - September 15
		----- above Boulder Creek	July 15 - October 31
		---- Rapid River	
		----- mouth to Meadow Creek	July 15 - September 15
		----- above Meadow Creek	July 15 - October 31
		---- Foss River	
		----- mouth to forks	July 15 - September 15
		----- West Fork Foss River	July 15 - October 31
		----- East Fork Foss River	Submit application
		---- Miller River	
----- mouth to forks	July 1 - September 15		
----- above forks	July 1 - October 31		
-- Sultan River			
---- mouth to old diversion dam	July 1 - August 31		
---- old diversion dam to Culmback Dam	July 1 - October 31		
---- tributaries above Culmback Dam	August 1 - October 31		
-- Wallace River			

\* For all coastal watercourses except the Columbia River (see Table 2), the mouth (including associated sloughs or channel in the river delta) is defined as the boundary between marine/estuarine and riverine/palustrine zones.

The New Programmatic ESA Consultations

COUNTY	GENERAL WORK WINDOWS	STREAM & ALL TRIBUTARIES	WORK WINDOW
Snohomish*	July 1 - September 30	---- mouth to Wallace Falls	July 1 – September 1
		---- Olney Creek	
		----- mouth to Olney Falls	July 1 - September 15
		----- above Olney Falls	July 1 - October 31
		---- above Wallace Falls	July 1 – October 31
		-- Snoqualmie River	July 1 - August 31
		-- all other Snohomish River tributaries	July 1 - August 31
		Stillaguamish River	
		-- mouth* to forks	July 1 - August 31
		-- South Fork Stillaguamish River	July 1 - August 15
		-- Canyon Creek	Submit application
		-- North Fork Stillaguamish River	July 1 – August 15
		---- Deer Creek	Submit application
Spokane	June 15 - August 31	Latah Creek	
		-- mainstem	June 15 - October 31
		-- all Latah Creek tributaries	June 15 - August 31
		Tributaries to Lakes	March 15 – May 10 and July 1 – September 30
Stevens	July 1 - August 31	Big Sheep Creek	
		-- mouth to Sheep Creek Falls	Submit application
		-- above Sheep Creek Falls	July 1 - August 31
		Tributaries to Lakes	March 15 – May 10 and July 1 – September 30
Thurston*	July 15 - September 15	Cedar Creek	July 15 - September 30
		Little Deschutes River	July 15 - October 31
		McLane Creek*	July 15 - October 31
		Nisqually River	
		-- mainstem*	July 1 - August 31
		-- all Nisqually River tributaries	July 1 – September 15
		Porter Creek	July 15 - September 30
		Schneider Creek*	July 1 - October 31

\* For all coastal watercourses except the Columbia River (see Table 2), the mouth (including associated sloughs or channel in the river delta) is defined as the boundary between marine/estuarine and riverine/palustrine zones.

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COUNTY	GENERAL WORK WINDOWS	STREAM & ALL TRIBUTARIES	WORK WINDOW
		Skookumchuck River	July 1 - August 31
		Woodard Creek*	July 1 - October 31
		Woodland Creek*	July 1 - October 31
Wahkiakum	July 15 - September 15	Elochoman River	August 1 - September 30
		Grays River	August 1 - September 30
		Naselle River	July 15 - September 30
Walla Walla	July 15 - October 31	Walla Walla River	July 15 - August 15
Whatcom*	July 1 - September 30	Nooksack River	
		-- mouth* to Mt. Baker Highway Bridge	June 15 - August 31 in odd years only; June 15 - September 30 in even years only
		-- Mt. Baker Highway Bridge to forks	June 15 - August 15
		-- North Fork Nooksack River	
		---- mouth to Nooksack Falls	June 15 - July 31
		---- above Nooksack Falls	July 1 - September 30
		-- Middle Fork Nooksack River	
		---- above City of Bellingham diversion dam	July 1 - September 30
		-- South Fork Nooksack River	June 15 - September 15
		Samish River	June 15 - September 30
		Skagit River	June 15 - July 31
		-- Baker River	July 1 - September 30
		-- Tributaries to Ross Lake	
		---- Slate Creek above Slate Creek Falls	July 1 - September 30
		---- Canyon Creek	August 1 - September 30
Whitman	June 15 - October 15	Palouse River	
		-- mouth to falls	June 1 - September 30
Yakima	June 1 - September 30	Klickitat River	July 1 - August 15
		Yakima River	
		-- mouth to Roza Dam	June 1 - September 15
		-- Naches River	
		---- mouth to Tieton River	June 1 - October 31

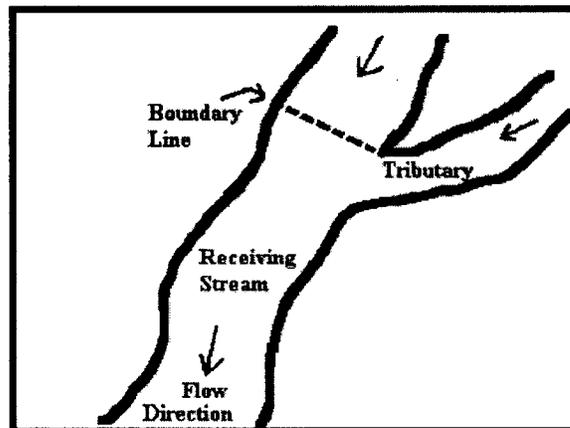
The New Programmatic ESA Consultations

COUNTY	GENERAL WORK WINDOWS	STREAM & ALL TRIBUTARIES	WORK WINDOW
Yakima	June 1 - September 30	---- Tieton River	June 1 - August 15
		----- Indian Creek (Rimrock Lake)	July 1 - July 31
		---- above confluence of Tieton River	June 1 - August 15
		---- Bumping River	July 15 - August 15
		----- American River	Submit application
		---- Little Naches River	July 15 - August 15
		---- Rattlesnake Creek	July 15 - August 15
		-- Wenas Creek	August 1 - October 31
-- all other Yakima River tributaries	July 15 - August 31		

**APPROVED WORK WINDOWS FOR FISH PROTECTION FOR  
FOR WATERS WITHIN NATIONAL PARK BOUNDARIES,  
COLUMBIA RIVER, SNAKE RIVER, AND LAKES  
BY WATERCOURSE**

- (1) The general work window is given by watercourse: Columbia River, Snake River, Lakes or waters within National Park Boundaries.
- (2) The work window for a listed watercourse applies to the mainstem. For approved work windows for tributaries or other freshwater areas, refer to Table 1.
- (3) Where a tributary is listed as a boundary, that boundary shall be the line perpendicular to the receiving stream and which is projected from the most upstream point of the tributary mouth to the opposite bank of the receiving stream. (See Figure 1)

Figure 1. Stream boundary line



- (4) Work within two hundred (200) feet landward of the State's ordinary high water line in waters of the U.S. listed as "submit application" or "closed" is not authorized by the Washington Department of Fish and Wildlife (WDFW). Site review and a specific written authorization (and State HPA) are required for these state waters.
- (5) Lakes do not include impoundments of the Columbia or Snake Rivers.
- (6) These approved "work windows" are based on best available information as of the date of the Services' concurrence with this programmatic consultation. They may be amended or deleted in the future as new information is obtained. The Corps will use the most current version of these windows when the authorizing projects for which conformance with the ESA is in part based on the windows in this programmatic consultation.



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WATERCOURSE	GENERAL WORK WINDOW	SPECIFIC LAKE	WORK WINDOW
All watercourses, including tributaries, within National Park boundaries	Submit Application	lake Sammamish -further than 1/2 mile of Issaquah Creek -within 1/2 mile of Issaquah Creek Lake Chelan	July 16-December 31 July 16-July 31 <i>and</i> November 16-December 31 December 1-May 15 [if the work is done in-the-dry and the lake level is lower than 1,094 feet (NGVD) when the work is performed] <i>and</i> July 1-August 15

The New Programmatic ESA Consultations

**APPROVED WORK WINDOWS FOR FISH PROTECTION FOR  
ALL MARINE/ESTUARINE AREAS  
*excluding* THE MOUTH OF THE COLUMBIA RIVER (BAKER BAY)  
BY TIDAL REFERENCE AREA**

- (1) The general work window is given by Tidal Reference Area. Figure 2 is a map of the tidal reference areas.
- (2) For marine/estuarine areas in the mouth of the Columbia River (Baker Bay) refer to Columbia River watercourse approved work windows in Table 2.
- (3) The work windows are given by tidal reference area and species.
  - a. Bull trout: For Coastal/Puget Sound bull trout, refer to bull trout work window.
  - b. Salmon: For Puget Sound chinook salmon, Hood Canal chum salmon, or Ozette Lake chinook salmon, refer to the "salmon" restriction for the appropriate Tidal Reference Area.
  - c. Forage species: If forage fish are present in the project area, then the work window is for that species applies.
- (4) It is likely that several work windows may apply for a specific project. The work windows must be combined. The approved work window will be the common days between all approved work windows. For example, if the project is in Hammersley Inlet in Tidal Reference Area 1 and Pacific Sand Lance are present, the work windows would be:

Salmon Work Window	July 2 – March 2
Bull Trout Work Window	July 16 – February 15
Pacific Sand Lance	March 2 – October 14
- (5) For forage fish work windows that state "closed year round". Work may occur if the restriction is released for a short period of time (typically two weeks) after the Washington State Department of Fish and Wildlife (WDFW) Habitat Biologist has confirmed that not forage fish are spawning on the beach.
- (6) To determine whether your project lies within areas for work windows for "forage species," contact the Corps.
- (7) Work within two hundred feet landward of the State's ordinary high water line in waters of the U.S. listed as "submit application" or "closed" is not authorized by the Washington State Department of Fish and Wildlife (WDFW). Site review and a specific written authorization (and State HPA) are required for these waters.
- (8) These "approved work windows" are based on best available information as of the date of the Services' concurrence with this programmatic consultation. They may be amended or deleted in the future as new information is obtained. The Corps will use the most current version of these windows when the authorizing projects for which conformance with the ESA is in part based on the windows in this programmatic consultation.

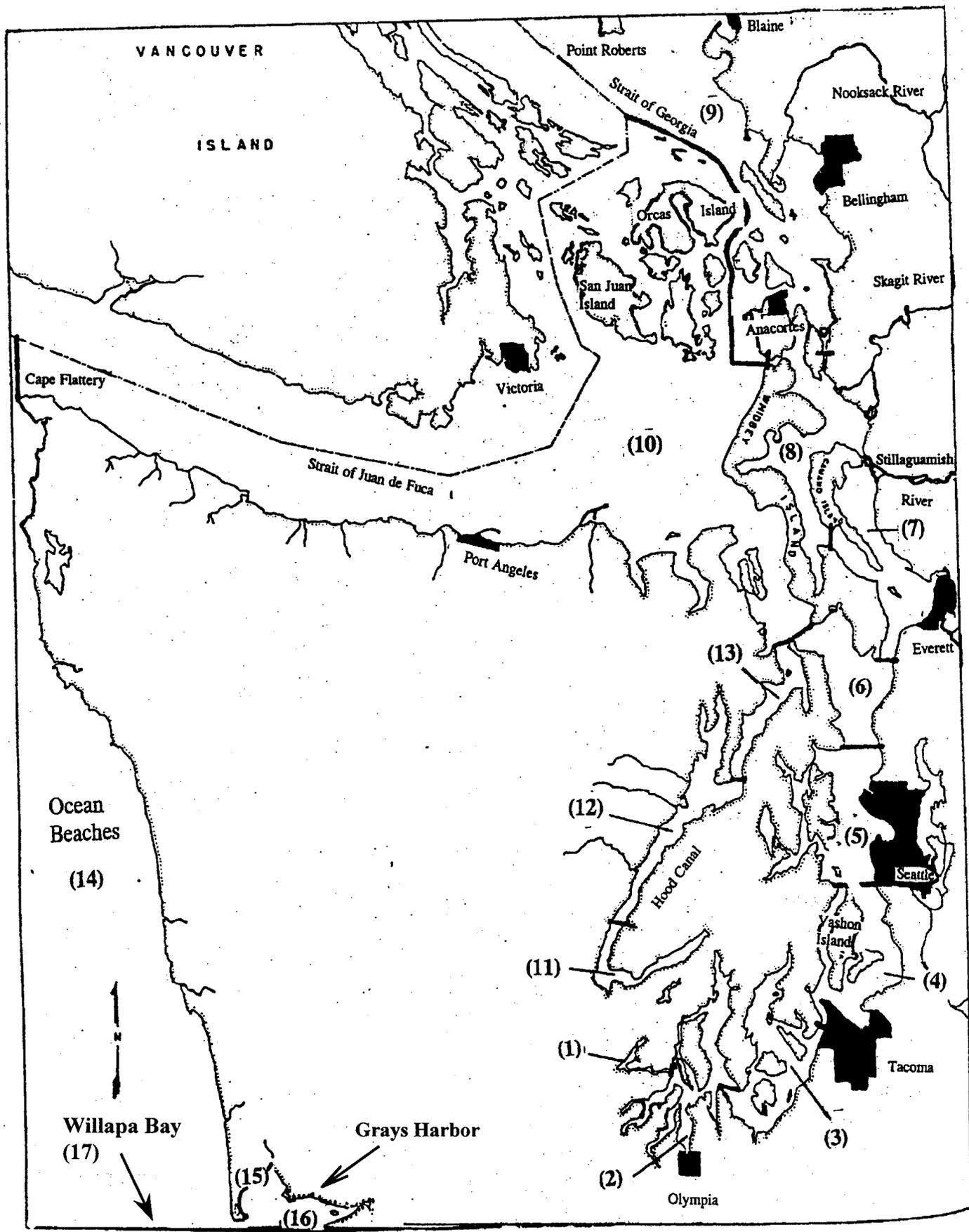


Figure 2: Map of Tidal Reference Areas in Washington State

The New Programmatic ESA Consultations

**TABLE 3: APPROVED WORK WINDOWS FOR ALL MARINE/ESTUARINE AREAS  
Excluding THE MOUTH OF THE COLUMBIA RIVER (BAKER BAY)**

TIDAL REFERENCE AREA	SALMON WORK WINDOW	BULL TROUT WORK WINDOW	FORAGE SPECIES WORK WINDOWS
Tidal Reference Area 1 (Shelton): All saltwater areas in Oakland Bay and Hammersley inlet westerly of a line projected from Hungerford Point to Arcadia	July 2 – March 2	July 16 – February 15	----- April 1 – January 14 March 2 – October 14
Tidal Reference Area 2 (Olympia): All saltwater areas between a line projected from Hungerford Point to Arcadia and a line projected from Johnson Point to Devil's Head. This includes Totten, Eld, Budd, Case and Henderson Inlets, and Pickering Passage.	July 2 – March 2	July 16 – February 15	April 1 – June 30 April 1 – January 14 March 2 – October 14
Tidal Reference Area 3 (South Puget Sound): All saltwater areas easterly and northerly of a line projected from Johnson Point to Devil's Head and southerly of the Tacoma Narrows Bridge.	July 2 – March 2	July 16 – February 15	May 1 – September 30 April 1 – January 14 March 2 – October 14
Tidal Reference Area 4 (Tacoma): All saltwater areas northerly of the Tacoma Narrows Bridge and southerly of a line projected true west and true east across Puget Sound from the northern tip of Vashon Island.	July 2 – March 2 <b>Commencement Bay only:</b> Aug. 16 – March 15	July 16 – February 15	April 15 – September 30 April 15 – January 14 March 2 – October 14
Tidal Reference Area 5 (Seattle): All saltwater areas northerly of a line projected true west and true east across Puget Sound from the northern tip of Vashon Island and southerly of a line	July 2 – March 2	July 16 – February 15	April 1 – August 31 Closed year round Closed year round May 1 – January 14 March 2 – October 14

The New Programmatic ESA Consultations

**TABLE 3: APPROVED WORK WINDOWS FOR ALL MARINE/ESTUARINE AREAS**  
*Excluding THE MOUTH OF THE COLUMBIA RIVER (BAKER BAY)*

TIDAL REFERENCE AREA	SALMON WORK WINDOW	BULL TROUT WORK WINDOW	FORAGE SPECIES WORK WINDOWS
<p>projected true east from Point Jefferson at 47° 15' N. latitude across Puget Sound.                      This area includes Port Orchard, Port Madison, and Dyes and Sinclair Inlets.</p>	July 2 – March 2	July 16 – February 15	----- ----- March 2 – October 14
<p>Tidal Reference Area 6 (Edmonds):                      All saltwater areas northerly of a line projected true east from Point Jefferson at 47° 15' N. latitude across Puget Sound and southerly of a line projected true east from Possession Point to Chenault Beach and from Foulweather Bluff to Double Bluff.</p>	July 2 – March 2	July 16 – February 15	Surf Smelt Pacific Herring Pacific Sand Lance
<p>Tidal Reference Area 7 (Everett):                      All saltwater areas northerly of a line projected true east from Possession Point to Chenault Beach, easterly of a line projected 5° true from East Point to Lowell Point, and southerly of the Stanwood to Camano Island Highway. This area includes Port Gardner, Port Susan, and parts of Possession Sound and Saratoga Passage.</p>	July 2 – March 2	July 16 – February 15	Surf Smelt Pacific Herring Pacific Sand Lance
<p>Tidal Reference Area 8 (Yokeko Point):                      All saltwater area westerly and northerly of a line projected 5° true from East Point to Lowell Point, north of the Stanwood to Camano Island Highway, and easterly and southerly of Deception Pass Bridge and the Swinomish Channel Bridge on State Highway 536. This area includes Holmes</p>	July 2 – March 2	July 16 – February 15	Surf Smelt Pacific Herring Pacific Sand Lance

The New Programmatic ESA Consultations

**TABLE 3: APPROVED WORK WINDOWS FOR ALL MARINE/ESTUARINE AREAS  
Excluding THE MOUTH OF THE COLUMBIA RIVER (BAKER BAY)**

TIDAL REFERENCE AREA	SALMON WORK WINDOW	BULL TROUT WORK WINDOW	FORAGE SPECIES WORK WINDOWS
Harbor, Saratoga Passage, Skagit Bay, Similk Bay, and most of the Swinomish Channel.			
Tidal Reference Area 9 (Blaine): All saltwater area in Skagit County and Whatcom County that lies northerly of the Swinomish Channel Bridge on State Highway 536 and westerly and northerly of Deception Pass Bridge.	July 2 – March 2	July 16 – February 15	Surf Smelt Pacific Herring - South of a line running due west from Governor's point - North of a line running due west from Governor's point  Closed year round April 15 – January 31 June 15 – January 31
Tidal Reference Area 10 (Port Townsend): All saltwater area of Puget Sound north of a line projected from Tala Point to Foulweather Bluff, and except all waters defined in Tidal Reference Areas 1 through 9. Area 10 includes waters of the San Juan Islands, Admiralty Inlet, the Strait of Juan de Fuca, and associated bays and inlets.	July 16 – March 1	July 16 – February 15	Pacific Sand Lance  Surf Smelt - Killisut Harbor - Dungeness Bay - Twin Rivers - Deep Creek - San Juan Islands  November 1 – September 14 January 15 – October 14 September 1 – April 30 September 1 – April 30 Closed year round March 2 – October 14
Tidal Reference Area 11 (Union): All saltwater area of Hood Canal southerly and easterly of a line projected from Lilliwaup Bay to Dewatto Bay.	July 16 – March 1	July 16 – February 15	Pacific Herring Pacific Sand Lance Surf Smelt Pacific Herring Pacific Sand Lance  May 1 – January 14 March 2 – October 14 March 2 – September 14 April 1 – January 14 March 2 – October 14
Tidal Reference Area 12 (Seabeck): All saltwater areas of Hood Canal northerly	July 16 – March 1	July 16 – February 15	----- April 15 – February 14

The New Programmatic ESA Consultations

**TABLE 3: APPROVED WORK WINDOWS FOR ALL MARINE/ESTUARINE AREAS  
Excluding THE MOUTH OF THE COLUMBIA RIVER (BAKER BAY)**

TIDAL REFERENCE AREA	SALMON WORK WINDOW	BULL TROUT WORK WINDOW	PACIFIC SAND LANCE WORK WINDOW	FORAGE SPECIES WORK WINDOWS
of a line projected from Lilliwaup Bay to Dewatto Bay and southerly of a line projected true east from Hazel Point. This area includes Dabob Bay and Quilcene Bay.	July 16 – March 1	July 16 – February 15	Pacific Sand Lance	March 2 – October 14
Tidal Reference Area 13 (Bangor): All saltwater area of Hood Canal northerly of a line projected true east from Hazel Point and south of a line projected from Tala Point to Foulweather Bluff. This area includes Port Gamble	July 16 – March 1	July 16 – February 15	Surf Smelt Pacific Herring Pacific Sand Lance	February 1 – October 14 April 15 – January 14 March 2 – October 14

The New Programmatic ESA Consultations

**TABLE 3: APPROVED WORK WINDOWS FOR ALL MARINE/ESTUARINE AREAS  
Excluding THE MOUTH OF THE COLUMBIA RIVER (BAKER BAY)**

TIDAL REFERENCE AREA	SALMON WORK WINDOW	BULL TROUT WORK WINDOW	FORAGE SPECIES WORK WINDOWS
Tidal Reference Area 14 (Ocean Beaches): All saltwater area between Cape Flattery and the Oregon border at the mouth of the Columbia River, excluding Grays Harbor and Willapa Bay.	June 15 – February 28	July 16 – February 15	----- ----- March 2 - October 14
Tidal Reference Area 15 (Westport): All saltwater area in Grays Harbor easterly of a line projected from the outermost end of the north jetty to the outermost end of the south jetty, and westerly of 123° 59' W. longitude.	June 15 – February 28	July 16 – February 15	----- ----- March 2 – October 14
Tidal Reference Area 16 (Aberdeen): All saltwater area in Grays Harbor easterly of 123° 59' W. longitude and westerly of the Union Pacific railroad bridge across the Chehalis River.	June 15 – February 28	July 16 – February 15	----- ----- March 15 – January 31 March 2 – October 14
Tidal Reference Area 17 (Willapa Bay): All saltwater area in Willapa Bay easterly of a line projected from Leadbetter Point to Cape Shoalwater Light.	June 15 – February 28	July 16 – February 15	----- ----- March 15 – January 31 March 2 – October 14