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November 7, 2007

Rebecca Benjamin  
Restoration Project Manager  
North Olympic Salmon Coalition  
205 W. Patison St. Suite B  
Port Hadlock, WA 98339

**RE: Completion of Endangered Species Act Section 7, Magnuson-Stevens Fishery and Conservation and Management Act, and National Historic Preservation Act Section 106 consultations for the Salmon/Snow Estuary Restoration Project, Discovery Bay in Jefferson County, Township 29 North, Range 2 East, Section 23 & 24.**

Dear Rebecca,

Your organization, North Olympic Salmon Coalition, has received funds under a cooperative agreement with the NOAA Restoration Center to restore 11 acres of native salt marsh habitat within the Discovery Bay Salmon/Snow Estuary. Receipt of federal funds results in a federal nexus that necessitates the completion of all federal compliance requirements for the funded project. In particular it requires compliance with section 7(a)(2) of the Endangered Species Act (ESA), Magnuson-Stevens Fishery Conservation and Management Act (MSA), and section 106 of the National Historic Preservation Act (NHPA). This letter details the process and final status of each of these consultations. I have also enclosed copies of all correspondence and documentation from the consultation process.

Section 7 of ESA and MSA

After viewing the WA Department of Fish and Wildlife's SalmonScape and Priority Habitat Database, NOAA determined that the Salmon/Snow project will have "no effect" on any threatened or endangered species under the jurisdiction of the Fish and Wildlife Service (FWS) including Bull trout (*Salvelinus confluentus*), bald eagle (*Haliaeetus leucocephalus*), and marbled murrelet (*Brachyramphus marmoratus*). A "no effect" determination was made because no FWS-managed species listed under ESA occur within the project area or close enough to the project area to be affected. The enclosed memo dated Oct. 3, 2007 provided more details on this determination.

The Salmon/Snow project area was found to support a number of threatened species under the jurisdiction of NOAA Fisheries including Puget Sound Chinook salmon (*Oncorhynchus tshawytscha*), Hood Canal summer-run chum salmon (*O. keta*), and Puget Sound steelhead (*O. mykiss*). The Salmon Recovery Funding Board is also providing grant funds for the Salmon/Snow Estuary Restoration Project. On April 5, 2007, NOAA Fisheries approved Washington State's application package for including the Habitat Restoration Program (HRP) under Section 4(d) Limit 8 of ESA. NOAA Fisheries prohibits "take" of salmon and steelhead listed as threatened under ESA except in cases where the take is associated with an approved program that comes under one of the limits in the 4(d) rule. Protections for Essential Fish Habitat (EFH)

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under MSA, were also included in NOAA Fisheries Biological Opinion for the inclusion of HRP under the 4(d) Limit 8. Therefore, EFH and ESA consultations with NOAA are complete if a project meets the five HRP criteria under the 4(d) Limit 8. The Salmon/Snow Estuary Restoration Project is covered under the 4(d) Limit 8 because it can meet all project requirements including:

1. being part of the habitat portion of a salmon recovery plan approved by a Regional Salmon Recovery Organization and the State of Washington and published in the Federal Register by NMFS;
2. being part of an adopted Implementation Schedule developed by a Regional Organization to implement the habitat portion of a Salmon Recovery Plan;
3. being funded in part with Washington State and/or Pacific Coastal Salmon Recovery Fund monies managed by the SRFB and are consistent with the technical and procedural criteria outlined by SRFB;
4. being done for the purpose of habitat restoration; and
5. fitting within one of the eligible actions (i.e. Estuarine and Marine Nearshore Habitat Restoration).

Of the listed species found within the project area, the 4(d) Limit 8 only covers Puget Sound Chinook salmon and Hood Canal summer-run chum salmon. Puget Sound steelhead had not yet been listed when the 4(d) Limit 8 inclusion for HRP was approved. NOAA Fisheries intends to include Puget Sound steelhead into the 4(d) Limit 8 for HRP, but cannot do so until the "take" prohibitions for this species have been established. To ensure that the Salmon/Snow Estuarine Restoration Project has completed its consultation for Puget Sound steelhead, NOAA Restoration Center conducted an informal consultation with NOAA Fisheries regarding the determination of "not likely adversely affect" Puget Sound Steelhead. NOAA Fisheries concurred with this determination of "not likely to adversely affect" on October 3, 2007. A copy of the informal consultation initiation letter and NOAA Fisheries concurrence response is enclosed.

#### Section 106 of NHPA

North Olympic Salmon Coalition hired the archaeological consulting firm Western Shore Heritage Services, Inc. to conduct a cultural resource investigation of the site. The investigation included a site records search, review of local history maps and aerial photography, and completion of a pedestrian survey and mechanical excavation of test trenches throughout the Area of Potential Effect (APE). In addition, Western Shore Heritage Services contacted the Jamestown S'Klallam tribal cultural resources staff to identify any archaeological sites, historic sites, or traditional cultural places within the APE. Historic property inventory forms were completed for each of the five derelict buildings located on the site. The structures were found to have no documented historical significance, have no evidence of noteworthy characteristics (i.e. design, materials or workmanship), and are in dilapidated condition; therefore, it was concluded that they would not meet Washington Heritage Register (WHR) nor the National Register of Historic Places (NRHP) eligibility criteria.

Given, (1) no evidence cultural or historical properties on the site and (2) the inability of the buildings to meet the WHR or NRHP eligibility criteria, NOAA concluded that there will be "no historic properties affected" by the proposed activities. On Oct 1, 2007, NOAA sent copies of the final archaeological investigation report along with concurrence request letters to Dr Robert Whitlam at the WA State Department of Archaeology and Historic Preservation (DAHP) and Ms. Kathleen Duncan, Cultural Resources Officer for the Jamestown S'Klallam Tribe, copies of these letters are enclosed. On Oct 11, 2007 NOAA received a letter from Dr. Whitlam at DAHP concurring with NOAA's determination of "no historic properties affected", a copy of this letter is enclosed. NOAA called Ms. Duncan's office on Oct 30<sup>th</sup> to ensure that they had no concerns or comments on the findings and determination. The thirty-day comment period required under NHPA has elapsed without any comments or concerns being raised by the Jamestown S'Klallam Tribe. Therefore, the consultation requirements under Section 106 of NHPA have been completed.

07-Nov-07

Please contact me at 206.526.4861 if you have any questions about these consultations.

Sincerely,



Polly L. Hicks  
Restoration Ecologist

- Enclosures:
1. Hicks, Polly. Memo regarding U.S. Fish and Wildlife Service Consultation for Salmon/Snow Estuary Project (RCDB #2123). 3 October 2007.
  2. Longenbaugh, Matthew. E-mail regarding Salmon/Snow Estuary Restoration Project, Discovery Bay, WA - Concurrence Request for steelhead. 3 October 2007.
  3. Hicks, Polly. Letter to SHPO requesting consultation on the protection of historic resources for the Discovery Bay Salmon/Snow Estuary Project. 1 October 2007.
  4. Hicks, Polly. Letter to Jamestown S'Klallam Tribe requesting comment on decision of no impact for Discovery Bay Salmon/Snow Estuary Project. 1 October 2007.
  5. Whitlam, Robert. Letter regarding Discovery Bay Salmon/Snow Estuary Project. 11 October 2007.

noaa Letters  
Archaeology



**Polly L. Hicks**

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7600 Sand Point Way NE, Building 1, DARC  
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Polly.Hicks@noaa.gov

October 3, 2007

Rebecca Benjamin  
North Olympic Salmon Coalition  
P.O. Box 699  
Port Townsend, WA 98368

Dear Rebecca,

Enclosed are copies of the consultation letters sent to the state archeologist and the tribal archaeologist at the Jamestown S'Klallam Tribe. Once they receive the letters, they have thirty days to raise any questions or concerns about the determination that the Salmon/Snow Estuary Restoration Project will not have any effect on historical or cultural resources. I will send you copies of any correspondence that I receive from either the state or the tribe. I have also enclosed two of our Restoration Center hats one for you and one for Paula. I meant to give those to you when we met at the site last week, but forgot and left them in my car.

If you have any questions about these letters or the consultation process please let me know.

Sincerely,

Polly L. Hicks  
Restoration Ecologist



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7600 Sand Point Way NE, Building 1, DARC  
Seattle, WA 98115  
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October 1, 2007

Dr. Rob Whitlam  
State Archeologist  
1063 S. Capitol Way, Suite 106  
PO Box 48343  
Olympia, WA 98504-8343

**RE: Request for consultation on the protection of historic resources at the Discovery Bay Salmon/Snow Estuary Project in Jefferson County, Township 29 North, Range 2 East, Section 23 & 24.**

Dear Dr. Whitlam,

The North Olympic Salmon Coalition, funded under a cooperative agreement with the NOAA Restoration Center, is planning to restore 11 acres of native salt marsh habitat within the Discovery Bay Salmon/Snow Estuary. This 'undertaking' includes: removal of 66,000 cubic yards of fill material including wood waste and gravel, removal of five derelict buildings, regrading of site to restore natural marsh elevation, and creating tidal channels in the restored marsh habitat. NOAA Restoration Center has attempted to identify any potential adverse effects to historic properties resulting from these activities according to our obligation under the National Historic Preservation Act as implemented through 36 CFR 800. To this end, we have reviewed the cultural resource investigation completed by the archaeological consulting firm Western Shore Heritage Services, Inc. that the North Olympic Salmon Coalition hired. North Olympic Salmon Coalition completed this investigation prior to receiving NOAA funds and submitted the final report to your office earlier this year.

As part of the cultural resource investigation, Western Shore Heritage Services contacted the Jamestown S'Klallam tribal cultural resources staff to identify any archaeological sites, historic sites, or traditional cultural places within the Area of Potential Effect (APE). The Jamestown S'Klallam Tribe will be sent a copy of the enclosed archeological report and will be asked for their comments on the survey results.

Margaret Berger and Matthew Gill of Western Shores Heritage Services conducted a site records search at the Washington Department of Archaeology and Historic Preservation, reviewed local historical maps and aerial photography, and corresponded with cultural resource staff from the Jamestown S'Klallam Tribe. In addition a pedestrian survey and mechanical excavation of test trenches were completed throughout the APE to determine presence or absence of archaeological deposits. Please note, that while the total amount of fill to be removed from the site has increased since this investigation, the APE has not changed.


Historic property inventory forms were completed for each of the five derelict buildings located on the site. The structures have no documented historical significance, have no evidence of noteworthy characteristics (i.e. design, materials or workmanship), and are in dilapidated condition; therefore, it was concluded that they would not meet Washington Heritage Register (WHR) nor the National Register of Historic Places

(NRHP) eligibility criteria. The cultural resources investigation report including property inventory forms are enclosed.

Given, (1) no evidence cultural or historical properties on the site and (2) the inability of the buildings to meet the WHR or NRHP eligibility criteria, our conclusion is that there will be "no historic properties affected" by the proposed activities. It is recognized that the surveys conducted may not conclusively locate all historic materials. Contractors and site supervisors will be instructed adhere to the management recommendations made in the enclosed report.

We hope for your concurrence in these findings. Please contact me at 206.526.4861 if you have any questions or concerns.

Sincerely,



Polly L. Hicks

Enclosure: Cultural Resources Assessment for North Olympic Salmon Coalition's Discovery Bay Project, Jefferson County, Washington. December 2006.

Cc: Ms. Rebecca Benjamin, Project Manager, North Olympic Salmon Coalition  
Ms. Kathleen Duncan, Cultural Resources, Jamestown S'Klallam Tribe



STATE OF WASHINGTON

**DEPARTMENT OF ARCHAEOLOGY & HISTORIC PRESERVATION**

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October 11, 2007

Ms. Polly Hicks  
NOAA Restoration Center NW  
7600 Sand Point Way NE, Bldg 1, DARC  
Seattle, Washington 98115

Re: Discovery Bay Salmon/Snow Estuary Project  
Log No: 101107-02-NOAA

Dear Ms. Hicks:

Thank you contacting our department. We have reviewed the professional archaeological survey by Western Shores Heritage Services, Inc. for the proposed Discovery Bay Salmon/Snow Estuary Project in Jefferson County, Washington.

We concur with their professional recommendations and your determination of No Historic Properties Affected. We would appreciate receiving any correspondence or comments from concerned tribes or other parties that you receive as you consult under the requirements of 36CFR800.4(a)(4).

These comments are based on the information available at the time of this review and on the behalf of the State Historic Preservation Officer in conformance with Section 106 of the National Historic Preservation Act and its implementing regulations 36CFR800.

Should additional information become available, our assessment may be revised. In the event that archaeological or historic materials are discovered during project activities, work in the immediate vicinity must stop, the area secured, and the tribes' cultural departments and our department notified. Thank you for the opportunity to comment and a copy of these comments should be included in subsequent environmental documents.

Sincerely,

Robert G. Whitlam, Ph.D.  
State Archaeologist  
(360) 586-3080  
email: [rob.whitlam@dahp.wa.gov](mailto:rob.whitlam@dahp.wa.gov)





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October 1, 2007

Ms. Kathleen Duncan  
Jamestown S'Klallam Tribe  
1033 Old Blyn Highway  
Sequim, WA 98382

**RE: Notification and request for comment on decision of no impact for Discovery Bay  
Salmon/Snow Estuary Project activities in compliance with National Historic  
Preservation Act.**

Dear Ms. Duncan,

The North Olympic Salmon Coalition, funded under a cooperative agreement with the NOAA Restoration Center, is planning to restore 11 acres of native salt marsh habitat within the Discovery Bay Salmon/Snow Estuary. This 'undertaking' includes: removal of 66,000 cubic yards of fill material including wood waste and gravel, removal of five derelict buildings, regrading of site to restore natural marsh elevation, and creating tidal channels in the restored marsh area. NOAA Restoration Center (RC) has attempted identify any potential adverse effects to historic properties resulting from these activities according to our obligation under the National Historic Preservation Act as implemented through 36 CFR 800. To this end, we have reviewed the cultural resource investigation completed by the archaeological consulting firm Western Shore Heritage Services, Inc. that the North Olympic Salmon Coalition hired. North Olympic Salmon Coalition completed this investigation prior to receiving NOAA funds.

As part of the cultural resources investigation Margaret Berger and Matthew Gill of Western Shores Heritage Services conducted a site records search at the Washington Department of Archaeology and Historic Preservation, reviewed local historical maps and aerial photography, and corresponded with your office at the Jamestown S'Klallam Tribe. In addition a pedestrian survey and mechanical excavation of test trenches were completed throughout the APE to determine presence or absence of archaeological deposits. Please note, that while the total amount of fill to be removed from the site has increased since this investigation, the APE has not changed. Historic property inventory forms were completed for each of the five derelict buildings located on the site, none of which were found to meet either the Washington Heritage Register (WHR) or the National Register of Historic Places (NRHP) eligibility criteria. The cultural resources investigation report including property inventory forms are enclosed.

Given, (1) no evidence cultural or historical properties on the site and (2) the inability of the buildings to meet the WHR or NRHP eligibility criteria, our conclusion is that there will be "no historic properties affected" by the proposed activities. The archaeological investigation report was included as the basis for our request for concurrence with the State Historical Preservation Officer. Enclosed is a copy of that request as well as the final archaeological investigation report.



We recognized that the surveys conducted may not locate all historic materials. Contractors and site supervisors will be instructed that if any cultural resources are found during ground disturbance, they are to stop all project activities, secure the site, and contact the State Archeologist, tribal representatives, and the NOAA project manager. If any human remains are discovered we will additionally contact the County Sheriff.

I hope that this process meets your approval. Please contact me if you have any concerns or opinions we should consider regarding this investigation and the determination of "no historic properties affected".

Sincerely,



Polly L. Hicks  
Restoration Ecologist

Enclosure: Cultural Resources Assessment for North Olympic Salmon Coalition's Discovery Bay  
Project, Jefferson County, Washington. December 2006.  
Concurrence Request Letter to WA State Archaeologist. October 2007.

Cc: Ms. Rebecca Benjamin, Project Manager, North Olympic Salmon Coalition