



Oregon

Theodore R. Kulongoski, Governor

Department of Transportation

Region 2 Area 4
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August 16, 2008

To: Greg Apke, ODFW Statewide Fish Passage Coordinator

From: Joe Squire, ODOT PME PM *J Squire*

**SUBJECT: Interim Fish Passage Plan for Elk City Culvert
U.S. 20 Pioneer Mountain To Eddyville Highway Project**

This letter is to inform the Oregon Department of Fish and Wildlife (ODFW) that ODOT is requesting approval of an interim fish passage plan and the postponement of the replacement of the Elk City Road culvert on the U.S. 20 Pioneer Mountain-Eddyville Highway Project until July 1, 2009.

Replacement of the Elk City Bridge had been scheduled to occur during the 2008 in-water work season; however, ODOT has learned that its bridge component supplier will not have the bridge panels ready until August 25, 2008. With a minimum anticipated construction time of 4 weeks for this bridge this schedule would place construction past the September 15th end date for in-water work as defined in our project's incidental take statement. Similarly, conversation with the Mid Columbia Bus Company regarding construction at Elk City culvert and busing of school children from the Elk City road area to the Eddyville School points towards a significant conflict during the start of school in September. Mid Columbia Bus Company's recommendation to ODOT is not to detour their bus route 20 to 25 miles (~50 minutes one way) through Toledo for 4 weeks. Under the circumstances ODOT is inclined to agree on this matter for safety reasons. The school children would be boarding the bus in the dark to early dawn in the morning and return home near dusk.

The Biological Opinion for this project issued by National Marine Fisheries allows FHWA/ODOT to conduct fish salvage through the completion of construction activities and does not place an expiration time on our incidental take statement. Consequently, ODOT sees no conflict with ESA permitting by delaying fish salvage and construction at this location until the July 2009 in-water work period. However, ODOT is fully aware of the timing commitments made to ODFW under fish passage waiver agreement #23385 (dated July 14, 2006) to replace this structure during the 2008 in-water work season.

Because of the anticipated delay, and temporal loss of juvenile passage on-site, ODOT had Art Martin (ODFW liaison) on-site on August 6, 2008 to discuss fish habitat improvements that could be done this season that would facilitate passage opportunities of juvenile fish. Both ODFW and ODOT view these on-site improvements as the right biological solution to the problem at hand. Based on our positive meeting with Art, ODOT has developed, and is now submitting for your review, an interim fish passage solution that will backwater the culvert reducing the existing low-flow jump of ~12 inches to ~6 inches or less. Likewise, the plan will provide hydraulic shadows within the culvert barrel to promote adult migration (see attachment). Once the culvert is replaced the log and boulder structures will be left in-place downstream of the bridge per ODFW guidance.

Replacement of the culvert on Elk City Road will provide excellent benefits to at least five species of salmonids as well as resident fish. The culvert replacement has been designed to offset impacts at Eddy Creek Tributary D and an unnamed tributary of Trapp Creek. These creeks were electro-fished in July 2008 and the Trapp Creek tributary was shown not to have fish use primarily due to steepness and Eddy D contained small numbers of cutthroat trout. ODOT remains fully confident that mitigation at Elk City culvert will produce outstanding and long-term passage for anadromous and resident taxa alike and that the biological risks to waiting until 2009 do not reduce or outweigh the mitigation values defined in our fish passage waiver agreement with your agency, especially with the proposed interim fix.

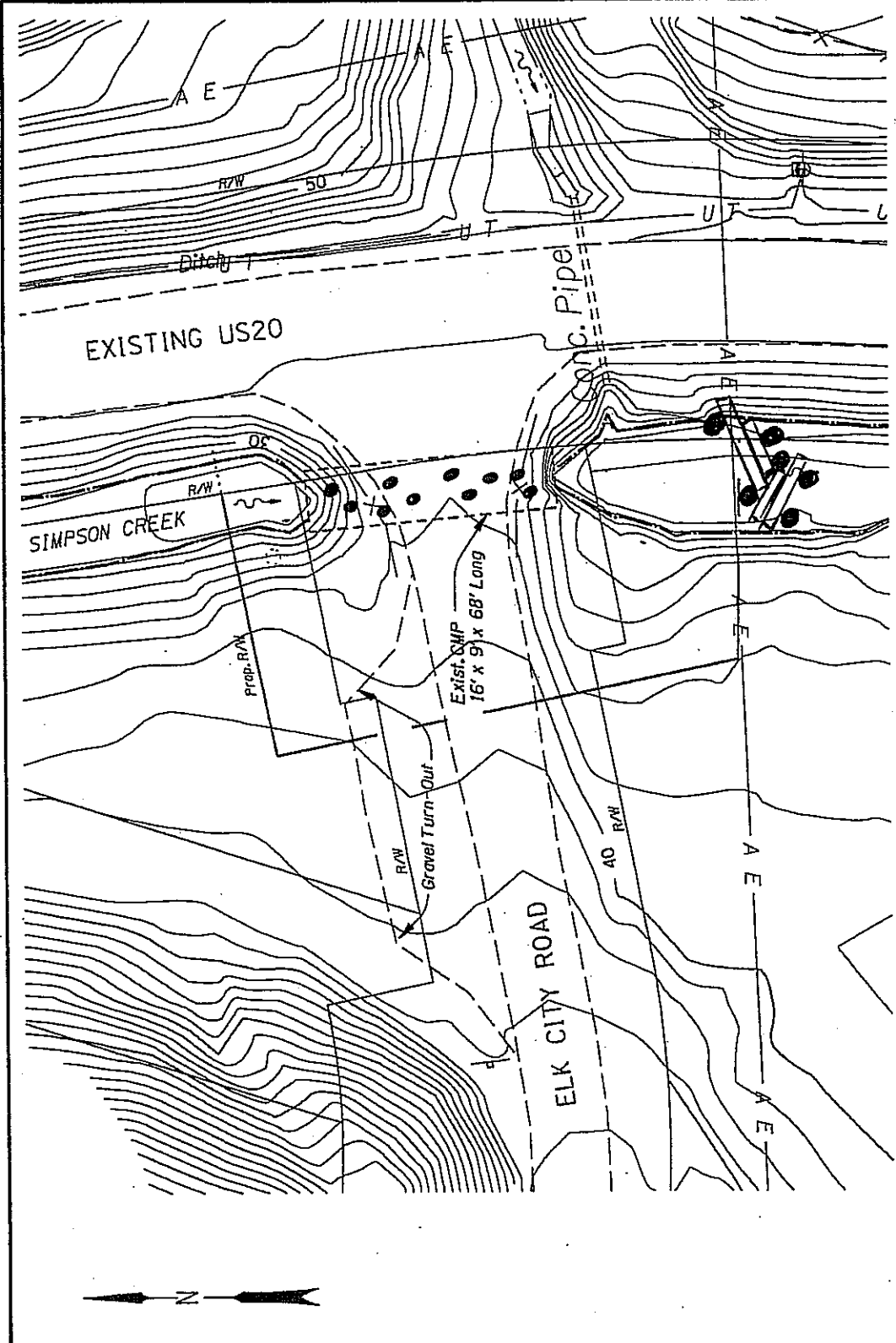
ODOT realizes that your internal process requires a 30-day public review process concerning this matter.

Please contact me if you have any questions. Thank you for your consideration.

Distribution:

Vivian Payne, Area 4 Manager ODOT
Nicholas Testa, Region Biologist, ODOT
Tom Loynes, ODOT/NOAA Liaison

Attachment

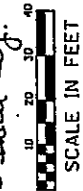


ea. Quantities
 10 - 200 POUND ROCK
 6 - 700 POUND ROCK
 4 - 12 TO 18 INCH LOG.

PLAN VIEW
 ● 200 POUND DURABLE ROCK
 ● 700 POUND DURABLE ROCK
 □ 12 TO 18 INCH LOG

LEGEND

| | |
|---------------------------------|---------|
| Right of Way | — R/W — |
| Existing Contour (2' Intervals) | — 40 — |
| Existing Edge of Road | — — — |
| Flow Direction | ~ ~ ~ |
| Existing Guardrail | — X — |
| ORW | — — — |



General Notes:
 1. Conceptual design for permit information only.
 Do not use for construction.

**404 / DSL JOINT PERMIT APPLICATION FOR:
 US20 REALIGNMENT - PIONEER MOUNTAIN TO EDDYVILLE**

PURPOSE: IMPROVE SAFETY AND PASSAGE OF
 INTERSTATE TRUCK TRAFFIC
 APPLICANT: ODOT
 DATUM: NAVD 88
 COUNTY: LINCOLN STATE: OREGON

ELK CITY CULVERT STA. 692+50
 DATE: May 1, 2008
 FIGURE: 1E

FIGURE 1E: EXISTING CONDITIONS