

DEPARTMENT OF THE ARMY PERMIT

**REGIONAL GENERAL PERMIT
FOR
U.S. Forest Service Fish Passage Program
Within the State of Oregon**

PERMIT NO.: 200300529

EFFECTIVE DATE: July 15, 2005

EXPIRATION DATE: July 15, 2010

ISSUING OFFICE: U.S. Army Corps of Engineers, Portland District

This regional general permit (RGP) authorizes the placement of fill material in waters of the United States within the State of Oregon subject to the terms and conditions contained herein for the purpose of expediting the authorization of culvert replacement or removal projects which enhance fish passage and have minor individual and cumulative adverse impact on the aquatic environment. This general permit is issued upon the recommendation of the Chief of Engineers as provided by 33 CFR 325.2(e)(2), pursuant to Section 404 of the Clean Water Act (P.L. 95-217) and Section 10 of the River and Harbor Act of 1899.

ACTIVITIES AUTHORIZED BY THIS GENERAL PERMIT

The RGP authorizes removal and replacement projects to restore fish passage on National Forest System Lands located in Oregon. All projects will meet the Oregon Department of Fish and Wildlife (ODFW) fish passage design requirements. This general permit authorizes the following work in waters of the United States within the state of Oregon on National Forest System Lands for the purpose of enhancing fish passage:

- 1) Culvert/road-fill removal and restoration of stream channels and associated floodplains upstream, within, and downstream of the existing culvert and road fill. This includes the placement of fill, large wood and boulders below the ordinary high water mark.
- 2) Culvert replacement with a larger culvert or open-bottom arch culvert. New flow relief culverts may be installed in the existing road prism in developed floodplains.
- 3) Culvert replacement with a bridge and reconstruction of the stream channels and associated floodplains upstream, within, and downstream of the existing culvert and road fill. This includes the placement of fill, large wood and boulders below the ordinary high water mark. New flow relief culverts may be installed in the existing road prism in developed floodplains.

The maximum fill impact area below the ordinary high water is 0.8 acre for each project. Fill may include minimal amounts of riprap to stabilize the road fill because little, if any, will be required below the ordinary high water mark. Fill will be limited to the following:

- 1) For all projects between 1 and 3 cubic yards of fill (clean sediment) may be introduced into the stream from normal construction practices related to culvert removals and

- replacements. On occasion, up to 5 cubic yards may be introduced into the stream on larger and more complex projects.
- 2) For culvert replacement projects, additional substrate will be imported to embed culverts or open-bottom arches. Fill will simulate natural channel substrate and may reach up to 400 cubic yards for the largest open-bottom arches (30 ft wide x 100 ft long). The majority of projects will fall below this upper limit.
 - 3) For projects that include channel and floodplain reconstruction, large wood and boulders may be placed into the stream channel, side channels, and floodplain. Such fill material may reach up to 600 cubic yards below the ordinary high water mark, depending on the size of the fill area and the densities of large wood and boulders that would naturally occur in a particular location.

PROCEDURES FOR AUTHORIZATION OF INDIVIDUAL ACTIVITIES

1. Permittee Review of Permit Requirements. A prospective permittee considering the use of this General Permit must compare the proposed project's features with the requirements and conditions of this permit. Proposed actions, which meet the terms and conditions stated in this general permit may proceed without prior notification to the District Engineer. Permittees are responsible for consulting with the appropriate local government agencies to ensure that any requirements of local comprehensive plans and their associated implementing regulations are met. Approvals or permits from Oregon Department of State Lands may also be required.

2. Post-completion Reporting. The U.S. Forest Service (USFS) will submit an annual report to U.S. Army Corps of Engineers, Portland District, Regulatory Branch (Corps), the National Oceanic and Atmospheric Administration-National Marine Fisheries Service (NMFS), and the U.S. Fish and Wildlife Service (USFWS) summarizing the completed fish passage culvert projects. The report will be submitted by January 31 of each year.

Report will include the following elements:

- Project Identification
- Project Name
- Location
- Date of construction
- Identification as either a culvert removal or replacement project
- Width and slope of impassable culvert
- Fish species/ESU (and life history stages) above and below the impassable culvert
- Bankfull width (from the ordinary high water mark) and slope of stream channel
- Designation of channel substrate
- New structure type
- Width and slope of new structure
- Miles of stream opened to fish passage
- Number of injuries/mortalities to ESA-listed species as a result of construction

3. Annual Review. In addition to the annual reports, the USFS will coordinate an annual review meeting with the Corps to discuss the annual monitoring report, conduct site visits, and collectively determine if RGP objectives are being met.

GENERAL CONDITIONS:

1. MAINTENANCE. The USFS must maintain individual projects authorized by this RGP in good condition and in conformance with the terms and conditions of this RGP. USFS is not relieved of this requirement if USFS abandons the individual projects, although USFS may make a good faith transfer to a third party in compliance with Condition 2 below. Should USFS wish to cease to maintain individual projects or should USFS desire to abandon them without a good faith transfer, USFS must obtain a modification of the individual authorization from the Corps, which may require restoration of the area.

2. PROPERTY TRANSFER. If USFS sells properties associated with this RGP, USFS must transfer the individual authorization(s) to the new owner(s) and forward evidence (i.e., written documentation of new owner accepting transferred authorization) to the Corps to validate the transfer of the authorization(s).

3. 401 WATER QUALITY CERTIFICATION. USFS must comply with the conditions specified in the 401 water quality certification issued on May 13, 2005 by the Oregon Department of Environmental Quality (DEQ). For convenience, a copy of the certification is attached (Enclosure 1).

4. COASTAL ZONE CONSISTENCY. By letter dated, June 20, 2005, DLCD agreed that there are not reasonably foreseeable effects of these projects on lands within the coastal zone or conflicts with enforceable policies of the Oregon Coastal Management Program.

5. IN-WATER WORK PERIODS. All in-water work, including temporary fills or structures, shall occur within the time periods recommended by Oregon Department of Fish and Wildlife (ODFW) in the most current version of *Oregon Guidelines for Timing of In-Water Work to Protect Fish and Wildlife Resources*. Exceptions must receive ODFW and NMFS and/or USFWS's concurrence in writing prior to work being performed.

- a. Upon request from Corps, the USFS must provide a list of specific project or specific sites where work periods were modified through agreement with ODFW and NMFS or USFWS.
- b. Incorporate the most recent ODFW run-timing data located at (<http://oregonstate.edu/dept/nrimp/information/timing/TimingData.htm>) and modify project in-water work timing as appropriate.
- c. Not initiate or continue in-water work in any project area where adult spring run Chinook are spawning, where spawning is eminent, or where redds are active and in-water work will displace spawning or pre-spawning adults from spawning areas, or where disruption or dewatering of active redds is likely as determined by an experienced fisheries biologist.

6. AQUATIC LIFE MOVEMENTS. No activity may substantially disrupt the movement of those species of aquatic life indigenous to the water body, including those species, which normally migrate through the area. Fish passage maybe temporarily blocked during construction, but such blockage will be short-term, occur during the in-water work periods, and will not substantially disrupt necessary migration patterns.

7. SPAWNING AREAS. The placement of large wood and boulders in salmonid spawning areas during spawning seasons is not allowed under this permit. If placement occurs after the spawning season is complete but before the juvenile emergence of a listed species, a redd survey will be completed by a qualified surveyor prior to placement. Placement will be restricted to a distance of at least two active channel widths away from any redds.

8. FILL MATERIAL QUALITY. Only clean fill, free of waste and polluted substances, shall be used when it is authorized as part of the permitted work.

9. RIPARIAN VEGETATION PROTECTION & RESTORATION. Riparian, wetland, and shoreline vegetation in the project area shall be protected from disturbance to the maximum extent possible, and should be restored and enhanced when unavoidably disturbed due to activities associated with the authorized work. Damaged or destroyed vegetation should be replaced with native plant materials.

10. TURBIDITY. DEQ has issued a water quality certification with turbidity conditions.

11. EROSION CONTROLS. Appropriate erosion and siltation controls must be used and maintained in effective operating condition during and after construction, until all exposed soil and other fills are permanently stabilized. When natural regrowth is expected to be insufficient, native vegetation must be planted before the following growing season to replace any riparian vegetation removed as a result of activities associated with this RGP. When native plants or seeds are not available, non-native plants (sterile) may be used.

12. EQUIPMENT. Operation of heavy equipment in the streambed is not allowed except under the following circumstances:

- a. the streambed consists of bedrock, and no compaction will occur in the streambed and only minimal compaction will occur in the floodplain; or
- b. there is no surface flow in the channel; or
- c. equipment cannot safely reach the channel work site due to steep and/or rugged terrain; or
- d. where it is necessary to cross the stream to avoid springs; or
- e. to avoid or minimize disturbance of valuable riparian vegetation; or
- f. At designated stream crossings to complete channel restoration.

Heavy equipment working in wetlands must be placed on mats, or other appropriate measures must be implemented to minimize soil disturbance.

Project staging shall be done in a way that minimizes the actual time that machinery is operated in the stream. Instream equipment operation shall only occur within the ODFW approved work windows unless otherwise approved by ODFW. Exceptions must receive NMFS concurrence in writing prior to work being performed.

Equipment that is used for instream work will be cleaned prior to entering the two-year floodplain. External oil and grease will be removed, along with dirt and mud. Untreated wash and rinse water will not be discharged into streams and rivers without adequate treatment.

Machinery refueling is to occur off site or in a confined, designated area to prevent spillage into waterways and wetlands.

The permittee is responsible for containment and removal of any toxicants released. Spills shall be immediately reported to DEQ and ODFW.

13. OBSTRUCTION OF HIGH FLOWS. Discharges must not permanently restrict or impede the passage of normal or expected high flows.

14. NAVIGATION. Placement of large wood or boulders that may impede safe navigation in any waterway that regularly supports navigation, including motorized and non-motorized craft, is not allowed under this general permit.

15. WATER SUPPLY INTAKES. Water suppliers must be notified in advance of proposed work, which may affect their water intakes.

16. HAZARDOUS, TOXIC, & WASTE MATERIALS. Petroleum products, chemicals, fresh cement, construction debris, or other deleterious waste materials shall not be allowed to enter waterways or wetlands.

17. ACCESS ROADS AND STAGING AREAS. Access roads and staging areas within 150 feet of the two-year floodplain shall be constructed so as to minimize erosion. Temporary access roads and other disturbed riparian areas shall be restored with native vegetation after construction is completed.

18. Endangered and Threatened Species, Essential Fish Habitat (EFH), and Marine Mammals. The Endangered Species Act of 1973 (ESA), as amended, requires all Federal agencies to consult with the National Oceanic and Atmospheric Administration -National Marine Fisheries Service (NMFS) and/or the U.S. Fish and Wildlife Service (USFWS), pursuant to Section 7 of the ESA, on any action, or proposed action, permitted, funded, or undertaken by the agency that may affect a species listed as threatened or endangered under the ESA, or its designated critical habitat. The USFS has determined that activities that would be authorized by this RGP would affect federally listed species and, therefore, have completed consultation with the NMFS and USFWS. NMFS (NMFS reference number 2002/01254, 2002/00879, 2003/00676) issued multiple Biological Opinion's (BO) on October 18, 2002 with a revision on May 21, 2003; February 25, 2003; September 2, 2003; and USFWS (USFWS reference numbers 1-7-03-F-20, 1-7-04-F-1113, 1-14-03-F-511, 1-7-03-I-0395, 1-3-03-PF-1243 and 1-7-03-F-0379, 1-7-04-F-0184, 1-15-04-F-0328) issued multiple Biological Opinion's (BO) on April 11, 2003, in January 2004, January 21, 2004, March 1, 2004, April 2004, June 17, 2004, for the proposed activities covered under this RGP (Enclosure 2). The BO's contain mandatory terms and conditions associated with incidental take. The USFS will implement the Terms and Conditions stated in all BO's as they are designated for each USFS area.

The Magnuson-Stevens Fishery Conservation and Management Act (MSA), as amended by the Sustainable Fisheries Act of 1996, requires all Federal agencies to consult with NMFS on all actions, or proposed actions, permitted, funded, or undertaken by the agency that may adversely affect Essential Fish Habitat (EFH). The Forest Service has determined that activities authorized by this RGP may adversely affect EFH for federally managed fisheries in Oregon waters. The U.S. Forest Service has completed consultation with NMFS. In this consultation, NMFS concluded that the proposed activities that would be authorized by this RGP may adversely affect designated EFH for Pacific salmon, coastal pelagic species, and west coast groundfish. NMFS has included reasonable and prudent measures as terms and conditions of the BO, issued by NMFS on October 18, 2002 (with the May 21, 2003 modification to pages 26 and 27), February 25, 2003, and September 2, 2003, to avoid, minimize, or otherwise offset affects to designated EFH produced by the activities authorized by this RGP (Enclosure 2). The USFS will implement the reasonable and prudent measures stated in all BO's as they are designated for each USFS area. Compliance with these conditions also satisfies the mandate to address the Marine Mammal Protection Act and EFH under Section 305 of the Magnuson-Stevens Fisheries Conservation and Management Act.

The above referenced BO's are in effect unless superseded by a BO for a designated area.

19. CULTURAL RESOURCES AND HISTORIC PROPERTIES. The USFS is the lead Federal agency for compliance under Federal cultural resources and historic preservation laws and regulations. The USFS is responsible for compliance with the National Historic Preservation Act (NHPA). USFS will individually review projects to determine if activities may be located on property registered or eligible for registration in the latest published version of the National Register of Historic Places (NRHP). No individual project shall proceed under the RGP until requirements under Federal cultural resources and historic preservation laws and regulations are met. USFS shall not disturb or destroy known archaeological sites unless authorized under a permit issued by the SHPO and/or a SHPO MOA for cultural/historic resources for adverse effects to properties listed or eligible for listing under the NRHP.

20. WILD AND SCENIC RIVERS ACT. Proposed projects are located within a reach of river designated as a Federal Wild and Scenic River or on a reach of river officially designated by Congress as a "study river" while the river is in an official study status are not authorized by this general permit.

21. TRIBAL RIGHTS. No activity or its operation may impair reserved tribal rights, including, but not limited to, reserved water rights and treaty fishing and hunting rights.

22. COMPLIANCE INSPECTIONS. Compliance inspections may be conducted to ensure that work performed under this general permit is in compliance with its terms and conditions. The District Engineer or his authorized representative will request permission from the property owner for access to the work site. A request for access will be specific as to the date and time of access, and opportunity will be provided for the property owner or his representative to be onsite during the inspection.

23. ACCURACY OF INFORMATION. If an activity is authorized by this general permit based on false, incomplete or inaccurate information provided by the applicant, the authorization shall not be valid and the Government may institute appropriate legal proceedings.

24. EXPIRATION, MODIFICATION OR REVOCATION OF THIS PERMIT. Activities authorized under this general permit that are under construction or under contract for construction in reliance upon this authorization will remain authorized provided the activity is completed within 12 months of the date of this general permit's expiration, modification or revocation, unless the District Engineer has exercised his discretionary authority to modify, suspend, or revoke the authorization of a specific project in accordance with Corps regulations.

LIMITS OF THIS AUTHORIZATION

- a. This general permit does not obviate the need to obtain other Federal, state or local authorizations required by law.
- b. This general permit does not grant any property rights or exclusive privileges.
- c. This general permit does not authorize any injury to the property or rights of others.
- d. This general permit does not authorize interference with any existing or proposed Federal project.

LIMITS OF FEDERAL LIABILITY

In issuing this permit, the Federal Government does not assume any liability for the following:

- a. Damages to the permitted project or uses thereof as a result of other permitted or unpermitted activities or from natural causes.
- b. Damages to the permitted project or uses thereof as a result of current or future activities undertaken by or on behalf of the United States in the public interest.
- c. Damages to persons, property, or to other permitted or unpermitted activities or structures caused by the activity authorized by this permit.
- d. Design or construction deficiencies associated with the permitted work.
- e. Damage claims associated with any future modification, suspension, or revocation of this permit.

REEVALUATION OF PERMIT DECISION


The District Engineer may reevaluate this general permit at any time, and, if appropriate, suspend, modify, or revoke this permit as provided in 33 CFR 325.7. The District Engineer may also suspend, modify, or revoke authorization under this general permit for any specific geographic area, class of activities, or class of waters within the state of Oregon.

This general permit will be reviewed within one year of its effective date to determine whether the projects authorized by this general permit result in no more than minimal effects, both individually and cumulatively, and to ensure that the terms and conditions of this permit are being observed. The District Engineer will invite the participation of other interested federal and state agencies in this review. If this review concludes that changes in permit terms or conditions are warranted, modification of the permit will be proposed as provided in 33 CFR 325.7, including public notice and opportunity for comment.

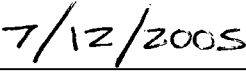
EXPIRATION OF THIS AUTHORITY

This general permit will expire five years from the date on which it becomes effective, unless it is extended prior to that date.

BY AUTHORITY OF THE SECRETARY OF THE ARMY:



Donald Borda
Acting Chief, Regulatory Branch



(Date)



Oregon

Theodore R. Kulongoski, Governor

Department of Environmental Quality

811 SW Sixth Avenue
Portland, OR 97204-1390
503-229-5696
TTY 503-229-6993

May 13, 2005

REC'D MAY 18 2005

Ms. Corrie Veenstra
U.S. Army Corps of Engineers
ATTN: CENWP-OP-G
PO Box 2946
Portland, OR 97208

Dear Ms. Veenstra:

The Department of Environmental Quality (DEQ) has reviewed the U.S. Army Corps of Engineers (USACE) Regional General Permit (RGP) application #2003-00529. The applicant, US Forest Service, proposes fish passage and stream restoration projects on National Forest System Lands in Oregon.

National Forest System Lands covered by this 401 Water Quality Certification (WQC) include the Deschutes, Fremont-Winema, Malheur, Mt. Hood, Ochoco, Rogue-Siskiyou, Siuslaw, Umpqua, Wallowa-Whitman, Willamette, Umatilla and the Columbia River Gorge National Scenic Area. Additional non-federal lands are included when a culvert removal or replacement leads to passage of fish onto Forest Service administered lands.

Project elements may include: culvert/road-fill removal and/or replacement with fish friendly structures, restoration of stream channel and floodplains adjacent to culverts, installation of flow relief culverts in floodplain areas, placement of fill, large wood and boulders below the ordinary high water mark.

This (WQC) covers projects up to:

- a maximum fill impact area 0.8 acres (300 feet long by 250 feet wide) below bankfull depth, and/or;
- a maximum removal impact area 0.8 acres (300 feet long by 250 feet wide) below bankfull depth, and/or;
- a maximum fill volume of 5 cubic yards incidental to the construction process, 400 cubic yards for streambed simulation in the culvert, and 600 cubic yards for channel / floodplain reconstruction.

Based on the information provided by the applicant, DEQ does not anticipate any long-term violations of State Water Quality standards, including Oregon Administrative Rule (OAR) 340-041-0004, Antidegradation Policy for Surface Waters, provided the following conditions are incorporated into the permit.

- 1) **Expiration Date:** The expiration date for this WQC is September 30, 2009.
- 2) **Fish protection/ODFW timing:** All in-water work shall occur within the Oregon Department of Fish and Wildlife's (ODFW) preferred time window as specified in Oregon Guidelines for Timing of In-Water Work to Protect Fish and Wildlife

Enclosure 1

Resources, June 2000. Exceptions to the work timing window must be reviewed and approved by ODFW.

- 3) **Isolation of work:** All instream work will be conducted in isolation. The project areas will be dewatered using one of the following methods:
- a. Divert flow with pumps or structures such as cofferdams constructed with non-erosive devices, such as sandbags, bladder bags, or other means that divert water. Diversion dams constructed with material mined from the stream or floodplain is not permitted.
 - b. The temporary bypass system may consist of non-erosive techniques, such as a pipe or plastic-lined channel, both of which must be sized large enough to accommodate the predicted peak flow rate during construction. In cases of channel rerouting, water can be diverted to one side of the existing channel.
 - c. Dissipate flow at the outfall of the bypass system to diffuse erosive energy of the flow. Place the outflow in an area that minimizes or prevents damage to riparian vegetation. If the diversion inlet is not screened to allow for downstream passage of fish into the stream channel, place diversion outlet in a location that facilitates safe reentry of fish into the stream channel.
 - d. When necessary, pump water from the de-watered work area to a temporary storage and treatment site or into upland areas and filter through vegetation prior to reentering the stream channel.
 - e. Any water intake structure (pump) authorized under this BA must have a fish screen installed, operated and maintained in accordance to National Marine Fisheries Service (NMFS) fish screen criteria (NMFS, 1995) (<http://www.nwr.noaa.gov/1hydroweb/ferc.htm>).
- 4) **Monitoring Requirements:** A turbidity monitoring report shall be submitted to DEQ as part of the Annual Reporting to NMFS, USACE, US Fish and Wildlife Service. The report shall include documentation of when and where turbidity levels were exceeded, what Best Management Practices (BMP's) were implemented, the duration of exceedence, and the effectiveness of the BMP's.
- 5) **Turbidity/erosion controls:** The authorized work shall not cause turbidity of affected waters to exceed 10% over natural background turbidity 100 feet downstream of the fill point. For projects proposed in areas with no discernible gradient break (gradient of 2% or less), monitoring shall take place at 4 hour intervals and the turbidity standard may be exceeded for a maximum of one monitoring interval per 24 hour work period provided all practicable control measures have been implemented. This turbidity standard exceedance interval applies only to coastal lowlands, floodplains, and valley bottoms.

For projects in all other areas, the turbidity standard can be exceeded for a maximum of 2 hours (limited duration) provided all practicable erosion control measures have been implemented.

Turbidity shall be monitored during active in-water work periods. Monitoring points shall be an undisturbed site (representative background) 100 feet upstream from turbidity causing activity (i.e., fill or discharge point), 100 feet downstream from the fill point, and

at the point of fill. A turbidimeter is recommended, however, visual gauging is acceptable. Turbidity that is visible over background is considered an exceedance of the standard.

Practicable erosion control measures which shall be implemented, as appropriate, include but are not limited to the following:

- a) Place fill in the water using methods that avoid disturbance to the maximum practicable extent (e.g. placing fill with a machine rather than end-dumping from a truck);
- b) Prevent all construction materials and debris from entering waterway;
- c) Use filter bags, sediment traps or catch basins, wattles, fiber blankets, mulches, bonded fiber matrices, hay bales, silt curtains, leave strips or berms, Jersey barriers, sediment fences, or other measures sufficient to prevent movement of soil;
- d) Use impervious materials to cover stockpiles when unattended or during rain event;
- e) Erosion control measures shall be inspected and maintained daily, to ensure their continued effectiveness;
- f) No heavy machinery in a wetland or other waterway;
- g) Use a gravel staging area and construction access;
- h) Fence off planted areas to protect from disturbance and/or erosion; and
- i) Flag or fence off wetlands adjacent to the construction area.

Turbidity shall be measured (or visually assessed) and recorded at the designated monitoring interval prescribed above during periods of active construction. The designated person attending the monitoring equipment shall be responsible for notifying the project foreman of any exceedance of the turbidity standard. If a 10% exceedance of the background level occurs at 100 feet below the project site, modify the activity causing the problem and continue to monitor at the proper interval. If exceedances occur with two consecutive measurements stop the activity causing the turbidity until the problem is resolved.

6) **Deleterious waste materials:**

- a) Petroleum products, chemicals, fresh cement, riprap grout, or other deleterious waste materials shall not be allowed to enter waters of the state;
- b) Use only clean fill free of waste and polluted substances to maintain water quality;
- c) Best management practices (BMPs) shall be employed in order to prevent discharges of spills to surface or ground water; and
- d) The applicant must remove all foreign materials, refuse, and waste from the area.

Enclosure 1

- 7) **Planting/re-vegetation:**
- a) Plant new vegetation or replace any existing vegetation in areas which may be disturbed as a result of this project, in order to restore the function and stability of the landscape and habitat;
 - b) Plant disturbed areas with native plants and trees in all cases except where the use of non-native plant materials may be essential for erosion control; and
 - c) The standard for success is 80% cover for native plant species. Temporary fencing off of planted areas may be required to insure success.
- 8) Project-related spills that enter waters of the state or onto land with a potential to enter waters of the state shall be reported to the Oregon Emergency Response System at 800.452.0311.
- 9) DEQ reserves the option to modify, amend or revoke this water quality certificate (WQC), as necessary, in the event new information indicates that the project activities are having a significant adverse impact on State water quality or critical fish resources.
- 10) A copy of this WQC letter shall be kept on the job site and readily available for reference by the Corps of Engineers, DEQ personnel, the contractor, and other appropriate state and local government inspectors.
- 11) This WQC is invalid if the project is operated in a manner not consistent with the project description contained in the permit application.
- 12) DEQ is to have site access upon reasonable request.
- 13) If you are dissatisfied with the conditions contained in this certification, you may request a hearing before the Environmental Quality Commission. Such request must be made in writing to the Director of DEQ within 20 days of the mailing of this certification. You may also request written information about alternative dispute resolution services under Oregon Revised Statute 183.502, including mediation or any other collaborative problem-solving process.

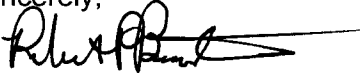
Enclosure 1

Corrie Veenstra
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The DEQ hereby certifies that this project complies with the Clean Water Act and state water quality standards, if the above conditions are made a part of the Federal permit.

The applicant shall notify the DEQ of any change in the ownership, scope, or construction methods of the project subsequent to certification. If you have any questions, please contact Christine Svetkovich at (503) 229-5046.

Sincerely,



Robert P. Baumgartner, Program Manager
Program Policy & Project Assistance
Water Quality Division
T:CS.certveen.03-529

cc: Scott Peets, USFS
Sandra Wilson Musser, USFS
Patty Snow, ODFW
Jane Bacchieri, DLCD
Lori Warner-Dickason, DSL
Yvonne Vallette, EPA
Helen Pressley, Washington DOE

Enclosure 1

Endangered Species Act - Section 7
Consultation
and
Magnuson-Stevens Act
Essential Fish Habitat Consultation

PROGRAMMATIC
BIOLOGICAL AND CONFERENCE
OPINION

Bureau of Land Management, Forest Service, and BIA/Coquille Indian Tribe Programmatic
Activities Affecting SONC Coho Salmon, OC Coho Salmon, and OC Steelhead

Action Agencies: Umpqua, Siskiyou, Rogue River, and Siuslaw National Forests; Medford,
Coos Bay, Roseburg, and Eugene Bureau of Land Management Districts;
and the BIA/Coquille Indian Tribe

Consultation
Conducted By: NOAA Fisheries
Northwest Region

Date Issued: October 18, 20002

Issued By: *f.1* Michael R. Couse
D. Robert Lohn
Regional Administrator

Refer to: 2002/00879

Enclosure 2



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, WA 98115

Refer to:
2002/00879

May 21, 2003

Jim Capland
Supervisor, Umpqua National Forest
2900 Stewart Parkway
P.O. Box 1008
Roseburg, OR 97470

Mary Smelcher
District Manager, Medford District BLM
3040 Biddle Road
Medford, OR 97504

Scott Conroy
Forest Supervisor, Rogue/Siskiyou National
Forest
Federal Building, 333 W. 8th Street, Box 520
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Sue Richardson
District Manager, Coos Bay District BLM
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North Bend, OR 97459

Gloria Brown
Forest Supervisor, Siuslaw National Forest
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Cary Osterhaus
District Manager, Roseburg District BLM
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Roseburg, OR 97470

Julia Dougan
District Manager, Eugene District BLM
2890 Chad Drive
PO Box 10226
Eugene, OR 97440-2226

Gary Varner
Bureau of Indian Affairs
PO Box 569
Siletz, OR 97380

Re: Endangered Species Act Section 7 Formal Programmatic Consultation and Magnuson-Stevens Act Essential Fish Habitat Consultation on Bureau of Land Management, Forest Service, and BIA/Coquille Indian Tribe Actions Affecting Southern Oregon/Northern California Coho Salmon, Oregon Coast Coho Salmon, and Oregon Coast Steelhead

Dear Agency Administrators:

On October 18, 2002, National Marine Fisheries Service (NOAA Fisheries) transmitted to you our biological opinion (Opinion) 2002/00879 "Endangered Species Act Section 7 Formal Programmatic Consultation and Magnuson-Stevens Act Essential Fish Habitat Consultation on Bureau of Land Management, Forest Service, and BIA/Coquille Indian Actions Affecting Southern Oregon/Northern California Coho Salmon, Oregon Coast Coho Salmon, and



Enclosure 2

Endangered Species Act - Section 7 Consultation
Biological Opinion

&

Magnuson-Stevens Fishery Conservation and
Management Act
Essential Fish Habitat Consultation

10 Categories of Forest Service and Bureau of Land Management Programmatic Activities in
Northwestern Oregon

Agencies: Willamette, Mt. Hood, and Siuslaw National Forests; Columbia River
Gorge National Scenic Area (Oregon portion); and Salem and Eugene
Bureau of Land Management Districts

Consultation
Conducted By: National Marine Fisheries Service,
Northwest Region

Date Issued: February 25, 2003

Issued by: *for* Michael R. Crouse
D. Robert Lohn
Regional Administrator

Refer to: 2002/01254 (FS)
2002/01880 (BLM)

Enclosure 2

**Biological and Conference Opinion
on Effects to Bull Trout (*Salvelinus confluentus*) and Proposed Critical Habitat
from Ongoing Forest Service and Bureau of Land Management Activities
Within the Willamette and a Portion of the Deschutes Provinces
(Log no. 1-7-03-F-20)**

**Prepared by the Oregon Fish and Wildlife Office
of the U.S. Fish and Wildlife Service
Portland, Oregon**

Signature Monty Knudsen
Date 4/11/03

**Biological Opinion and Letter of Concurrence
for Effects to Bald Eagles,
Northern Spotted Owls and Marbled Murrelets
from the U.S. Department of the Interior, Bureau of Land Management,
Eugene District and Salem District,
and U.S. Department of Agriculture, Siuslaw National Forest
fiscal year 2004/2005 disturbance activities within the North Coast Province
(FWS Reference Number 1-7-04-F-1113)**

U.S. Department of the Interior
U.S. Fish and Wildlife Service
Oregon Department of Wildlife Management
Salem, Ore.
February 2004

Signature: 
 Kenneth Rasmussen
State Director

Date Signed: February 4, 2004

Enclosure 8



United States Department of the Interior

FISH AND WILDLIFE SERVICE

Roseburg Field Office
2900 Stewart Parkway
Roseburg, Oregon
Phone: (541)957-3474 FAX: (541)957-3475



Reply To: 8330.05113 (03)
File Name: RVBO0408.doc
TS Number: 03-4483

October 20, 2003

Tim Ruewsaat
District Manager
Medford District BLM
3040 Biddle Road
Medford, OR 97504

Scott Conroy
Forest Supervisor
Siskiyou and Rogue River National Forests
333 W 8th Ave.
Medford, OR 97501

Re: Formal and informal consultation on activities that may affect listed species in the Rogue River Basin for fiscal year 2004 through fiscal year (FY) 2008 (log # 1-14-03-F-511)

Dear Mr. Conroy and Mr. Ruewsaat,

This document transmits the Fish and Wildlife Service's (Service) biological opinion (Opinion) based on our review of the Bureau of Land Management's (BLM) and the Forest Service's (FS) proposed FY 2004-FY 2008 forest management activities for the Medford BLM District and the Rogue River and Siskiyou National Forests (hereafter collectively referred to as the SW Oregon administrative units) in the Rogue River Basin, Oregon. This Opinion was prepared in accordance with section 7 of the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 *et seq.*)(Act). Your request for formal consultation was received in our office on July 15, 2003.

At issue are the effects of the proposed action on the following listed species and critical habitats: threatened northern spotted owl (*Strix occidentalis caurina*) (spotted owl); threatened marbled murrelet (*Brachyramphus marmoratus*) (murrelet); threatened bald eagle (*Haliaeetus leucocephalus*); threatened vernal pool fairy shrimp (*Branchinecta lynchi*); endangered Gentner's fritillary (*Fritillaria gentneri*); endangered Cook's Lomatium (*Lomatium cookii*); endangered large-flowered wooly meadowfoam (*Limnanthes floccosa* ssp. *grandiflora*); endangered McDonald's rockcress (*Arabis mcdonaldiana*); and critical habitat for the spotted owl, murrelet, and the vernal pool fairy shrimp.

This Opinion is based on the following major sources of information: the SW Oregon administrative units' July 15, 2003, Biological Assessment (Assessment); the SW Oregon administrative units' June 10, 2003, draft assessment; various Level 1 team meetings in 2003; the document entitled *Forest Ecosystem Management: an Ecological, Economic, and Social Assessment* (USDA et al. 1993) (FEMAT); the document entitled *Northwest Forest Plan* (NWFP) (USDA and USDI 1994a); the document entitled *Final Supplemental Environmental*

Enclosure



United States Department of the Interior

FISH AND WILDLIFE SERVICE



Western Washington Fish and Wildlife Office
510 Desmond Drive S.E., Suite 102
Lacey, Washington 98503

Oregon Fish and Wildlife Office
2600 S.E. 98th Avenue, Suite 100
Portland, Oregon 97266

In Reply Refer to:
1-3-03-I-1482 (WA)
1-7-03-I-0395 (OR)
1-3-03-PF-1243 (WA)

JAN 21 2004

Ms. Linda Goodman, Regional Forester
U.S. Forest Service, Region 6
333 SW 1st Street
Portland, Oregon 97204

Dear Ms. Goodman:

Subject: Concurrence on threatened and endangered species and designated or proposed critical habitat that may be affected, but are not likely to be adversely affected by your proposed 2003 - 2007 culvert replacement program in Washington and eastern Oregon

This letter is in response to your request for informal consultation as part of your April 28, 2003, request of the U.S. Fish and Wildlife Service (Service) to initiate formal and informal consultation under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.), as amended. The Service has reviewed the April 23, 2003, biological assessment (BA), along with agreed-upon revisions completed on June 12, 2003, concerning the U.S. Forest Service, Region 6 (FS) proposal of a 5-year program of work involving the replacement or permanent removal of road culverts on or adjacent to 12 National Forests in the State of Washington and east of the Cascade Crest in Oregon (Table 1).

This action was developed in response to your 2000 - 2002 Region 6 inventory of over 3,500 culverts on federal lands that resulted in your assessment that most of the culverts are currently presenting barriers for native resident and anadromous fish movement and/or migration. This action also includes culvert replacement projects funded, authorized, or carried out by the FS (Region 6) on lands managed by County governments that are adjacent to and contribute to fish passage goals on FS lands, as long as the projects comply with all aspects of the proposed action and this consultation.

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Enclosure 2

**Biological Opinion
for
USDA Forest Service Fish Passage Restoration Activities
in
Eastern Oregon and Washington 2004-2008**

FWS Reference Numbers: 1-3-03-PF-1243 and 1-7-03-F-0379

U.S. Department of the Interior
Fish and Wildlife Service
Oregon Fish and Wildlife Office
Portland, Oregon
and
Western Washington Fish and Wildlife Office
Lacey, Washington

March 1, 2004

Enclosure 2

**Biological Opinion and Letter of Concurrence
for Effects to Bald Eagles and Northern Spotted Owls
from the U.S. Department of the Interior,
Bureau of Land Management, Eugene District,
the U.S. Department of Agriculture,
Mt. Hood National Forest and Willamette National Forest
And the Columbia River Gorge National Scenic Area
fiscal year 2004-2005 disturbance activities within the Willamette Province
(FWS Reference Number 1-7-04-F-0184)**

U.S. Department of the Interior
U.S. Fish and Wildlife Service
Oregon Fish and Wildlife Office
Portland, Oregon
April 2004

Signature: Donald R. Prognolsh
for Kemper M. McMaster
State Supervisor

Date Signed: May 7, 2004

Enclosure 8



United States Department of the Interior



FISH AND WILDLIFE SERVICE

Roseburg Field Office
2900 NW Stewart Parkway
Roseburg, Oregon 97470
Phone: 541-957-3474 FAX: 541-957-3475

Reply To: 8330.0328(04)
File Name: UMPNF_B2_F_0328.wpd
TS Number: 04-2566
Log #: 1-15-04-F-0328
X.Ref.: 1-15-03-F-0454; 1-15-99-F-0205;
1-15-04-I-0327

June 17, 2004

Jim Caplan
Forest Supervisor
Umpqua National Forest
2900 NW Stewart Parkway
Roseburg, OR 97470

RE: Reinitiation of Formal consultation on Fiscal Years 2003 - 2007 projects within the Umpqua National Forest (Forest) that may disturb northern spotted owls and/or bald eagles [log #: 1-15-04-F-0328].

Dear Mr. Caplan:

This biological opinion (Opinion) responds to the Forest's request for informal and reinitiation of formal consultation with the U.S. Fish and Wildlife Service (Service) pursuant to section 7 of the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.), as amended (Act). Disturbance and habitat effects the ongoing action may have on the northern spotted owl (*Strix occidentalis caurina*) (spotted owl) and the bald eagle (*Haliaeetus leucocephalus*) are the issues in this consultation. The habitat effects are addressed in the concurrence herein.

This Opinion addresses the effects of an ongoing program of activities originally addressed in two separate biological opinions: 1) 1-15-99-F-0205 addressed 5 years (October 1, 1998 through September 30, 2003) of the Forest's recreation site and trail maintenance activities and; 2) 1-15-2003-F-0454 (original biological opinion) addressed the disturbance effects of Forest activities for the period July 8, 2003 – September 30, 2007. The reinitiation of formal consultation is due to modification of the program of activities addressed in the original biological opinion which now includes the recreation site (recreation facility/ies hereafter) and trail maintenance activities and extends through September 30, 2008.

This Opinion also includes a concurrence letter for the habitat impacts associated with the recreation facility and trail maintenance program. Projects which do not adhere to the descriptions in the Description of the Proposed Action section of this Opinion are not addressed in this consultation. **This Opinion is valid through September 30, 2008.**

This Opinion is based upon information provided in the following documents: Biological Assessment for Batch two, fiscal year 2004 projects on the Forest (Assessment); the Forest Ecosystem Management

