



United States Department of the Interior



FISH AND WILDLIFE SERVICE

Western Washington Fish and Wildlife Office
510 Desmond Dr. SE, Suite 102
Lacey, Washington 98503

In Reply Refer To:
1-3-05-I-0298/IC-0299

MAY 17 2005

Mark T. Ziminske, Chief Environmental Resources Section
Seattle District, Corps of Engineers
ATTN: Environmental Resources Section (Brunner)
P.O. Box 3755
Seattle, Washington 98124-3755

Dear Mr. Ziminske:

Subject: Puget Sound Dredged Disposal Analysis Program

Your March 25, 2005, letter requested our concurrence with your determination of "may affect, not likely to adversely affect" for bull trout (*Salvelinus confluentus*), bald eagle (*Haliaeetus leucocephalus*), and marbled murrelet (*Brachyramphus marmoratus*) and "no destruction or adverse modification" of proposed critical habitat for bull trout. The proposed request is for the continued use of eight Puget Sound dredge disposal sites throughout Puget Sound, Washington. You also requested that this consultation cover a 5-year period. Your letter, along with enclosure (enclosed Biological Evaluation), was received in our office on March 28, 2005. This informal consultation and informal conference have been conducted in accordance with section 7(a)(2) and section 7(a)(4) of the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 *et seq.*).

There are four bull trout critical habitat Primary Constituent Elements identified in the marine waters of Puget Sound. The PCEs for the marine environment are: (1) water temperatures ranging from 2 °C-15 °C (PCE #1); (2) migratory corridors with minimal physical, biological, or water quality impediments (PCE #6); (3) an abundant food source (PCE #7); and (4) permanent water of sufficient quantity and quality (PCE #9). However, the dredge disposal sites are not located in bull trout critical habitat. The dredge disposal sites are located in water deeper than 96 feet and at least 2,500 feet offshore. Therefore, the use of the dredge disposal sites will have no effect in regards to bull trout critical habitat.

Based on the information provided with your cover letter, we have concluded that effects to the federally listed bull trout, bald eagle, and marbled murrelet associated with the proposed project would be discountable and insignificant. Therefore, we concur with your "may affect, not

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likely to adversely affect” determination for these species. Specifically, our conclusion and concurrence is based on the following rationale.

Bull trout

Use of the dredge disposal sites would occur only during the recommended work window of July 15 through February 15, when bull trout and prey species of bull trout are not likely to be present in the dredge disposal site or exposed to potential impacts from the use of the dredge disposal sites. Dredge disposal occurs offshore and in deep water, where bull trout would not be expected to be found. Therefore, impacts are expected to be discountable with regard to bull trout.

Bald eagle

The closest bald eagle nest to each of the disposal sites varies; however, dredge disposal is not anticipated to impact nesting bald eagles since disposal occurs offshore and in deep water. In addition, no roosting, wintering, or foraging habitat would be impacted by the use of the dredge disposal sites. Therefore, impacts are expected to be insignificant with regard to bald eagles.

Marbled murrelet

Marbled murrelets may fly over the action areas as they travel to and from nesting sites outside the action areas. However, no suitable nesting habitat is present within 0.25 miles of the disposal sites. The distance of the disposal sites from suitable marbled murrelet nesting habitat should preclude any adverse effects to nesting marbled murrelets or their young. Foraging may be impacted short term; however, foraging marbled murrelets will be able to avoid the dredge barge because of the slow speed of the equipment. Therefore, the impacts are expected to have insignificant effects with regard to marbled murrelets.

This concludes informal consultation in accordance with 50 CFR 402.13 and conferencing in accordance with 50 CFR 402.10. This project should be reanalyzed if new information reveals effects of the action that may affect listed species in a manner, or to an extent, not considered in this consultation. The project should also be reanalyzed if the action is subsequently modified in a manner that causes an effect to a listed species that was not considered in this consultation, and/or a new species is listed that may be affected by this project. If critical habitat is designated, the U.S. Army Corps of Engineers should determine if reinitiation of consultation is warranted based on the following factors: (1) new information reveals effects of the action that may affect critical habitat in a way not previously considered; (2) the action is modified in a manner that causes an effect to critical habitat that was not previously considered; or (3) the critical habitat designation is revised during final rulemaking in a way that alters or otherwise affects the basis for our determination.

Mark T. Ziminske

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If you have any questions about this letter or our joint responsibilities under the Endangered Species Act, please contact Brian Missildine at (360) 753-9561 or Tom McDowell at (360) 753-9426, of my staff.

Sincerely,

A handwritten signature in black ink that reads "Tom McDowell". The signature is written in a cursive style with a large, prominent "T" and "M".

For Ken S. Berg, Manager
Western Washington Fish and Wildlife Office

cc:

WDFW, Region 4

WDFW, Region 6

WDOE, Bellevue (A. Kelly)

WDOE Lacey (J. Sohoneronne)