



April 17, 2020

City of Hoquiam
607 8th Street
Hoquiam, WA 98550

Attention: Brian Shay

Subject: Documentation of Sections 9 and 10 Endangered Species Act Compliance
Statement of Confirmation of No Potential for Adverse Effects That Result in Take

This letter presents written justification that the North Shore Levee West Segment project (the Project) will not result in a "Take" to threatened and endangered species listed under the Endangered Species Act (ESA).

FEMA's ESA compliance procedure requires a letter stating that projects that are not constructed, funded or permitted by a federal agency must demonstrate ESA compliance by submitting to FEMA written justification that a "Take", meaning to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or attempt to engage in any such conduct, will not occur to threatened and endangered species located in Grays Harbor County as a result of the project.

The Project is not being constructed, funded, or permitted by a federal agency at this time. A preliminary biological assessment (January 2020) has been completed to support the CLOMR application to FEMA, to satisfy requirements that the project complies with the ESA. An Essential Fish Habitat (EFH) evaluation was also included for Magnuson Stevens Fishery Conservation and Management Act compliance. The determination was based on conceptual design and a very good understanding of the construction approach of the various levee types (sheet pile, concrete wall and earthen berm. The project is avoiding proximity of the Ordinary High Water Mark and Mean High High Water boundaries, predominantly constructing from uplands and using construction best management practices.

There is only one federally listed species that may occur within the project Action Area: bull trout, *Salvelinus confluentus*, which is listed as threatened under the management jurisdiction of the U.S. Fish and Wildlife Service (USFWS). Critical habitats have been designated for this species and occurs adjacent to the project within the Hoquiam River and Grays Harbor. All other listed species that may occur in Grays Harbor County are not expected to occur in the Action Area for the project and are therefore, not addressed in the Biological Evaluation (BE). There are no listed species under the jurisdiction of NOAA/NMFS present within the Action Area.

The BE documents list bull trout may occupy the Action Area but **will not be directly or indirectly affected by:**

- Temporary construction-related noise;
- Physical placement of levee materials including concrete, sheet pile and earthen berm;

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- Water quality degradation due to sediment or contaminants from overland runoff;
- Changes in water quantity, flood elevations, flood storage capacity, or flood velocities;
- Isolation of potential refuge habitats; and/or
- Nearshore/riparian habitat alteration.

Therefore, the project **will not result in a “Take”** of bull trout. An analysis of effects on bull trout is included in the North Shore Levee West Segment Biological Evaluation.

Construction permits such as those required to comply with state and local regulations will be obtained at a later date subsequent to CLOMR approval. Should the project design or funding mechanisms change in any way that create federal nexus, additional ESA review may be required and will be coordinated directly with the federal entity.

This concludes our documentation for FEMA’s ESA compliance associated with the CLOMR.



Larry Dominguez, MES. Sr. Ecologist
Regulatory Compliance