

MEMORANDUM OF AGREEMENT

WASHINGTON FOREST HIGHWAY 141  
BOULDER-DEER CREEK ROAD  
FERRY COUNTY, WASHINGTON

WHEREAS, the Federal Highway Administration in cooperation with Ferry County, Washington Department of Transportation, and the Forest Service has designed and constructed road improvements to the Boulder-Deer Creek Road from Milepost 10.4 to Milepost 22.4. The road construction commenced in the fall of 1986 and was completed in the fall of 1989;

WHEREAS, the environmental effects of this work were evaluated in a May 1986 Environmental Assessment, revised June 1986, and impacts to the nearby North Boulder Creek were anticipated to be only infrequent and minor in nature requiring limited mitigation;

WHEREAS, the impacts to North Boulder Creek and its fishery were greater than expected due to final geometric design requirements, more difficult soil conditions encountered during construction, and only partially successful temporary erosion control techniques used on the project;

WHEREAS, The Washington Department of Wildlife (WDW) has investigated the North Boulder Creek construction impacts and described the effects in their March 13, 1989, and August 9, 1989, letters to the Federal Highway Administration and requested additional stream mitigation be done to restore the creek's trout fishery to preconstruction status;

NOW, therefore, the Federal Highway Administration has agreed at an October 31, 1989, joint field review of the project with WDW representatives to pay WDW \$12,364.53 (hereafter payment) by March 15, 1990, to provide additional mitigation to correct the North Boulder Creek impacts. The mitigation will consist of replacing the lost trout in the stream by restocking new fish over a 5 year period. This plan is described in a March 6, 1987, memorandum by WDW's Curt Vail and was an attachment to the aforementioned WDW's March 13, 1989, letter. WDW agrees that the restocking plan is full and proper mitigation to restore the creek's trout fishery, that this payment will be used for and will cover the costs of the restocking plan, and that it will take all actions necessary to implement the restocking plan.

Payment shall be made under account number 191-17-53-53-1411-001.

The provisions in this Memorandum of Agreement are approved and adopted by the affected agencies signatory below:

FEDERAL HIGHWAY ADMINISTRATION

BY: James N Hall  
James Hall, Division Engineer  
Western Federal Lands Highway Division

DATE: 2/8/90

WASHINGTON DEPARTMENT OF WILDLIFE

BY: Jane Lenton

DATE: 3/16/90

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BY:

James N. Hall  
James Hall, Division Engineer  
Western Federal Lands Highway Division

DATE:

2/8/90

WASHINGTON DEPARTMENT OF WILDLIFE

BY:

Jane Lenton

DATE:

3/16/90



CURT SMITCH  
Director



STATE OF WASHINGTON  
DEPARTMENT OF WILDLIFE

600 Capitol Way North • Olympia, Washington 98501-1091 • (206) 753-5700

February 28, 1990

TO: Rob Costello  
FROM: David Mudd *DM*  
RE: Routine Signature Approval

Attached please find a copy of a mitigation agreement that Region 1 personnel negotiated with the Federal Highway Administration. I believe it contains enough detail to be self-explanatory. Please review it as to form.

The agreement states that the Federal Highway Administration is prepared to pay this department the agreed-upon damages prior to March 15. If you have any questions, call me or Ted Gruenwald in Spokane.

Thanks in advance.

cc: Chris Drivdahl

CURT SMITCH  
Director



FEB 21 1990

STATE OF WASHINGTON  
DEPARTMENT OF WILDLIFE  
REGION ONE

North 8702 Division • Spokane, Washington 99218 • (509) 456-4082

February 21, 1990

Chris Drivdahl, Assistant Director  
Habitat Division  
Department of Wildlife  
600 Capitol Way N.  
Olympia, WA 98501-1091

Dear Chris:

Enclosed is the Memorandum of Agreement with the Federal Highway Administration to restore the fishery in North Boulder Creek in Ferry County. The impacts resulted from the reconstruction of the Boulder/Deer Creek Road. We originally requested compensation for lost opportunity in addition to replacement costs but settled on replacement cost only.

We tried to bring Department of Ecology into the process to assume lead agency and build a stronger case, but the local D.O.E. office claimed it was beyond their jurisdiction so we negotiated the settlement.

When the payment is received, it will be applied to the Colville Hatchery for the raising and planting of fish for Boulder Creek.

The Highway Administration only sent one signed copy of the agreement. It should be sufficient in this case as it is a one time payment. Would you please process the agreement for signature and return it to Spokane and we will forward it.

Thank you.

Sincerely,

  
Ted Gruenwald  
Regional Habitat Biologist

TG:img  
c: Bruce Smith  
Al Palmanteer  
John Hisata

RECEIVED

FEB 12 1990

SPOKA



U. S. DEPARTMENT OF TRANSPORTATION  
FEDERAL HIGHWAY ADMINISTRATION  
WESTERN DIRECT FEDERAL DIVISION  
610 EAST FIFTH STREET  
VANCOUVER, WASHINGTON 98661-3893

February 7, 1990

IN REPLY REFER TO  
HPD-17.25  
#5325L

Bruce Smith, Regional Manager  
Washington Department of Wildlife  
N8702 Division Street  
Spokane, Washington 99218

Attention: Mr. Ted Gruenwald, Regional Habitat Biologist

Dear Mr. Smith:

WA FH 141, Boulder-Deer Creek Road  
Memorandum of Agreement (MOA) for  
North Boulder Creek Mitigation

Enclosed for your review and agency approval is a Memorandum of Agreement for stream mitigation to North Boulder Creek. The document reflects minor revisions from earlier versions to address review comments.

The Federal Highway Administration has approved and signed the MOA. Upon receipt of the Washington Department of Wildlife (WDW) signed original, a check will be mailed in the amount of \$12,364.53 for the stream restocking.

Your interest and cooperation in bringing this situation to a conclusion is appreciated.

Sincerely yours,

A handwritten signature in black ink, appearing to read "Allan J. Stockman".

Allan J. Stockman  
Location/Environmental Engineer

Enclosure

cc: Program Coordination w/Enclosure  
Fiscal Management w/Enclosure

