

PROGRAMMATIC ENDANGERED SPECIES ACT CONSULTATION

Temporary Recreational Structures

List of Requirements

Version: May 3, 2017

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 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. Construction is limited to the placement of temporary buoys, markers, small floating docks, and similar devices or structures that are for recreational use during specific events, such as water-related sporting events, competitions and boat races.
	3. Work will occur in freshwater only.
	4. Temporary ski jumps will be anchored with a 500-pound weight at each corner, and will be made of pre-painted wood.
	5. A vessel or buoy tender will be used to place the temporary structure in a minimum water depth of 10 feet.
	6. The buoy will be made of Styrofoam or plastic and will have a maximum radius of 4 feet.
	7. The anchor will be made of fully cured concrete or steel, with a maximum weight of 200 pounds for small buoys (2 by 3 feet) and 500 pounds for large buoys (4 by 2.5 feet).
	8. All wooden components will be pre-painted and dried prior to installation and no material treated with creosote or pentachlorophenol will be used.
	9. Treated wood piling associated with floats will incorporate design features to minimize contact between the treated wood and the float(s) or attachments to the float(s) during all water levels.
	10. Structures and/or devices will not exceed 4 per acre at any time.
	11. Temporary docks will be limited to 400 square feet or less in size and multiple docks (no more than 4) will be spaced at least a full dock width apart.
	12. Temporary log booms and floating docks will be tied with nylon rope or a combination of rope and chain to bulkheads or permanent structures such as docks, pilings, markers, or buoys.

	Programmatic ESA Requirements
	13. Fixed and floating structures more than 4 feet wide will incorporate grating or other light transmitting features to reduce nearshore shading. Grating will not be blocked by storage of equipment, flotation materials, or vessels.
	14. No new piling will be driven or installed.
	15. Devices and structures will be removed within 15 days after use has been discontinued and may remain in the water no longer than 60 days total each calendar year (<i>Note: Meets both USFWS and NMFS programmatic conditions</i>).
	16. Devices and structures will be removed within 16-30 days after use has been discontinued and may remain in the water between 60 and 90 days total each calendar year (<i>Note: Meets USFWS programmatic conditions only. If proposed, the Corps must consult individually with NMFS</i>).
	17. No skirting will be installed.
	18. Flotation shall be completely contained to prevent breakup.
	19. Temporary floating docks will be small enough to drag out of water for storage.
	20. Floats that are used on a seasonal basis will be removed during the off-season and stored either on land (beach or upland area) or in a location that is secure from storm events (e.g., sheltered cove or existing boathouse).
	21. 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.
	22. Buoys and recreational structures will at all times be anchored securely and the anchors installed so that the anchor lines do not drag or scour.
	23. Above-water construction activities that are conducted outside of the recommended work window will not include the use of a barge or other vessel. All such work will be performed above the overwater structure and will implement best management practices to prevent contaminants or other materials from entering the aquatic environment.
	24. No treated wood will be used.

	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 Ordinary High Water Mark (OHWM) or High Tide Line (currently Mean Higher High Water).
	G5. No trenching will occur through any water of the U.S. (i.e., for electrical cables).

	General Conditions (as applicable)
	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.
	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.

	General Conditions (as applicable)
	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).
	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).