



Oregon

Tina Kotek, Governor

Department of Fish and Wildlife

South Willamette Watershed District Office

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8/3/23

Andrew Potts
Linn County Road Department
2010 Ferry St. SW
Albany, OR 97321

Loren Stucker
David Evans and Associates, Inc.
5121 Skyline Village Loop S.
Salem, OR 97306



Re: Fish Passage Authorization (PA-02-0395) for a bridge replacement on Goldfish Farm Rd. over Cox Creek

Dear Andrew and Loren,

The Oregon Department of Fish and Wildlife's (ODFW) staff have reviewed the application and design plans for this project. This letter constitutes ODFW Fish Passage Approval, as required in Oregon Revised Statute 509.585.

The proposed project will replace a 2-span bridge supported by steel pile below OHW, with a single span bridge over Cox Creek in Albany. The new bridge's pile and footings will be located outside of the stream channel and above OHW.

This action has triggered the state's fish passage rules and regulations. ODFW has reviewed the project design plans submitted to ODFW, and have determined that the design plans are consistent with the state's fish passage design criteria, as defined in OAR 635-412-0035 and therefore approve the project as required by Oregon fish passage law (ORS 509.585).

This ODFW fish passage approval is contingent on specific operational provisions which include:

1. All in-water work, defined as work at or below the ordinary high water mark elevation of the project area, shall be completed during the appropriate ODFW in-water work period, or as otherwise defined by ODFW.
2. The ODFW District Fish Biologist shall be contacted 2-weeks prior to the implementation of the project.
3. Fish salvage and rescue shall be performed prior to the commencement of any in-water work, including work area isolation and temporary water management.
4. Pursuant to OAR 635-412-0035 (10e), prior to in-stream construction activities, all fish must be safely collected, removed from the construction site or dewatered reach, and placed in the flowing stream by an authorized person in possession of a separate valid permit issued by ODFW. An Oregon Scientific Take Permit (OR-STP) from ODFW is required to conduct fish salvage in Oregon and other additional authorization may be needed from NMFS or USFWS if work is in ESA waters. OR-STPs can take up to 4-6 weeks for processing and can be applied for at: <https://apps.nmfs.noaa.gov/index.cfm> or if you have questions about OR-STP permitting, please contact fish.research@state.or.us.
5. Downstream passage of native migratory fish shall be provided during construction.
6. Applicant has stated that a vibratory hammer may be used to remove the present bridge pile. A bubble curtain must surround the vibratory hammer work area in order to reduce impacts to fish.
7. The owner/operator of the structure shall be responsible for all maintenance required such that the project provides adequate passage for native migratory fish. Adequate fish passage is defined as volitional fish passage of native migratory fish species between the fish passage design flows (5% to the 95% exceedance flows) for the project.
8. Failure to maintain fish passage at this location and for the duration of this approval shall constitute a violation of this approval and applicable fish passage laws (ORS 509.585 and 509.610).
9. Reporting on the effectiveness of fish passage is required for the project. Photos of the project upon completion should be provided to the ODFW District Fish Biologist and ODFW Fish Passage Program staff (cc'd). Please include photos of the streambed before and after removal of the steel pile(s).

10. The ODFW shall be allowed to inspect the project at reasonable times for the duration of this approval to ensure fish passage is occurring. Unless prompted by emergency circumstances, inspection shall be limited to regular and usual business hours, including weekends.
11. It is the responsibility of the applicant to comply with all necessary and required local, county, state, and federal approvals and permits.
12. This approval in no way purports or authorizes take of a federally or state listed species.

This approval is solely for the purpose of fulfilling Oregon's fish passage statutory requirements and responsibilities administered by the Oregon Fish and Wildlife Commission or the ODFW, and does not satisfy any other Department, federal, state, or local laws, rules, or regulations, including but not limited to State or Federal Endangered Species Acts, any applicable water rights, approvals or other certificates administered by regulatory authorities.

Please retain this correspondence for your records, as this documents the ODFW's approval of fish passage at this project site. Again, please note that it is the responsibility of the owner/operator, to maintain the project as approved (ORS 509.610). Thank you for cooperation and patience as we worked through the fish passage plan and application for this project. If you have any questions, please contact me.

Sincerely,



Elise Kelley
District Fish Biologist, Mid-Willamette District
Elise.X.Kelley@odfw.oregon.gov

Cc: Alex Farrand, ODFW
Greg Apke, ODFW Fish Passage Program Coordinator, (Greg.D.Apke@ODFW.Oregon.gov)
Katherine Nordholm, ODFW Fish Screens and Passage Coordinator,
(Katherine.E.Nordholm@ODFW.Oregon.gov)
ODFW Project files PA-02-0395