

**Individual Informal Consultation
Biological Assessment via
Specific Project Information File (SPIF)**

FEMA Disaster Number: FEMA-1817-DR-WA
FEMA Project Number: PW-753
Project Title: Hatchery Grounds and Facilities

Purpose: This SPIF serves as the biological assessment and is part of the informal consultation process with the U.S. Fish & Wildlife Service and/or National Marine Fisheries Service for projects that may affect, are not likely to adversely affect ESA-listed species or critical habitat, and/or essential fish habitat.

Project Identification

Location Identification <small>(Use Project Location Numbers from the location information table on next page)</small>	PBA Category	CM Numbers Used*	General CM Numbers Used* (i-xiv)	CM Numbers Not Used
1	2. Mineral Debris Removal	18	i, ii, iii, v, vi, vii, viii, ix, x, xi, xii & xiii	1, iv & xx - xxiv

*Conservation measures taken from FEMA Programmatic Biological Assessment for Fourteen Common Disaster Activities June 29, 2009 are included as Attachment 1.

Completed debris removal at the upper intake occurred was done as emergency repairs in order to maintain sufficient water supply to the hatchery and could not occur during the recommended work window for Grays River (August 1 to September 30). The remainder of the work will occur during work window (CM # 1). The applicant is not a member of the Regional Road Maintenance Program (CM # iv). Project is located outside murrelet and northern spotted owl habitat and priority sites and will have no effect on the species plus no vegetation will be removed. Therefore, General CM # xx - xxiv are not included.

Applicant Information

Applicant Name: Washington Department of Fish & Wildlife
Applicant Address: 600 Capital Way North
Olympia, WA 98501
Contact Person Name: Sterling Jones Contact email: sterling.jones@dfw.wa.gov
Contact Telephone Number: 360-902-8384 ext. _____

Name of Person Completing this SPIF: Terence Lee Title: Environmental Specialist
Date: 09/01/2009

Project Information

Location:

Select one of the following categories:

Is the project located at a single site? Yes.

Does the project have multiple locations? Yes. How Many? _____

Is the project a jurisdictional-wide project such as debris management? Yes. What is the Jurisdiction or operational area (for example, Tacoma Railroad)? _____

Provide the following location information for the site(s):

Identifier	Location Number			
	1	2	3	4
County	Pacific			
Latitude, Longitude (in decimal degrees)	46.3857 -123.56012			
If linear project: Start latitude, longitude Ending latitude, longitude (in decimal degrees)				
Street Address, if applicable				
City				
Section	33			
Township (N)	11			
Range (W)	7			
Hydraulic Unit Code(HUC)	17080006			
In Surface Water?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No
If yes, Name of Water body	West Fork Grays River			
Work Below ordinary high water mark?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No
If no, is Surface Water within 200 feet of project?	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No

Attach as Appendix A:

- USGS quadrangle map with scale and the location of the project(s) marked on the map.

Project Definition:

What is the commonly used name for the project? (For example, xyz Creek Culvert repair) **Grays River Hatchery Debris Removal**

What was (were) the original structure(s) or facility (ies)? **Hatchery structures include parking area, constructed channel, ditch, holding ponds (adult 1 & 2), pond drain, fish ladder, fish ladder outlet, upper hatchery drain, upper intake, intake box and bypass channel.**

What were the composition and/or size and/or dimensions of the original structure(s)? (For example, 8-ft wide by 4-ft. long by 1-ft. deep concrete weir, 18-in CMP culvert, etc.) **Multiple sites within a 1 mile section see Appendix C for dimensions at individual sites.**

Will (did) the proposed project stay within the footprint of the existing/original structure? Yes No

Damage Description:

Type of Facility Damaged: (embankment, abutments, fish weirs, culverts, bridges, trails, etc.) parking area, constructed channel, ditch, Adult holding ponds # 1 & #2, pond drain, fish ladder, fish ladder outlet, upper hatchery drain, upper intake, intake box and bypass channel.

Describe the damages including type and extent of damages: Flooding on the West Fork Grays River resulted in extensive deposition of gravel, sand, and silt in and around the Grays River Hatchery. As a result, functions of multiple hatchery facilities were impaired. Carrying capacity of the channel was diminished to the point of bank overflow. Access to the fish ladder was blocked due to channel migration and gravel accumulation. Gravel accumulation also occurred at the upper intake reducing water supply to the hatchery. The river bed height increased significantly along the left bank where the hatchery is located.

Attach the following information to this SPIF as Appendix B:

- Photograph(s) of damaged elements (.jpg or .pdf file), if submitting electronically. (Ideally, 300 KB or less. If greater, please compress the file.)

Project Description

Status:

Status of Project(s): Complete Not Complete, If started, % Complete: 55% Not Started

Narrative

Provide a detailed description of the work to be accomplished including purpose, number and type of structures to be installed, repaired or constructed; construction materials used (for example size, dimensions and type of pilings (steel, wood, concrete), construction machinery (to be) used (for example, vibration or impact pile driver) and anticipated construction techniques to be employed.

An excavator will be used to remove additional gravel, sand, and silt from the upper intake and fish ladder outlet in order to ensure proper function of both facilities and restore the channel to pre-disaster condition.

Please answer the following questions, if related to your proposed project:

- Is (was) blasting included in the project? No. If so, when, how frequently? N/A
- Is (was) stream diversion part of the project plan? If so, how? Stream diversion permitted as necessary to allow work in the dry (see Attachment 2. Hydraulic Project Approval [HPA] control # 113942-1).
- Will (was) fish capture, handling or electro-shocking included in the project? No. If so, will (were) USFWS/NMFS electro-shocking standards be followed? N/A
- Are (were) the Integrated Streambank Bank Protection Guidelines (ISPG) followed? N/A
- Are (were) Anadromous Salmonid Passage Facility Design (Feb. 2008) requirements followed? N/A
- What erosion BMPs will be (were) used (See Hydraulic Project Approval)? Will the project include removal of, or disturbance to, riparian habitat? No. If so, how much? Equipment will operate from existing access with only the excavator bucket entering the water; no vegetation removal.
- Will the project replace a structure that was a barrier to fish passage with a fish passable structure? No.

You may attach additional pages, or, if completing this form by computer, expand the space below to provide this information. Please indicate if the project is fish-passable as defined in NMFS 2008 guidelines, if appropriate. N/A

FEMA ID Number: PW-753

Project Title: Grays River Hatchery Debris Removal

Attach as Appendix C:

- Project schematics or sketches showing repair/replacement design, if available.
- If work has been completed, photograph(s) of facility before, during and after construction is complete. (either .jpg or .pdf format, please, if submitting electronically) Please include the project schematics and photographs.

Dates:

Dates when the project(s) will be/was conducted.

Start Date: _____ End Date: Sept 15

Dates when in-water work will be/was conducted, if different:

Start Date: _____ End Date: _____

Describe water work time. ___ Hours, or ___ Days, or ___ Weeks.

Work Period in Day: _____ Hours _____ Start Time _____ End Time

If heavy equipment is used in the project:

Kind of equipment: Excavator (for example, backhoe, vacuum truck, etc.)

Noise created above ambient levels? Yes No

Surrounding Environment:

Riverine

Forest

Old growth present

Second growth present

Marine

Estuarine

Wetland

Agricultural

Arid (Desert/steppe)

Do you propose to clear any area for temporary access? Yes No

If yes, how much area? _____ Give units (acres, square feet, etc.)

Identify the location for the temporary access. (For example, lat. Long.) _____

Is the area previously disturbed? Yes No

If so, how? (Examples: parking lot, gravel road, road prism) Gravel road, within hatchery structures footprint.

Biological Information

Indicate by checking the box if any of the following is present in the watershed of the project area. Unsure of any: Yes No. If yes, which? _____

Endangered

- Upper Columbia River Spring-run Chinook (*Oncorhynchus tshawytscha*)
- Snake River Sockeye (*Oncorhynchus nerka*)
- Upper Columbia River Steelhead (*Oncorhynchus mykiss*)

Threatened

- Bull trout, Coastal/Puget Sound IRU (*Salvelinus confluentus*)
- Bull trout, Columbia River IRU (*Salvelinus confluentus*)
- Coho salmon, Lower Columbia River ESU (*O. kisutch*)
- Chinook salmon, Lower Columbia River ESU (*Oncorhynchus tshawytscha*)
- Chinook salmon, Puget Sound ESU (*Oncorhynchus tshawytscha*)
- Chinook salmon, Snake River Spring/Summer-run ESU (*Oncorhynchus tshawytscha*)
- Chinook salmon, Snake River Fall-run ESU (*Oncorhynchus tshawytscha*)
- Chum salmon, Columbia River ESU (*Oncorhynchus keta*)
- Chum salmon, Hood Canal summer ESU (*Oncorhynchus keta*)
- Steelhead trout, Lower Columbia River ESU (*Oncorhynchus mykiss*)
- Steelhead trout, Middle Columbia River ESU (*Oncorhynchus mykiss*)
- Steelhead trout, Coastal/Puget Sound DPS (*Oncorhynchus mykiss*)
- Steelhead trout, Snake River ESU (*Oncorhynchus mykiss*)

Designated

- Critical habitat for Coastal/Puget Sound bull trout IRU
- Critical habitat for Columbia River bull trout IRU
- Critical habitat for Columbia River chum salmon ESU
- Critical habitat for Hood Canal summer chum salmon ESU
- Critical habitat for Lower Columbia River Chinook salmon ESU
- Critical habitat for Upper Columbia River Spring-run Chinook salmon ESU
- Critical habitat for Snake River Spring/Summer-run Chinook salmon ESU
- Critical habitat for Snake River Fall-run Chinook salmon ESU
- Critical habitat for Puget Sound Chinook salmon ESU
- Critical habitat for Lower Columbia River steelhead trout ESU
- Critical habitat for Upper Columbia River steelhead trout ESU
- Critical habitat for Middle Columbia River steelhead trout ESU
- Critical habitat for Snake River steelhead trout ESU

Lake Ozette sockeye salmon are not covered by this programmatic at this time.

Essential Fish Habitat

- Chinook salmon
- Coho salmon
- Pink Salmon

Is the project in Essential Fish Habitat (EFH) as defined in the Magnuson-Stevens Act (50 CFR 600)? Yes No

Listed Non-Fish Species

Does work in this location have the potential to affect?

Marbled Murrelet present or potential to affect: Yes No

Marbled Murrelet Critical Habitat: Yes No (See 61 FR 26255, May 24, 1996)

Northern Spotted Owl present or potential to affect: Yes No

Northern Spotted Owl Critical Habitat: Yes No (See 73FR 47325-47522, August 13, 2008)

Other Species: _____ Name(s)

Other Critical Habitat: _____

Marine Mammals

Are marine mammals present in the project area? Yes No

Is the project in or likely to affect critical habitat for Marine Mammals? Yes No (See 71 FR 69054-69070, November 29, 2006.)

Relationship to Other Permits, Applications Approvals

Has a Joint Aquatic Resources Permit Application (JARPA) been submitted? Yes No.

If yes, attach a copy.

Has a Hydraulic Project Approval been issued for the project? Yes No. If yes, attach a copy.

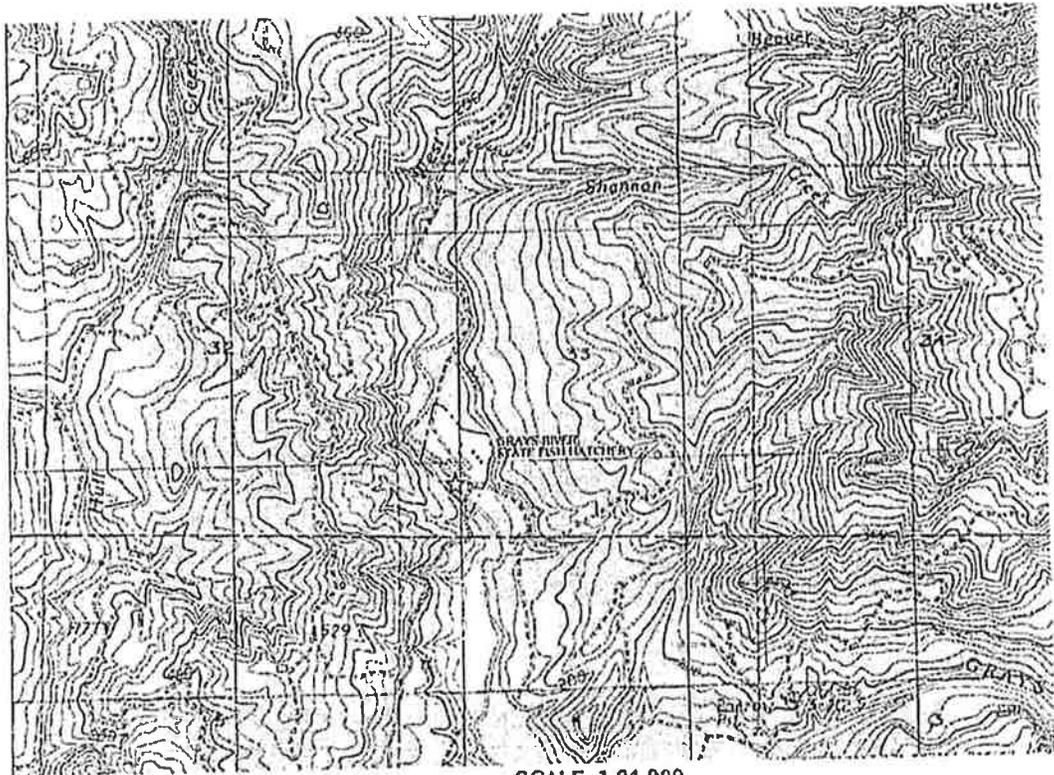
Describe any contacts/correspondence with the US Army Corps of Engineers or Washington State Department of Fish and Wildlife. Attach correspondence to SPIF.

Agency	Nature of Contact	Result	Date

Was a biological assessment (BA) prepared for projects in this area/on this river system? Yes No. If yes, attach a copy of the BA, and any correspondence with US Fish and Wildlife Service and/or National Marine Fisheries Service regarding it (including a request for concurrence letters and concurrence response letters).

Appendix A

USGS Topo Map with Scale and Location of Project Marked with Yellow Star



SCALE 1:24 000



CONTOUR INTERVAL 40 FEET

CONTROL ELEVATIONS SHOWN TO THE NEAREST 0.1 FOOT
OTHER ELEVATIONS SHOWN TO THE NEAREST FOOT

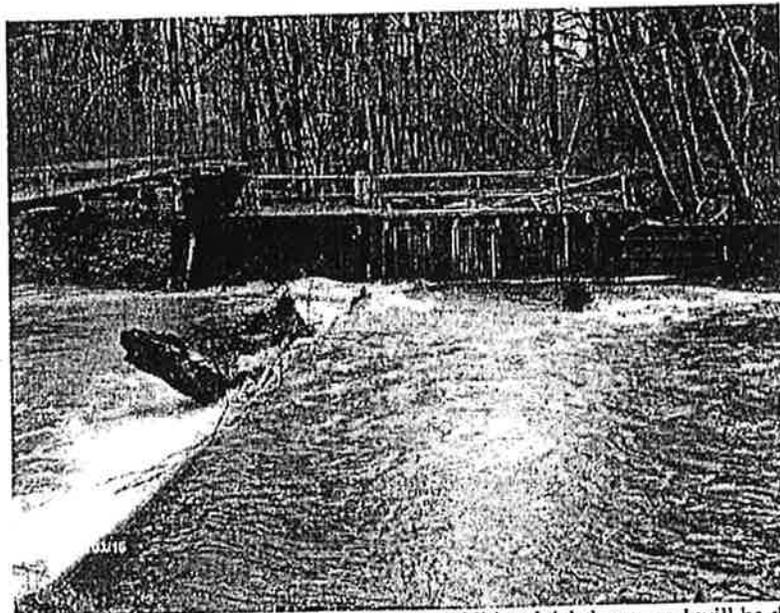
To convert meters to feet multiply by 3.2808
To convert feet to meters multiply by 0.3048

Appendix B

Photos of Project Site



View of debris accumulation at fish ladder outlet causing a blockage. Also note elevated water level up to top of bank adjacent to hatchery. Gravel deposits have raised stream bed in this reach.



View of upper intake above the hatchery where additional debris removal will be done.

Appendix C

Debris Removal Table

Table 1. Dimensions of Individual Sites Requiring Debris Removal

GRAY'S RIVER HATCHERY DEBRIS REMOVAL BY SITE							
Location	Dimensions(FT.)			Volume, c.y.	Work completed	Work to be completed	
	Length	Width	Depth				
Parking Area	300	102	1	1133.3	1133.3		
Below Bridge	100	50	6	1111.1			1111.1
Above Bridge, to FL	50	100	4	740.7			740.7
In ditch, above road	200	8	3	177.8	177.8		
Additional slope work	200	8	2	118.5			118.5
Adult pond #1	70	40	3	311.1			10.4
Adult pond #2	70	40	1	103.7			311.1
Adult Pond Drain	8	25	6	44.4			44.4
Upper Fish ladder	6	36	4	32.0			32.0
Lower Fish Ladder	6	25	2	11.1			11.1
Fish Ladder Outlet	30	5	8	44.4			44.4
Upper Hatchery Drain	50	20	5	185.2			185.2
Upper Intake	40	20	8	237.0	237.0		
Upper Intake Additional	20	30	6	133.3			133.3
Intake box	30	4	4	17.8			17.8
Bypass channel	200	20	4	592.6			592.6
				TOTALS	1548.1		928.9
							3352.7

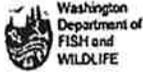
**Attachment 1
Conservation Measures**

FEMA PBA

CM	1	Schedule non-emergency activities & in-water work to abide by the approved work windows for all relevant species.
Material	15	Riprap shall be clean and durable, free from dirt, sand, clay and rock fines, and shall be installed to withstand the 100 year flow flood event.
BMP	i	Perform "Emergency Response Notifications" before initiating actions as applicable.
BMP	ii	Obtain all required local, state, tribal, and Federal permits and/or authorizations prior to implementation of the proposed project and comply permit and authorization conditions.
BMP	iii	Select, implement, monitor, and maintain BMPs to control erosion and sediment, reduce spills and pollution, and provide habitat protection. BMPs must meet, at a minimum, the WDOE 2005 Stormwater Management Manual for Western Washington. http://www.ecy.wa.gov/programs/wq/stormwater/manual.html
BMP	v	No disposal of construction materials or debris can occur in a wetland or floodplain.
BMP	vi	No storage of construction materials or debris can occur in a wetland.
BMP	vii	No storage of construction materials or debris can occur in a floodplain during "Flood Season" (Check with local Floodplain Administrator for Flood Season).
BMP	viii	Limit work to pre-disaster/design limits/footprint.
BMP	ix	No vegetation removal will occur.
Equipment	x	No staging (even temporarily) of construction materials, equipment, tools, buildings, trailers, or restroom facilities within a wetland. No staging (even temporarily) of construction materials, equipment, tools, buildings, trailers, or restroom facilities can occur in a floodplain during "Flood Season" (Check with local Floodplain Administrator for Flood Season).
Equipment	xi	Use biodegradable vegetable oil in equipment hydraulic systems.
Equipment	xii	Equipment shall be stationed on and operate from the top of the bank, bridge, or roadway, or other existing access. No new access points will be created.
Equipment	xiii	Machinery and equipment used during work shall be serviced, fueled, and maintained on uplands to prevent contamination to surface waters. Fueling equipment and vehicles will be more than 200 feet away from waters of the state. Exceptions to this requirement are allowed for large cranes, pile drivers, and drill rigs if they cannot be easily moved. Fueling areas shall be provided with adequate spill containment. The PBA Determination Form will provide the site specific information if an exception to the 200 foot buffer is to be implemented.
Equipment	xiv	Equipment used for a project shall be free of external petroleum-based products while working around the channel. Equipment shall be checked daily for leaks and any necessary repairs shall be completed prior to commencing work activities adjacent or over waterbodies.

Attachment 2

Hydraulic Project Approval Control # 113942-1



HYDRAULIC PROJECT APPROVAL
 RCW 77.55.021 - Appeal Pursuant to Chapter 34.05 RCW

Statewide
 600 Capitol Way N
 Olympia, WA 98501-1091
 (360) 902-2200

Issue Date: June 30, 2009
 Project Expiration Date: June 29, 2011

Control Number: 113942-1
 FPA/Public Notice #: N/A

<u>PERMITTEE</u>	<u>AUTHORIZED AGENT OR CONTRACTOR</u>
WDFW Fish Program/Hatcheries Division ATTENTION: Ron Warren 600 Capitol Way North Olympia, WA 98501-1091 360-902-2808 Fax: 360-902-2943	WDFW ATTENTION: Hal Michael Fish Program Olympia, WA 98501-1091 360-902-2859

Project Name: WDFW Finfish Hatchery Maintenance and Operations
Project Description: Conduct the following maintenance and operation activities:

- * Routine intake and outfall maintenance, primarily sediment removal
- * Debris removal, primarily woody material threatening structures
- * Installation, removal and maintenance of temporary fish traps and racks
- * Maintenance of instream adult trapping and holding ponds
- * Riparian vegetation management

PROVISIONS

1. This Hydraulic Project Approval (HPA) authorizes maintenance activities necessary for the continuing operation of Washington Department of Fish and Wildlife (WDFW) owned and/or maintained finfish hatchery facilities in the attachment entitled "WDFW Hatchery Facility List". The following maintenance activities are authorized by this HPA:

- a. Routine intake and outfall maintenance (sediment removal)
- b. Debris removal (large and small woody and inorganic debris)
- c. Temporary fish trapping, rack installation, maintenance, re-installation during the trapping season. Racks may be associated with a temporary or permanent trapping structure
- d. Instream adult holding and/or trapping pond maintenance
- e. Vegetation management.

All other maintenance activities and hatchery hydraulic projects, including emergencies, shall require a separate HPA. Emergency HPAs can be obtained by calling the local Area Habitat Biologist (AHB) during normal business hours, or the after-hours hotline number of (360) 902-2537.

2. Work under this HPA shall be accomplished per plans and specifications approved by the WDFW entitled JARPA and dated September 8, 2008, except as modified by this HPA. A copy of these plans shall be available on site during construction.

3. TIMING LIMITATIONS: Routine maintenance authorized under this HPA shall be conducted during the time periods specified in the attachment entitled "Allowable Freshwater Work Times", except that temporary fish trap and rack installation and removal may occur outside of these times as provided in Provision 28, and reinstallation or removal of a washed out rack may occur as provided in Provision 31.



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4. **NOTIFICATION REQUIREMENT:** Prior to the start of any operation, other than normal screen cleaning and removal of minor organic debris such as leaves, twigs, etc., within the ordinary high water line (OHWL) of waters of the state, the Regional Habitat Program Manager (RHPM) shall be contacted. The notification shall be at least three working days prior to the actual work activity. Notification may be by mail, FAX, or e-mail and shall include the starting date, description of work, location, and the control number of this HPA.

5. **REPORTING:** The WDFW Fish Program/Hatcheries Division shall submit a report in digital format of all projects conducted under this HPA during the previous calendar year by February 28 of the following year. The reports shall be submitted to the Regulatory Services Coordinator, WDFW Habitat Program, MS 43200, 600 Capital Way N, Olympia, WA, 98501-1091 using the template attached with this HPA entitled 'WDFW Hatchery Maintenance HPA Annual Report'. A report is also required if no work was conducted. The report shall be submitted with a cover sheet that identifies:

- a. The reporting agency, contact person, address, telephone number, date of report, control number for this HPA, and time period covered.
- b. Summary of the total number of individual projects, by hatchery facility and statewide.
- c. Problem(s) encountered: Provision violation, notification, corrective action, impacts to fish life and water quality resulting from a problem.
- d. Any recommendations for improvement to provisions.

EQUIPMENT MAINTENANCE

6. Equipment used for this project shall be free of external petroleum-based products while working around state waters. Accumulation of soils or debris shall be removed from the drive mechanisms (wheels, tires, tracks, etc.) and undercarriage of equipment prior to its working below the ordinary high water line. Equipment shall be checked daily for leaks and any necessary repairs shall be completed prior to commencing work activities in or around state waters.

7. All equipment used in or around state waters shall be clean and inspected prior to use to ensure that no fluid leaks are present. This inspection shall take place at least daily while in use. Should a leak occur, the equipment shall be immediately removed from the area and not used again until adequately repaired. Fueling of equipment shall not take place near surface waters.
ROUTINE INTAKE AND OUTFALL MAINTENANCE - SEDIMENT REMOVAL

8. Intake and outfall maintenance operations that involve removal of sediment from streambed, lake bottoms, or intertidal areas where fish life exists shall occur only during the times identified in the attachment entitled "Allowable Freshwater Work Times". Sediment removal in areas that have no fish life may occur at any time on intakes or outfalls provided no sediment impacts downstream areas with fish life.

9. Sediment removal operations for intake and outfall maintenance shall not extend more than 100 feet from the intake or outfall. Every effort shall be made to keep this distance as minimal as possible.

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10. The amount of sediment removed shall be held to the minimum necessary to maintain the function of the WDFW facility and ensure that further removal will not be necessary during fish spawning, intra-gravel development, or out-migration. The amount of sediment removed annually at each facility shall be limited to that identified in the attached document entitled 'Hatchery Facility Planned Maintenance Activities'. Sediment removal shall not create an unstable condition upstream.

11. Some of the intake facilities have a "Tanner Gate" which is designed to reduce the buildup of material in the intake. At these facilities, the Tanner Gate shall be operated at all times in a manner that will minimize the buildup of material in the intake. This may require frequent (possibly hourly) inspections and adjustments during fluctuating stream flows.

12. The drive mechanism of the equipment used for sediment removal shall not enter or be operated in the water of the stream. Whenever feasible, work shall occur with equipment operating from the top of the bank, dry gravel bar area, or a work platform (e.g. excavator pads).

13. If heavy equipment is used to clean out the intake or outfall, the water may be diverted to one side to allow the equipment to operate in the dry. This temporary bypass shall be in place prior to initiation of other work in the intake or outfall. If the intake or outfall does not have a mechanism that will allow diversion of flow away from the work area, diversion of flow can be accomplished with the use of a berm (constructed of sandbags, streambed materials, or ecology blocks) or similar mechanism.

14. The bypass or berm shall be of sufficient size to pass all flows and debris for the duration of the project.

15. Upon completion of the project, all material used in the temporary bypass shall be removed from the site and the site returned to preproject or improved conditions.

16. Removal of sediment shall be conducted with equipment that can be operated in a manner that minimizes turbidity. During excavation, each pass with the bucket shall be complete. Sediment shall not be stockpiled in the water to create full buckets.

17. An existing water crossing structure such as a bridge or established ford shall be used to gain access for work. The number of equipment crossings at established fords shall be the minimum necessary to accomplish the project.

18. All sediment removed shall be disposed of at an upland site that prevents it from re-entering state waters. If de-watering is conducted, the sediment shall be disposed of so it will not reenter state waters.

LARGE AND SMALL WOODY MATERIAL AND DEBRIS REMOVAL AND RELOCATION



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19. Floating shear logs may be used to help protect the facility by deflecting debris, including ice. These floating shear logs shall be anchored in a manner that will provide maximum protection from debris accumulation.

20. Areas at each facility that tend to accumulate wood and debris shall be inspected frequently. Wood and debris removal shall be frequent enough to prevent the build-up of large jams. Non-embedded man-made debris shall be removed and disposed of upland so it will not re-enter the stream. Non-embedded small woody material may be removed and disposed of upland or returned to the stream downstream of the work area. Non-embedded large woody material shall be returned to the stream downstream of the work area. Material or debris embedded in the streambed or banks shall not be disturbed.

21. If heavy equipment is required for removal of debris, it shall be operated from the top of the bank, the roadway, or a work platform (e.g. excavator pads). The drive mechanism of the equipment shall not enter or be operated within the wetted perimeter.

22. Debris shall be suspended during its removal so no portion of it can damage the streambed or banks. Yarding corridors (for woody debris) or full suspension shall be used to avoid damage to riparian vegetation. It may be necessary to cut large woody debris in place to a size that allows suspension during removal.

23. Where debris cannot be suspended above the streambed and banks, skid logs or similar methods shall be used to avoid bank damage. Upon completion of the operation, skid logs shall be removed in a manner that avoids damage to stream banks, and vegetation, and the bank shall be restored to pre-project or improved condition.

24. Large woody material embedded in the streambed or stream bank shall be left undisturbed and intact.

25. Debris removal shall be accomplished in a manner that minimizes the release of bedload, logs, or other debris downstream.

TEMPORARY FISH TRAP AND RACK INSTALLATION AND REMOVAL

26. The amount of time each fish trap or rack is installed in the stream shall be held to a minimum. These structures shall be placed in the stream no more than one week prior to the anticipated return or out-migration of the targeted stock and entirely removed no more than three days after completion of the trapping operation.

27. The operation of equipment within the stream shall be held to the absolute minimum necessary to level the area, set, and remove the structures. The equipment shall be of a type that can be operated to minimize disturbance of the streambed.



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28. If it is necessary to place gravel along the bottom of the rack, it may be obtained from a bar in the immediate vicinity. Removal of gravel shall be held to the absolute minimum necessary to ensure the ability of the rack to function properly and shall be less than 50 cubic yards or no greater than the amount indicated in the attachment entitled "Hatchery Facility Planned Maintenance Activities".

29. The gravel bar from which gravel is taken for placement along the bottom of the rack shall be above the existing water level and free of pits or potholes when finished. The finished grade shall provide a smooth slope of at least 2 percent, downward toward the wetted perimeter of the stream.

30. The rack shall be maintained in a condition that will allow continuous stream-flow through the area without creating a significant backwater curve. Adequate personnel and equipment shall be available at the site at all times to ensure proper maintenance necessary action is taken if an emergency occurs.

31. The temporary rack shall be anchored to a structure on one bankline to allow it to swing to the bank if a washout occurs. If a washout occurs, the rack shall immediately be removed or reinstalled to prevent further damage to the bed or banks of the stream.

32. Trap and rack installation and removal shall be accomplished in a manner that will minimize disturbance of the streambed. Each segment of the structure shall be lifted by hand or with equipment and transported to or from the stream with full suspension so that it does not drag on the bed or banks of the stream.

INSTREAM ADULT HOLDING AND TRAPPING POND MAINTENANCE

33. The instream pond may be cleaned on an annual basis by sluicing material downstream, provided there is less than one-half cubic yard of material and downstream spawning areas can be protected from sediment impacts. Sluicing shall occur only during higher stream flows or when sediment traps constructed as follows are installed downstream:

- a. At least three sediment traps shall be placed downstream of the project. These traps shall consist of laying filter fabric on the streambed and creating a dam on the downstream edge of the filter fabric.
- b. The dam shall be just high enough to create a backwater curve over the length of filter fabric.
- c. The sediment traps shall be removed from the stream within two days of completing the sluicing operation. All sediment trap materials and materials captured by them shall be completely removed and disposed of so they do not reenter state waters.

34. If heavy equipment is used to clean out the pond, the water shall be diverted to one side to allow the equipment to operate in the dry. This temporary bypass berm (constructed of sandbags, streambed materials, or ecology blocks) shall be in place prior to initiation of other work in the pond. If the pond does not have a mechanism that will allow diversion of flow away from the work area, diversion of flow can be accomplished with the use of a berm or similar mechanism.



HYDRAULIC PROJECT APPROVAL
 RCW 77.55.021 - Appeal Pursuant to Chapter 34.05 RCW

Statewide
 600 Capitol Way N
 Olympia, WA 98501-1091
 (360) 902-2200

Issue Date: June 30, 2009
 Project Expiration Date: June 29, 2011

Control Number: 113942-1
 FPA/Public Notice #: N/A

- 35. The bypass or berm shall be of sufficient size to pass all flows and debris for the duration of the project.
- 36. Upon completion of the project, all material use in the temporary bypass shall be removed from the site and the site returned to preproject or improved conditions.
- 37. All material removed from the pond by a method other than sluicing shall be disposed of so that it does not reenter state waters.

VEGETATION MANAGEMENT

- 38. Revegetation shall occur per the attachment entitled "Vegetation Management Plan For WDFW Hatcheries", except as modified by this HPA.
- 39. Bank and bank vegetation removed or damaged as a result of facility maintenance or an upgrade shall be limited to that necessary to construct the project. Within seven calendar days of project completion, all disturbed areas shall be protected from erosion using vegetation or other means. If vegetation is removed or damaged, re-establishment of vegetation shall occur as soon as the weather permits, but no more than six months after the removal or damage. Vegetation shall be maintained as necessary for three years to ensure at least 80 percent survival.

PROJECT LOCATIONS

Location #1 WDFW Finfish Hatchery Facilities

WORK START: June 30, 2009				WORK END: June 29, 2011		
WRIA: 99.0000		Waterbody: Various		Tributary to: Statewide		
1/4 SEC:	Section:	Township:	Range:	Latitude:	Longitude:	County:
All	99	99	99	N		Statewide
Location #1 Driving Directions						

APPLY TO ALL HYDRAULIC PROJECT APPROVALS

This Hydraulic Project Approval pertains only to those requirements of the Washington State Hydraulic Code, specifically Chapter 77.55 RCW (formerly RCW 77.20). Additional authorization from other public agencies may be necessary for this project. The person(s) to whom this Hydraulic Project Approval is issued is responsible for applying for and obtaining any additional authorization from other public agencies (local, state and/or federal) that may be necessary for this project.



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This Hydraulic Project Approval shall be available on the job site at all times and all its provisions followed by the person(s) to whom this Hydraulic Project Approval is issued and operator(s) performing the work.

This Hydraulic Project Approval does not authorize trespass.

The person(s) to whom this Hydraulic Project Approval is issued and operator(s) performing the work may be held liable for any loss or damage to fish life or fish habitat that results from failure to comply with the provisions of this Hydraulic Project Approval.

Failure to comply with the provisions of this Hydraulic Project Approval could result in a civil penalty of up to one hundred dollars per day and/or a gross misdemeanor charge, possibly punishable by fine and/or imprisonment.

All Hydraulic Project Approvals issued pursuant to RCW 77.55.021 (EXCEPT agricultural irrigation, stock watering or bank stabilization projects) or 77.55.141 are subject to additional restrictions, conditions or revocation if the Department of Fish and Wildlife determines that new biological or physical information indicates the need for such action. The person(s) to whom this Hydraulic Project Approval is issued has the right pursuant to Chapter 34.04 RCW to appeal such decisions. All agricultural irrigation, stock watering or bank stabilization Hydraulic Project Approvals issued pursuant to RCW 77.55.021 may be modified by the Department of Fish and Wildlife due to changed conditions after consultation with the person(s) to whom this Hydraulic Project Approval is issued: PROVIDED HOWEVER, that such modifications shall be subject to appeal to the Hydraulic Appeals Board established in RCW 77.55.301.

APPEALS INFORMATION

If you wish to appeal the issuance or denial of, or conditions provided in a Hydraulic Project Approval, there are informal and formal appeal processes available.

A. INFORMAL APPEALS (WAC 220-110-340) OF DEPARTMENT ACTIONS TAKEN PURSUANT TO RCW 77.55.021, 77.55.141, 77.55.181, and 77.55.291: A person who is aggrieved or adversely affected by the following Department actions may request an informal review of:

- (A) The denial or issuance of a Hydraulic Project Approval, or the conditions or provisions made part of a Hydraulic Project Approval; or
- (B) An order imposing civil penalties. A request for an INFORMAL REVIEW shall be in WRITING to the Department of Fish and Wildlife HPA Appeals Coordinator, 600 Capitol Way North, Olympia, Washington 98501-1091 and shall be RECEIVED by the Department within 30 days of the denial or issuance of a Hydraulic Project Approval or receipt of an order imposing civil penalties. If agreed to by the aggrieved party, and the aggrieved party is the Hydraulic Project Approval applicant, resolution of the concerns will be facilitated through discussions with the Area Habitat Biologist and his/her supervisor. If resolution is not reached, or the aggrieved party is not the Hydraulic Project Approval applicant, the Habitat Technical Services Division Manager or his/her designee shall conduct a review and recommend a decision to the Director or his/her designee. If you are not satisfied with the results of this informal appeal, a formal appeal may be filed.

B. FORMAL APPEALS (WAC 220-110-350) OF DEPARTMENT ACTIONS TAKEN PURSUANT TO RCW 77.55.021 (EXCEPT agricultural irrigation, stock watering or bank stabilization projects) or 77.55.291:

A person who is aggrieved or adversely affected by the following Department actions may request a formal review of:

- (A) The denial or issuance of a Hydraulic Project Approval, or the conditions or provisions made part of a Hydraulic Project Approval;
- (B) An order imposing civil penalties; or
- (C) Any other 'agency action' for which an adjudicative proceeding is required under the Administrative Procedure Act, Chapter 34.05 RCW.

A request for a FORMAL APPEAL shall be in WRITING to the Department of Fish and Wildlife HPA Appeals Coordinator, shall be plainly labeled as 'REQUEST FOR FORMAL APPEAL' and shall be RECEIVED DURING OFFICE HOURS by the Department at 600 Capitol Way North, Olympia, Washington 98501-1091, within 30-days of the Department action that is being challenged. The time period for requesting a formal appeal is suspended during



HYDRAULIC PROJECT APPROVAL
RCW 77.55.021 - Appeal Pursuant to Chapter 34.05 RCW

Statewide
600 Capitol Way N
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consideration of a timely informal appeal. If there has been an informal appeal, the deadline for requesting a formal appeal shall be within 30-days of the date of the Department's written decision in response to the informal appeal.

C. FORMAL APPEALS OF DEPARTMENT ACTIONS TAKEN PURSUANT TO RCW 77.55.021 (agricultural irrigation, stock watering or bank stabilization only), 77.55.141, 77.55.181, or 77.55.241: A person who is aggrieved or adversely affected by the denial or issuance of a Hydraulic Project Approval, or the conditions or provisions made part of a Hydraulic Project Approval may request a formal appeal. The request for FORMAL APPEAL shall be in WRITING to the Hydraulic Appeals Board per WAC 259-04 at Environmental Hearings Office, 4224 Sixth Avenue SE, Building Two - Rowe Six, Lacey, Washington 98504; telephone 360/459-6327.

D. FORMAL APPEALS OF DEPARTMENT ACTIONS TAKEN PURSUANT TO CHAPTER 43.21L RCW: A person who is aggrieved or adversely affected by the denial or issuance of a Hydraulic Project Approval, or the conditions or provisions made part of a Hydraulic Project Approval may request a formal appeal. The FORMAL APPEAL shall be in accordance with the provisions of Chapter 43.21L RCW and Chapter 199-08 WAC. The request for FORMAL APPEAL shall be in WRITING to the Environmental and Land Use Hearings Board at Environmental Hearings Office, Environmental and Land Use Hearings Board, 4224 Sixth Avenue SE, Building Two - Rowe Six, P.O. Box 40903, Lacey, Washington 98504; telephone 360/459-6327.

E. FAILURE TO APPEAL WITHIN THE REQUIRED TIME PERIODS results in forfeiture of all appeal rights. If there is no timely request for an appeal, the department action shall be final and unappealable.

ENFORCEMENT: Sergeant Jackson (29) P3

Habitat Biologist Pat Chapman	360-802-2571	<i>Pat Chapman</i>	for Director WDFW
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- CC: Email w/ attachments:
 All RHPMs, WDFW
 All Regional Enforcement Sergeants, WDFW
 Hal Michael, WDFW
 Tom Wortman, WDFW

- Attachments:
 WDFW Hatchery Facility List
 Allowable Freshwater Work Times
 Hatchery Facility Planned Maintenance Activities
 WDFW Hatchery Maintenance HPA Annual Report
 Vegetation Management Plan For WDFW Hatcheries



UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL MARINE FISHERIES SERVICE
Northwest Region
7600 Sand Point Way N.E., Bldg. 1
Seattle, Washington 98115

NMFS Tracking Numbers:
2009/05642
2009/05644
2009/05640

November 18, 2009

Mark G. Eberlein
Regional Environmental Officer
U. S. Department of Homeland Security
Region X
130 228th Street, SW
Bothell, WA 98021-9796.

Re: Endangered Species Act Section 7 Consultations: Washington Department of Fish and Wildlife for Grays River Hatchery Revetment Repair (PW-574, FEMA-1817-DR-WA), and debris removal (PW 753, FEMA-1817-DR-WA), West Fork Grays River, Pacific County, Washington (Sixth field HUC 170800060302, Grays Bay); Cowlitz County for Abernathy Creek Bridge #3 repairs (PW 940, FEMA-1817-DR-WA), Abernathy Creek, Cowlitz County, Washington (Sixth field HUC 170800030404 Germany Creek)

Dear Mr. Eberlein:

This correspondence is in response to your request for consultation under the Endangered Species Act (ESA) of 1973, as amended, 16 U.S.C. 1531.

Endangered Species Act

The National Marine Fisheries Service (NMFS) has reviewed the Biological Assessments (BA's) for the above referenced proposals, received on October 15, 2009. The Federal Emergency Management Agency (FEMA) requested concurrence with its determination that the proposed actions "may affect, but are not likely to adversely affect" threatened Lower Columbia River (LCR) Chinook salmon (*Oncorhynchus tshawytscha*) (70 FR 37160), threatened LCR coho salmon (*O. kisutch*) (70 FR 37160), threatened Columbia River chum salmon (*O. keta*) (70 FR 37160) or designated critical habitat for Chinook and chum salmon (70 FR 52630). This consultation with FEMA is conducted under section 7(a)(2) of the ESA, and its implementing regulations, 50 CFR Part 402.

RECEIVED

NOV 27 2009

FEMA REGION X

Grays River Hatchery

The FEMA is proposing to fund repairs to the revetment at the Grays River Hatchery's water intake, and to fund mineral debris removal from several areas around the hatchery facilities. During the January 2009 flooding, a 6-foot by 10-foot by 4.5-foot section of riprap was lost at the water intake at the Washington Department of Fish and Wildlife's hatchery on the West Fork Grays River. The revetment will be brought back to pre-disaster condition by placing 10 cubic yards of riprap along the bank within the original footprint. The riprap will be machine-placed using an excavator. The riprap will be free from dirt, sand, clay, and rock fines. No in-water work will occur, and no riparian vegetation will be disturbed. Several best management practices (BMP's) will be implemented to control erosion and sediment, reduce spills and pollution, and provide habitat protection. At a minimum, BMP's will meet the Washington Department of Ecology 2005 Stormwater Management Manual for Western Washington.

Also during the January flooding, stream sediments were deposited at the upper water intake, in a constructed channel, in a ditch, in holding ponds, in a pond drain, at a fish ladder and fish ladder outlet, at the upper hatchery drain, and in a bypass channel. On January 13 and 14, there was in-water work to clear debris from the upper water intake in order to keep water flowing into the hatchery. The remainder of the work will be completed during the July 16 to September 15 work window. The same conservation measures listed above will be followed for the debris removal work. The action area will extend for 300 feet downstream of the project site to account for potential increases in suspended sediments.

Abernathy Creek

The FEMA is proposing to fund repairs to a bridge over Abernathy Creek at mile post 5.62 ("Bridge #3"). The repairs were completed on September 8, 2009. During the January 2009 flood event, severe scouring caused undermining of the south abutment and the bank upstream. Large, loose riprap was also dislodged along the abutment slopes. Repairs below the ordinary high water mark included use of 205 tons of riprap. The riprap was free from dirt, sand, clay, and rock fines. The BMP's listed for the hatchery work above were also implemented for this bridge project. All work was conducted in the dry and within the footprint of the original structure. As mitigation, a 1,886 square foot riparian area along the embankment was to be replanted with hemlock trees and willows. The action area extended for 300 feet downstream of the project site to account for potential increases in suspended sediments.

Species Determinations

Grays River Hatchery

Lower Columbia River Chinook Salmon
 Columbia River chum Salmon
 Lower Columbia River Coho Salmon

The proposed Grays River Hatchery revetment repair will occur in the dry using clean riprap, which will be set in place. The remaining debris removal projects will also occur in the dry. Therefore, effects from these actions will be discountable. Also, BMP's will be used to limit sediment and pollutant delivery to the stream. In the event that some sediment does reach the stream when seasonal flows inundate the worksite, NMFS believes the amount of sediment, due to project BMP's, will not be measurable above background concentrations, so effects would be insignificant. For the debris removal that took place in January 2009, NMFS believes that because the river was already flooding with turbid water, any sediment generated by the action would not be detectable above background concentrations. Therefore, sediment effects would be insignificant. The NMFS also believes that no listed fish would have been present due to the lack of refuge habitat at the site during the flood. So the chance of a fish being injured from equipment or the moving of sediment would be discountable. The NMFS concurs with the FEMA determination that the project "may affect, but is not likely to adversely affect" Lower Columbia River Chinook and coho salmon and Columbia River chum salmon.

Abernathy Creek

Lower Columbia River Chinook Salmon
Lower Columbia River Coho Salmon

The bridge repair work occurred in the dry using clean riprap. Therefore, effects from this action are discountable. Also, BMP's were used to limit sediment and pollutant delivery to the stream. In the event that some sediment does reach the stream when seasonal flows inundate the worksite, NMFS believes the amount of sediment due to the project will not be measurable above background concentrations, so effects would be insignificant.

Critical Habitat Determination

NMFS designated critical habitat for Lower Columbia River Chinook salmon and Columbia River chum salmon on September 2, 2005 (70 FR 52630). The Primary Constituent Elements (PCE) for critical habitat in the action area are:

Freshwater spawning sites with water quantity and quality conditions and substrate supporting spawning, incubation and larval development.

Freshwater rearing sites with water quantity and floodplain connectivity to form and maintain physical habitat conditions and support juvenile growth and mobility; water quality and forage supporting juvenile development; and natural cover such as shade, submerged and overhanging large wood, log jams and beaver dams, aquatic vegetation, large rocks and boulders, side channels, and undercut banks.

Freshwater migration corridors free of obstruction with water quantity and quality conditions and natural cover such as submerged and overhanging large wood, aquatic vegetation, large rocks and boulders, side channels, and undercut banks supporting juvenile and adult mobility and survival.

NMFS has analyzed the potential impacts of the projects on the PCE's, and has determined that potential effects on these PCE's would be insignificant for the following reasons:

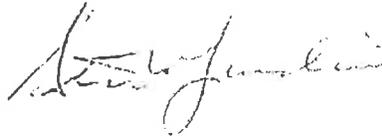
1. Work will occur within the footprints of the original structures so no spawning or rearing habitat loss will occur.
2. The projects will not prevent juvenile or adult migration through the sites.

NMFS concurs with FEMA's determination of "Not Likely to Adversely Modify" for designated critical habitat.

NMFS concurrence with the effects determination for the proposed project is based on the description of the activities and conservation measures summarized above and included in the BA's. This concludes informal consultation on these actions in accordance with 50 CFR 402.14(b)(1). The FEMA must reinitiate the ESA consultation if: (1) new information reveals effects of the actions that may affect listed species in a way not previously considered; (2) the actions are modified in a manner that causes an effect to the listed species that was not previously considered; or (3) a new species is listed, or critical habitat is designated, that may be affected by the proposed actions.

NMFS appreciates your efforts to comply with requirements under the ESA. If you have questions, please contact Jody Walters at the Washington State Habitat Office, (360) 534-9307, or email Jody.Walters@noaa.gov.

Sincerely,



Barry A. Thom
Acting Regional Administrator



U.S. Department of Homeland Security
Region X
130 228th Street SW
Bothell, Washington 98021-9796



FEMA

October 9, 2009

Steve Landino, Chief
Washington State Habitat Branch
National Marine Fisheries Service
510 Desmond Drive, Suite 103
Lacey, Washington 98503-1263

RE: Individual Informal Consultation
Grays River Creek Hatchery Debris Removal
Washington Department of Fish and Wildlife
FEMA-1817-DR-WA
Project Worksheet 753

Dear Mr. Landino:

This is a request for informal consultation regarding debris removal from the Grays River Hatchery parking area, constructed channel, ditch, holding ponds (adult 1 & 2), pond drain, fish ladder, fish ladder outlet, upper hatchery drain, upper intake and bypass channel. FEMA has made a "may affect, not likely to adversely affect" determination for this project. FEMA has determined that the project does not meet the requirements of the Programmatic Biological Assessment for 14 categories of FEMA-funded activities and is therefore initiating individual consultation. Enclosed is our biological assessment, in the form of a completed Specific Project Information File (SPIF).

Thank you for your consideration and assistance. We look forward to your concurrence. If you have any questions, please contact Susan King by email (susan.king@dhs.gov) or phone (337-281-4957), or myself by email (mark.eberlein@dhs.gov) or phone (425-487-4735).

Sincerely,

Mark Eberlein
Regional Environmental Officer

Enclosure

