

PROGRAMMATIC ENDANGERED SPECIES ACT CONSULTATION

Scientific Measurement Devices

List of Requirements

Version: February 12, 2020

Programmatic Endangered Species Act (ESA) Consultations [U.S. Fish and Wildlife Service (USFWS) reference number 01EWF00-2015-I-0104, National Marine Fisheries Service (NMFS) reference number WCR-2005-07506] have been completed for the activities listed below. If you can design your project to meet all or most of the requirements of the Programmatic Biological Evaluation as summarized on this List below, then the U.S. Army Corps of Engineers' (Corps) ESA review of your permit application will be expedited and streamlined. The submittal of this List to the Corps is not required. However, to further expedite your review, you may include a description of how you meet these requirements in your permit application materials.

	Programmatic ESA Requirements
	1. Work will be performed within the approved work windows for listed species and forage fish. The action shall only occur once within the approved work window for a single and complete project. These work windows are located on the Corps website at www.nws.usace.army.mil . Select Regulatory Branch, Permit Information, Permit Guidebook, Chapter X. Work Windows.
	2. Activity is limited to the placement of new devices or replacement of old devices with a new unit of the same dimensions. Examples of such devices include, but are not limited to, staff gages, tide gages, water recording devices, water quality testing and improvement devices, and similar structures.
	3. New facilities next to a waterbody will generally be placed at or near the Ordinary High Water Mark (OHWM) or High Tide Line with one or two PVC pipes extending into the water. These will be close enough to the water so PVC piping or measuring devices extend into the water and can record low flows.
	4. If new equipment is installed, the electronic measuring devices will be housed within the existing structure.
	5. Upland facilities will not be greater than 25 square feet.
	6. Overwater structures will not be greater than 10 square feet. These structures are only permitted within marine/estuarine bodies.
	7. Measuring devices placed on buoys will be attached either onto the buoy or below it.
	8. Measuring devices associated with buoys in open water will be placed at a minimum depth of 10 feet at low water and maximum depth of 2,000 feet or more, in locations such as the Strait of Juan de Fuca or Puget Sound.
	9. Activity will not involve installation of fish traps, egg/alevin sampling, or soil borings.
	10. Anchor will be helical screw, or if substrate is too hard, a fully cured concrete-filled container or structure will be used to secure navigational markers or measurement devices.
	11. Floatation will be contained and anchor lines will not drag or scour.
	12. Work will be done during low flow or low tide and, when possible, in the dry.

	Programmatic ESA Requirements
	13. There will be no leveling, grading, de-watering, or re-routing of water.
	14. There will be no installation, repair, or maintenance of weirs and flumes.
	15. Scour chains will be placed at or below OHWM.
	16. All natural habitat complexity features will be retained. Moved downed wood will be returned to its previous position following completion of the work.
	17. No new piling will be placed in the Columbia River mainstem.
	18. Piling will not be treated with creosote or pentachlorophenol. No coal-tar treated steel piles will be used.
	19. The project will install no more than one single pile or dolphin in fresh or marine/estuarine waters in water depth from 8 to 45 feet at high water to hold a protected wooden platform (up to 10 square feet) to house scientific measuring devices. Dolphin will contain no more than three piles.
	20. Following completion of pile driving, the permittee will provide the following information to U.S. Fish and Wildlife Service (USFWS) (510 Desmond Drive SE, Suite 102, Lacey, Washington, 98503-1292), referencing the Corps permit number and permittee's names as indicated on the permit: 1) actual dates and duration of pile driving; and 2) average number of piles installed per day and strikes per pile.
	21. If using steel piling, only vibratory installation with no proofing is allowed in the marine environment. Vibratory or impact installation of timber, concrete, plastic, or other non-metal piles is allowed.
	22. All pile driving will occur during daylight hours only and work will occur between 2 hours after sunrise and 2 hours before sunset during marbled murrelet nesting season (April 1 to September 15).

	General Conditions (as applicable)
	G1. No new access roads, routes, or trails will be included as part of the proposed action.
	G2. Any fill material (e.g., sand, gravel, and rock) will be washed and cleaned prior to being brought to the site.
	G3. All fill material will be obtained from a commercial source that is operating in compliance with the Endangered Species Act.
	G4. No stockpiling or staging of material will occur waterward of the OHWM or High Tide Line.
	G5. No trenching will occur through any water of the U.S. (i.e., for electrical cables).
	G6. No work will be performed and structures and fill materials will not be placed in or adjacent to vegetated shallows (e.g. eelgrass; except where such vegetation is limited to State-designated noxious weeds), wetlands, special aquatic sites, or suitable forage fish spawning habitat.
	G7. Barges will not be used within 25 feet and material will not be placed in or on vegetated shallows (e.g. eelgrass; except where such vegetation is limited to State-designated noxious weeds) or other special aquatic sites.

	General Conditions (as applicable)
	G8. If a barge is used to deliver material, the barge or other structures shall not ground out on the bottom.
	G9. The bottom of any structure, vessel, watercraft grid or watercraft lift will be at least 1 foot above the level of the substrate during all water levels.
	G10. All equipment that will operate over water or waterward of the OHWM or High Tide Line will be cleaned of accumulated grease, oil, or mud. All leaks will be repaired prior to arriving on site. Equipment will be inspected daily for leaks, accumulations of grease, etc., and any identified problems will be fixed before operating over water or below the OHWM or High Tide Line.
	G11. No solvents or other chemicals will be used in or over the water during the construction or operation of the proposed action.
	G12. No waste material, including material associated with treated wood decks, will enter the waterbody.
	G13. All waste material and construction debris will be collected and disposed of at an approved facility that is in compliance with the Endangered Species Act.
	G14. Any leftover construction materials will be collected and disposed of off-site.
	G15. All floating debris generated during construction will be retrieved, removed, and disposed of at an approved upland location.
	G16. Two oil absorbing floating booms, appropriate for the size of the work area, will be available onsite whenever heavy equipment operates within 150 feet of open water and there is a potential for hazardous materials to enter surface waters. The booms will be stored in a location that facilitates immediate deployment in the event of a spill.
	G17. Fueling and servicing of equipment will be confined to an established staging area that is at least 150 feet from open water or wetlands. Spill containment systems must be adequate to contain all fuel leaks.
	G18. Equipment and vehicles will be stored in established staging areas when not in use (excluding cranes, which cannot be easily moved).
	G19. A written spill prevention, control, and countermeasures plan should be prepared for activities that include the use of heavy equipment. The plan should describe measures to prevent or reduce impacts from accidental leaks or spills, and will contain a description of all hazardous materials that will be used, proper storage and handling, and monitoring methods. A spill kit should be available onsite during construction and stored in a location that facilitates immediate deployment if needed.
	G20. If work will be done in or within 25 feet of an existing or previously designated Superfund site or Washington State Model Toxic Control Act (MTCA) site, BMPs established by EPA during CERCLA coordination or Washington State Department of Ecology during MTCA will be followed.
	G21. All activities that may result in sound levels of 92 dBA or more within suitable marbled murrelet nesting habitat, or less than 92 dBA and located within 11 yards of suitable marbled murrelet nesting habitat, will occur outside the breeding period (April 1 to September 15).

	General Conditions (as applicable)
	G22. All activities that may result in sound levels of 92 dBA or more within suitable northern spotted owl nesting, roosting, and/or foraging habitat, or less than 92 dBA and located within 20 yards of suitable northern spotted owl nesting, roosting, and/or foraging habitat, will occur outside the early breeding period (March 1 through July 15).
	G23. Projects located within Wahkiakum and Cowlitz Counties, west of Longview and east of Skamokawa, will not alter woodland or tidal spruce forest that are suitable Columbia white-tailed deer habitat and will not enable higher traffic speeds or volumes.
	G24. Projects constructed on islands in the Columbia River between 2 miles east of Cathlamet and 2 miles west of Skamokawa will not occur from June 1 through June 30 to protect Columbia white-tailed deer fawning.
	G25. Projects within 1/4 mile of suitable western snowy plover nesting or foraging habitat will not occur from March 15 through September 30.
	G26. The project will comply with the <i>General Implementation Conditions</i> for our programmatic consultations (<i>Note:</i> These are located on our website at www.nws.usace.army.mil . Select Regulatory Branch, Permit Information, Forms & Templates).