KITSAP COUNTY DEPARTMENT OF PUBLIC WORKS
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KITSAP COUNTY DEPARTMENT OF PUBLIC WORKS
COUNTY ROAD PROJECT NO. 2626

HARPER ESTUARY

BARRIER CORRECTION
Federal Aid No. PROTECT-2018(064)
Contract No. TA7797

ADDENDUM # 4

Date of Issue:	**October 23, 2025**
Date of Opening:	**November 4, 2025 (no change)**
Time of Opening:	**11:00 AM (no change)**

1. **Questions have been asked by prospective bidders**. Attached, and part of this addendum, is a Questions and Answers document dated October 23, 2025.

Paper copies of this addendum, and any of the attachments, are available UPON REQUEST. Please call 360-337-5777, or email at help@kitsap1.com to request paper copies. Costs for shipping paper copies shall be borne by the requestor.

This Addendum shall be acknowledged in writing by the bidder in the space provided in the proposal and shall become a part of the Contract Documents.

Addendum Authorized by _____

Joseph P. Rutan, P.E.
County Engineer

KITSAP COUNTY DEPARTMENT OF PUBLIC WORKS
COUNTY ROAD PROJECT NO. 2626

HARPER ESTUARY

BARRIER CORRECTION

Federal Aid No. PROTECT-2018(064)
Contract No. TA7797

Questions & Answers – October 23, 2025
Attachment to ADDENDUM # 4

The County has received Questions from prospective bidders. Below are the County's corresponding answers:

Question: Specification Section 1-08.4, identifies the in-water work window for USFWS as being 7/15 through 10/15, this is insufficient to complete all in-water work. The spec book does not include the army corp permit, please provide clarity as to the actual in water work window.

Answer: **The Army Corps of Engineers permit is included in the attachments of the Contract Provisions (see authorization letter and conditions dated June 18, 2024). The in-water work windows can be found in the Hydraulic Project Approval permit (2024-6-327+01) also included in the attachments of the Contract Provisions. The USFWS letter has been included as an attachment to this addendum.**

Question: The Army Corps permit is listed as included in the attachments; however, we do not see this attachment. Please provide a copy of the full permit.

Answer: **See answer to above question.**

Question: Specification Section 1-08.5 Time for Completion, states that the engineer will give the contractor written notice of the completion date after all the contractor obligations have been performed. The paragraph then includes the list of necessary documents, which includes the notice of termination from WA state department of ecology allowing 30 days for ecology to accept it. Additionally, the list includes property owner releases, however it seems unlikely that all of this can be achieved within the 180 working days allowed. Since liquidated damages are $1,900 per day, can those completion date requirements be amended?

Answer: **Refer to Section 1-08.5 Time for Completion and Section 1-08.8 Extensions of Time in the 2025 WSDOT Standard Specifications.**

Question: Specification Section 1-08.5(g) identifies property owner releases per section 1-07.24, since the county will have obtained prior to bid opening all the rights of ways and easements necessary for carrying out the work, is the contractor responsible for obtaining releases for those rights of ways and easements?

Answer: **Section 1-07.24 Rights of Way in the Contract Provisions outlines the definitions and requirements related to property owner releases.**

Question: Can you provide some clarification regarding the two date ranges described on Special Provisions page 1-105? In water work is allowed by USFWS between 7/15 and 10/15. Also, in water work is allowed by WDFW between 7/15 and 2/15. Is "in water" referring to ordinary high water (elevation 6.8') as shown on drawing 8 of 56? Do both time frames utilize the same elevation?

Answer: **The more restrictive window will control. Therefore, work within the ordinary high water/HTL should be performed between July 15 and October 15. Ordinary high water is approximately at elevation 6.8' but the linework shown on Sheet G03 is based on field mapping and should be relied on.**

Question: Special Provisions page 1-104 requires the contractor to commence construction activities on the project site within ten days of NTP unless otherwise approved. We are still evaluating schedule, but it might be reasonable to leave the road open and wait to mobilize to the site because of in water work restrictions and/or long lead items (precast girders or fascia). Do you anticipate flexibility of start date to allow for work windows to open and/or procurement of long lead items?

Answer: **Per Section 1-08.0(1) of the Contract Provisions, the Contractor shall submit an initial progress schedule prior to and for discussion at the preconstruction conference.**

Question: Could you please provide clarification as to the installation process and details for the precast grade beams and tie back rods?

Answer: **Details and general installation instructions are shown in WSDOT Standard Plan D-3.09-00 and D-3.11-03 as referenced in Wall Notes #1**

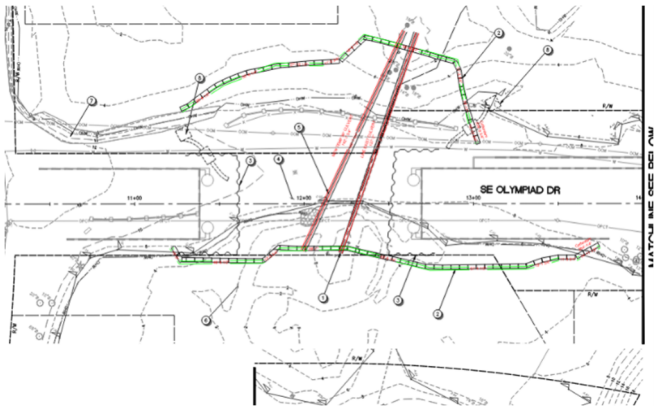
on Sheet W01 (28 of 56). Detailed installation and sequencing are means and methods to be determined by the Contractor. Construction requirements for the geosynthetic walls are specified in the WSDOT Standard Specs and special provisions, Section 6-14.

Dewatering/Isolation Questions

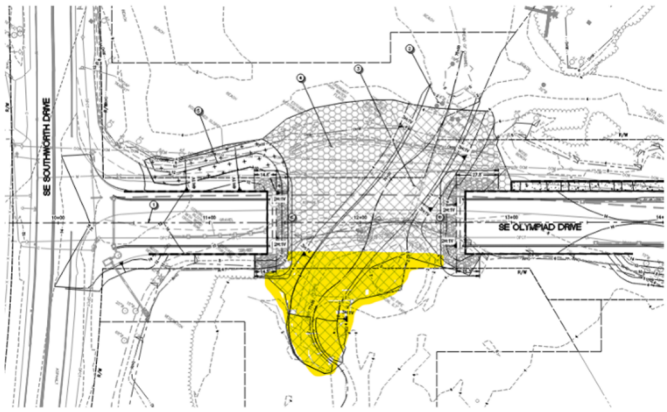
Question: The elevation at the toe of the precast panels is a -3. An isolation berm will not facilitate installation of those panels. Do the permits allow for a more substantial isolation wall?

Answer: **Dewatering and isolation are discussed in various locations of the Contract Provisions, including special provisions 1-07.5, 2-03, 2-09 and 8-31; and the HPA and Geotechnical Report in the Attachments section. The method of isolation shall be consistent with the plans and contract provisions and will be a submittal to be prepared by the Contractor and reviewed by the Engineer during construction.**

Question: The Temporary Stream Diversion spec (8-31) indicates the Work is required to be isolated from flowing water, and portions of work are required to be performed under dry conditions. The spec also says that isolation berms are shown on the plans to separate work from flowing waters. Below is an image from the In-Water Work TESC Plan (36 of 56).



The Isolation Berm shown above does not protect large areas of in water grading work. Below is an image from the Streambed Stabilization Plan (38 of 56). I've highlighted the area of work that is unprotected by the Isolation Berm:



The HPA indicates that a cofferdam or similar device shall be installed at the upstream and downstream end of the bypass to prevent backwater from entering the work area. The isolation berm appears to be insufficient. Please clarify.

Answer: **Dewatering and isolation are discussed in various locations of the Contract Provisions, including special provisions 1-07.5, 2-03, 2-09 and 8-31; and the HPA and Geotechnical Report in the Attachments section. The method of isolation shall be consistent with the plans and contract provisions and will be a submittal to be prepared by the Contractor and reviewed by the Engineer during construction.**

Question: The HPA states that the closure is between 7/15 and 2/15 but passage of adult salmonids must be facilitated, what are acceptable methods of facilitation for passage?

Answer: **Means and methods for handling fish shall be determined by the contractor. Information, including submittal requirements, are included in the Contact Provisions, including special provisions 1-07.5 and 8-31. The temporary bypass shown in the plans complies with the HPA with regard to adult salmonid passage. Any proposed changes to this method will need to be reviewed to ensure compliance.**

Question: Sheet 25, shows the approach slabs are skewed but the note says skew angle is 0 degrees, please clarify.

Answer: **Sheet 25 is a general approach slab sheet commonly used by WSDOT and local agencies that can be used for a variety of approach slab geometries. For this project, the ends of the approach**

slabs should be perpendicular to the roadway as shown on Sheet B01 (8 of 56). The 0 degrees note for the angle on Sheet 25 is intended to indicate that condition.

Question: Sheet 7 (TD01) Note 18, calls to protect ground lay utilities but they are in the excavation zone, can they be relocated further to the north or the south?

Answer: **Special Provision 8-26.3 describes the Contractor's responsibility to provide additional support and relocations of ground lay utilities during excavation. Relocating them outside of the excavation zone is not considered feasible and has not been considered in the permitting process.**

Question: Sheet 51 (UT01) General Note 4, states the contractor shall coordinate with the owner and utilities agencies. Section 8-26 details utilities relocations and coordination and allows various utilities considerable time for them to complete their work. The time allowed to the utilities will make it very difficult, if not impossible, to complete the project with the 180 days allowed. Can the utilities relocation be completed prior ot the contract time beginning?

Answer: **It is not feasible to relocate the utilities prior to contract time beginning. The County may issue extensions of contract time in accordance with Standard Specification 1-08.8 Item 5f for utility relocation work that impacts the critical schedule of the project work.**

Question: Plansheet 28 (W01) appears to depict the bridge length incorrectly; Please confirm this drawing is incorrect. Please provide updated Sheet 28 (W01) with correct stationing for bridge length.

Answer: **This sheet appears to be correct. The bridge length is not depicted on this sheet and the stations at the corners of the walls are consistent with the bridge stations and dimensions shown on the bridge plans. Please submit a more specific question if a correction is needed.**

Question: The bid form doesn't include an item for sales tax, so are all bidders to include use tax (rule 171) in their unit bid items for this project, or will the county be paying retail sales tax on this project? Please clarify if this project is subject to Use tax or Retail Sales tax for all Bidders.

Answer: **The project falls under WAC 458-20-171 (Rule 171).**

Fascia Panels

Question: The length of 15' sections is problematic for trucking, is it acceptable to use 2 ea 7-1/2' panels to get to the 15'?

Answer: **Panels should be bid as shown. Oversized shipping, shipping fewer panels per load oriented on an angle or vertically, pouring panels on site as allowed by spec section 6-02.3(9), and other means and methods should be considered. Cast in place concrete fascia according to WSDOT Standard Plan D-3.10-01 is an acceptable alternative.**

Question: The precast panels are currently designed at 15 feet, which exceeds standard transport limits, so our precast suppliers inform they don't know how to transport panels of that size to the job site. In addition, one of the precast suppliers bidding has identified design challenges that would increase the precast cost to nearly five times the typical rate. They've suggested several design adjustments to reduce costs, including reducing panel width to 8 feet for ease of shipping and handling, removing the smooth band at the top, and stair-stepping the top of the wall in 1-foot increments. These changes would bring the wall cost to approximately $50 per square foot. Finally, on a recent roads project we performed with nearly identical geo walls, the precast panels were replaced with shotcrete to address similar concerns and facilitate constructability. Has this option been considered?

Answer: **Panels should be bid as shown. Oversized shipping, shipping fewer panels per load oriented on an angle or vertically, pouring panels on site as allowed by spec section 6-02.3(9), and other means and methods should be considered. Steps at panels are not acceptable, however, top of wall panels may be chorded similar to the chorded face of stem walls described in spec section 6-02.3(17)J. Cast in place concrete fascia according to WSDOT Standard Plan D-3.10-01 is an acceptable alternative.**

Question: Panel Dimensions - The precaster has indicated that reducing the standard panel width from 15′ to 12′ would better align with available casting bed dimensions and improve handling during transport. May the fascia wall panels be revised to a maximum nominal width of 12′ to allow production within standard 12′ casting beds and facilitate more efficient shipping and installation?

Answer: **Panels should be bid as shown. Oversized shipping, shipping fewer panels per load oriented on an angle or vertically, pouring panels on site as allowed by spec section 6-02.3(9), and other means and**

methods should be considered. Cast in place concrete fascia according to WSDOT Standard Plan D-3.10-01 is an acceptable alternative.

Top of Wall

Question: The slope on the wall is difficult for production for precast, would it be acceptable to replace the French curve with a step down every panel?

Answer: **Panels should be bid as shown. Steps at panels are not acceptable, however, top of wall panels may be chorded similar to the chorded face of stem walls described in spec section 6-02.3(17)J. Cast in place concrete fascia according to WSDOT Standard Plan D-3.10-01 is an acceptable alternative.**

Question: Top of Wall Profile - If the smooth band must remain, may the continuously varying top-of-wall profile be revised to a stepped or segmented configuration (for example, with elevation changes only at panel joints or every few panels)? The current design includes a non-constant slope that changes gradually along the wall, requiring a unique casting setup for nearly every panel. Converting this to a stepped or grouped profile would allow multiple panels to share the same bed geometry while still achieving the intended finished grades.

Answer: **Panels should be bid as shown. Steps at panels are not acceptable, however, top of wall panels may be chorded similar to the chorded face of stem walls described in spec section 6-02.3(17)J. Cast in place concrete fascia according to WSDOT Standard Plan D-3.10-01 is an acceptable alternative.**

Form Liner

Question: Would it be acceptable to run form liner full length to the top of the panel and field smooth to create a mounting surface for the hand rail posts?

Answer: **No, form liners shall be at the limits shown in the Plans and as specified. Smooth surfaces shall be formed and poured smooth at the thickness shown in the Plans. Cast in place concrete fascia according to WSDOT Standard Plan D-3.10-01 is an acceptable alternative.**

Question: Top Smooth Band - To simplify fabrication and reduce the number of unique casting bed setups, may the 2'-0" smooth band at the top of the fascia be eliminated so that the formliner pattern extends to the top edge? This would allow consistent bed geometry and minimize re-formwork between panels.

Answer: **Wall panel shall be cast as shown and the 2'-0" smooth band shall remain. Cast in place concrete fascia according to WSDOT Standard Plan D-3.10-01 is an acceptable alternative.**

Question: CIP Alternate Design - Due to current supply concerns and extended lead times for precast fascia panels, will the owner allow the fascia walls to be constructed cast-in-place (CIP) in lieu of precast panels, following the geometry and reinforcing concept shown in WSDOT Standard Plan D-3.10-01 Permanent Geosynthetic Retaining Wall with Cast-In-Place Concrete Fascia?

Answer: **Cast in place concrete fascia according to WSDOT Standard Plan D-3.10-01 is an acceptable alternative.**

Question: SEW Alternate Design - Will the owner consider revising the wall type to a WSDOT Standard Structural Earth Wall (SEW) per Standard Plan 8.1-A2, utilizing the typical 5′×5′ precast concrete panel system? This configuration is widely used on WSDOT projects and offers significantly improved constructability by using standardized, modular panels with proven connection details. The SEW system would reduce tolerance and fit-up challenges associated with anchor rod tie-backs, simplify field alignment, and provide more consistent quality control during fabrication and installation while maintaining structural performance and available architectural finishes.

Answer: **Structural earth walls are not an acceptable alternative.**

Question: Hours of Work – 1-08.0(2) says work hours are between 7AM and 6PM. Can these work hour limitations be removed to allow contractors to take advantage of low tides that might occur outside of the 7AM to 6PM work window?

Answer: **Per Section 1-08.0(2) of the Contract Provisions, the Contractor can submit a request for different working hours prior to the preconstruction conference. The working hours shall be established at or prior to the preconstruction conference.**

Question: Slight discrepancy I came across regarding who furnishes which portion of the utilities – Section 6-02.3 (“Bridge Supported Utilities”) states that the Contractor shall furnish and install the bridge utility supports, expansion couplings, conduit, sleeves, and steel casing under the bridge approach slabs. However, the same section also specifies that the utility company shall furnish material for the conduit pipe to be installed on the bridge utility supports and through the steel casing under the approach slabs. To clarify this apparent discrepancy, please confirm which party is responsible for furnishing the conduit material for the bridge-mounted runs and for the conduit installed within the approach slab casing. Our understanding is that the Contractor will furnish and install all structural support components - including hangers, sleeves, and casing - and will install, but not furnish, the conduit itself using utility-furnished materials.

Answer: **The sentences are revised to read:**

The Contractor shall furnish and install the bridge utility supports/hangers and sleeves.

The Utility shall furnish the expansion couplings and conduit. The Contractor shall install the utility-provided expansion couplings and conduit.

United States Department of the Interior

FISH AND WILDLIFE SERVICE

Washington Ecological Services
1009 College St. SE, Suite 215
Lacey, Washington 98503

In Reply Refer to:
FWS/R1/2024-0107475

July 16, 2024

Jay Drye, Director, Highways and Local Programs
Washington State Department of Transportation
Attn: Jodie Beall
310 Maple Park Avenue
Olympia, Washington 98504

Dear Mr. Drye:

Subject: Kitsap County, Harper Estuary Barrier Correction

This letter is in response to your June 18, 2024, request for our concurrence with your determination that the proposed action in unincorporated Kitsap County, Washington, "may affect, but is not likely to adversely affect" federally listed species. We received your letter and Biological Assessment, providing information in support of "may affect, not likely to adversely affect" determinations, on June 18, 2024. It is our understanding that this request has been submitted by the Washington State Department of Transportation, Highway and Local Programs Division (WSDOT), serving as the designated non-federal representative, on behalf of the Federal Highway Administration (FHWA).

Specifically, you requested informal consultation pursuant to section 7(a)(2) of the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 *et seq*.) (ESA) for the following federally listed species: bull trout (*Salvelinus confluentus*) and marbled murrelet (*Brachyramphus marmoratus*).

The FHWA and WSDOT have concluded that the proposed action will have "no effect" on additional listed species and designated critical habitat that are known to occur in Kitsap County. The determination of "no effect" to listed resources rests with the action agency. The U.S. Fish and Wildlife Service (Service) has no regulatory or statutory authority for concurring with "no effect" determinations, and no consultation with the Service is required. We recommend that the action agency document their analyses on effects to listed species and maintain that documentation as part of the project file.

Based on the information you provided, best available science, and complete and successful implementation of agreed-upon conservation measures, we concur with your determination that the proposed action "may affect, but is not likely to adversely affect" the bull trout and marbled murrelet.

Project Description

Kitsap County Public Works, the WSDOT, and FHWA propose to replace an undersized culvert, remove road fill, and construct a new bridge, to restore unimpeded tidal exchange and habitat processes at a pocket estuary located in unincorporated Kitsap County. Approximately 0.17 acre of estuarine habitat will be restored and reconnected to Harper Estuary south of Southeast (SE) Olympiad Drive. As part of road realignment to meet current safety standards, approximately 850 linear ft of SE Olympiad Drive will be removed and replaced, resulting in an increase of approximately 0.31 acre of pollution generating impervious surface (PGIS). The project will construct new stormwater treatment facilities for runoff from new and existing PGIS, and construct a pedestrian pathway on the north side of the road to maintain public access. The purpose of the proposed project is to restore and enhance estuarine habitat at the mouth of Harper Creek.

Harper Creek is currently conveyed beneath SE Olympiad Drive through a 36-inch diameter, 95-ft long concrete pipe culvert. The existing culvert is identified by the Washington Department of Fish and Wildlife (WDFW) Fish Passage Database as a fish passage barrier due to velocity and flow depth (Site 932931, WDFW 2022). The project will remove the culvert and road fill embankment, reconstruct the Harper Creek stream channel, and construct a 30-ft wide by 120-ft long single-span bridge. The new bridge will have two traffic lanes. The roadway will be shifted or realigned to meet safety standards, and raised approximately eight feet to provide sufficient clearance above the 100-year flood elevation.

Construction will result in permanent loss of approximately 0.04 acre (1,850 sf) of wetland estuary and 0.25 acre of excavation and grading waterward of the high tide line (HTL). Sheet piling or a temporary isolation berm will be installed at low tide and in-the-dry prior to any ground disturbance, and a temporary culvert extension will convey Harper Creek and tidal waters through the isolated work area during construction. Sheet piling will be installed with a vibratory pile driver; bridge piers or abutments will be constructed with drilled shafts located landward of the HTL.

Approximately 225 linear ft of Harper Creek will be reconstructed and restored with streambed gravels and large wood placements along the banks and shoreline. Non-native materials, including bricks or concrete, encountered during excavation and channel reconstruction will be removed. The project will result in a net gain of approximately 5,430 square ft (0.12 acre) of estuary habitat and restore unimpeded tidal exchange to the pocket estuary. All areas of exposed soil above elevation 6.8 ft (NGVD 29) will be replanted with native vegetation, including dunegrass (*Elymus mollis*). Areas below elevation 6.8 ft will revegetate through natural recruitment of salt-tolerant species.

Approximately 0.30 acre of low-functioning riparian vegetation will be restored and enhanced with native shrubs. Approximately 24 pieces of large wood will be placed and anchored or ballasted within the stream channel and estuary to enhance habitat.

The project area currently includes approximately 0.50 acre of PGIS; currently stormwater runoff from the project area is not treated prior to discharge. The project includes replacing approximately 0.37 acre of PGIS and constructing approximately 0.31 acre of new PGIS, for a net total of approximately 0.68 acre of PGIS in the proposed condition. Runoff from all new and replaced PGIS will be treated with Ecology-approved proprietary treatment devices (i.e., two Filterra bioretention cell units) prior to discharge to Harper Estuary. These units will provide enhanced water quality treatment for approximately 93 percent of the threshold discharge area(s). The units will be properly maintained by Kitsap County Public Works. Runoff from approximately 0.05 acre of PGIS will remain untreated and will sheet flow into the gravel and vegetated shoulders.

Work at or below the HTL and ordinary high-water mark will be completed during low tide and low flow conditions. A plan for isolating the in-water work area will be implemented to minimize impacts to water quality and fish and aquatic life. Work will be completed during the in-water work window, from July 15 to October 15. WSDOT protocols for fish salvage operations will be implemented. All in-water work will be completed in one work window. Traffic will be detoured to existing, alternate roads and will not require a bypass. Staging areas will be located within existing paved and gravel areas. Best management practices, temporary erosion and sediment control measures, and a Spill Prevention Control Countermeasures plan will be implemented for the duration of construction.

Sufficient information has been provided to determine the effects of the proposed action and to conclude whether or not it would adversely affect federally listed species and/or designated critical habitat. Our concurrence is based on the information provided by the action agency, best available science, and complete and successful implementation of the agreed-upon conservation measures.

Bull Trout

The action area is defined by temporary, elevated in-air sound (approximately 4,045 ft or 0.77 mile), and includes the project footprint and areas of direct effects to aquatic resources (i.e., 200 linear ft upstream and downstream for turbidity). The action area also includes downstream portions of Harper Creek (to Puget Sound; i.e., for stormwater), and access to 3.5 acres of estuarine habitat upstream as a result of the fish passage barrier removal.

Bull trout occur throughout the Puget Sound marine foraging, migrating, and overwintering (FMO) habitats that support anadromous and fluvial life history forms. Bull trout have not been documented in Harper Creek or Harper Estuary, and based on location likely only occur in the action area infrequently and in very low numbers. It is extremely unlikely that bull trout will be present in the action area during construction.

Suspended sediments resulting from construction will not extend beyond 200 linear ft upstream and downstream of the work. Work at or below the ordinary high-water mark will be completed during low tide and low flow conditions, during the approved in-water work window, when elevated water temperatures are common. It is extremely unlikely that bull trout will be encountered or exposed to stressors when conducting fish capture and handling or work area isolation. Potential exposures to temporary, increased suspended sediment and turbidity are not entirely discountable; however, we expect that any exposures will be low intensity, limited in duration, and will not significantly disrupt normal behaviors (i.e., the ability to successfully feed, move, and/or shelter).

The project will have limited but unavoidable impacts to native substrates, the bed and banks of Harper Creek, benthic invertebrates, wetlands, and riparian vegetation. However, with successful implementation of the agreed-upon conservation measures and restoration, the Service expects that the action's permanent and temporary impacts will not measurably degrade or diminish long term habitat functions or forage resources for bull trout. The project will restore fish passage, tidal exchange, and habitat forming processes.

With successful implementation of proposed stormwater treatment, we expect that pollutant concentrations will dilute to negligible levels at close proximity, and any bull trout exposures will be infrequent, brief, and transitory. The Service concludes that stormwater discharges will not significantly disrupt normal bull trout behaviors (i.e., the ability to successfully feed, move, and/or shelter). Foreseeable stormwater exposures and effects are considered insignificant.

The proposed action will improve habitat conditions and functions, install large wood and habitat features, widen Harper Creek's hydraulic opening (thereby improving movement/exchange of tidal waters, bedload, and large wood), and plant and restore native riparian vegetation. The foreseeable effects of the action are considered insignificant and beneficial; beneficial effects are expected over the long term, including improved estuarine habitat functions, fish passage, and habitat access.

Marbled Murrelet

Marbled murrelets forage in marine waters (usually within 5 miles of shore) and prey primarily on forage fish such as Pacific herring (*Clupea pallasii*), northern anchovy (*Engraulis mordax*), eulachon (*Thaleichthys pacificus*), Pacific sand lance (*Ammodytes hexapterus*), surf smelt (*Hypomesus pretiosis*), juvenile rockfish (*Sebastes spp*.) and juvenile salmon (*Oncorhynchus spp*.) (Desimone 2016). Marbled murrelets have not been documented in Harper Estuary or its vicinity (WDFW 2024b). However, according to WDFW's Forage Fish Spawning Map (WDFW 2024c), surf smelt spawn along the beach and shoreline approximately one mile to the east of the project, and a pre-spawner herring holding area is located approximately one mile to the north. Low numbers of marbled murrelets may be present in the action area during construction; however, no potentially suitable marbled murrelet nesting habitat is located within 0.25 mile of the construction activities.

Construction activities will temporarily increase sources of sound and visual disturbance along the shoreline of Harper Estuary; peak terrestrial noise will be generated by vibratory pile driving

(i.e., installation of sheet piling for the temporary cofferdams), over the course of a few days (maximum). Elevated in-air sound will extend approximately 4,045 ft or 0.77 mile. The action area includes a fishing pier and recreational boat traffic.

Marbled murrelets, if present, are likely to forage in deeper marine waters. We expect that marbled murrelets will continue to successfully feed, loaf, and migrate in the action area during construction. Temporary sources of sound and visual disturbance will not measurably disrupt foraging marbled murrelets, or their other normal behaviors (i.e., feeding, moving, and sheltering). No potentially suitable marbled murrelet nesting habitat is located within 0.25 mile, no suitable nest limbs or trees will be removed, and marbled murrelets will not be prevented from making in-land flights or nesting in surrounding areas at a greater distance. All of the foreseeable exposures and effects to marbled murrelets, their habitat, and prey (temporary and long term) are considered insignificant.

Conclusion

This concludes consultation pursuant to the regulations implementing the ESA. Our review and concurrence with your effect determination is based on the implementation of the action as described. It is the responsibility of the Federal action agency to ensure that the actions they authorize or carry out are in compliance with the regulatory permit and ESA. If a permittee or the Federal action agency deviates from the measures outlined in a permit or project description, the Federal action agency has an obligation to reinitiate consultation and comply with section 7(d).

This action should be re-analyzed and re-initiation may be necessary if 1) new information reveals effects of the action that may affect listed species or critical habitat in a manner, or to an extent, not considered in this consultation, 2) if the action is subsequently modified in a manner that causes an effect to a listed species or critical habitat that was not considered in this consultation, and/or 3) a new species is listed or critical habitat is designated that may be affected by this action.

This letter constitutes a complete response by the Service to your request for informal consultation. A complete record of this consultation is on file at the Washington Fish and Wildlife Office, in Lacey, Washington. If you have any questions about this letter or our shared responsibilities under the ESA, please contact Jennifer Lang at jennifer_lang@fws.gov, or Ryan McReynolds at ryan_mcreynolds@fws.gov.

Sincerely,

THOMAS MCREYNOLDS
Digitally signed by THOMAS MCREYNOLDS
Date: 2024.07.16 09:10:10 -07'00'

for Brad Thompson, State Supervisor
Washington Fish and Wildlife Office

cc:
WSDOT, OR Local Programs, Olympia, WA (A. Archer-Parsons)

Literature Cited

Desimone, S. M. 2016. Periodic status review for the Marbled Murrelet in Washington. Washington Department of Fish and Wildlife, Olympia, Washington. 28+iii pp.

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WDFW. 2024a. Statewide Washington Integrated Fish Distribution (SWIFD) GIS database. Accessed July 9, 2024. Available at: https://geo.nwifc.org/swifd/

WDFW. 2024b. Priority Habitats and Species Online Map. Accessed July 9, 2024. Available at: https://geodataservices.wdfw.wa.gov/hp/phs/

WDFW. 2024c. Forage Fish Spawning Map. Accessed July 9, 2024. Available at: https://www.arcgis.com/home/webmap/templates/OnePane/basicviewer/embed.html?webmap=19b8f74e2d41470cbd80b1af8dedd6b3&gcsextent=-126.1368,45.6684,-119.6494,49.0781&displayslider=true&displayscalebar=true&displaylegend=true&displaydetails=true&displaysearch=true&searchextent=true