



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

May 15, 2003

Lawrence C. Evans
US Army Corps of Engineers, Portland District
PO Box 2946
Portland, OR 97208

RE: Amended Biological Opinion for Reconstruction of the Pringle Creek Fish Ladder and Weir under the Commercial Street Bridge; Salem, OR (Corps No. 2002-00269; NMFS Tracking No. 2003/00552).

Dear Mr. Evans:

This letter constitutes an amendment to our March 4, 2003, Biological Opinion on the Pringle Creek Commercial Street Weir and Fish Ladder Reconstruction (Corps No. 2002-00269; NMFS Tracking No. F/NWR/2002/01912). On April 24, 2003, the National Marine Fisheries Service (NOAA Fisheries) received your letter dated April 22, 2003, notifying us that the Applicant (City of Salem) revised its plan for providing temporary fish passage during project construction. The new plan includes features that will affect listed Upper Willamette River (UWR) chinook salmon and steelhead in a manner not considered in NOAA Fisheries' March 4, 2003, biological opinion and therefore required reinitiation of consultation. The Applicant developed the new plan for fish passage during construction in collaboration with NOAA Fisheries. Black and Veatch Corporation describe the design in an April 10, 2003, memo (and accompanying drawings), which your office officially transmitted to NOAA Fisheries in your letter dated April 22, 2003.

The Applicant originally proposed to construct a notch in the weir to provide fish passage during construction. However, the design engineers later determined that this method could compromise the structural integrity of the weir, and subsequently developed a new design. The City of Salem now proposes to install a 190-foot long temporary channel to bypass fish around the construction site. The channel would be lined with a reinforced membrane and would contain seven sandbag baffles extending from each wall of the channel to create a series of pools and chutes for good fish passage conditions. This proposal allows the contractor to construct all but the southernmost 14 feet of the weir and south cutoff walls during the first phase of construction, which should expedite the construction schedule.

The April 10, 2003, Black and Veatch Corporation memo, drawings, and accompanying calculations describe hydraulic conditions in the proposed bypass channel that are conducive to fish passage through the bypass channel. These calculations include appropriate pool depth and velocities for adult chinook and steelhead passage through the channel. Our review of the



alternative proposal and accompanying hydraulic calculations indicates that the proposed channel should safely pass fish around and sufficiently isolate the fish from the construction site. Certainly, adverse effects (e.g., delay, injury, mortality) will be no greater than they would have been with the notch that was originally proposed. Thus, the revised project proposal is not likely to jeopardize the survival and recovery of UWR chinook salmon or steelhead.

Since the proposal describes hydraulic conditions that facilitate safe fish passage around the construction site, it is likely that the level of incidental take that would occur from the construction and use of the bypass channel (in addition to that from other aspects of project construction) would not exceed the level that would have occurred from the original proposal (i.e., lethal take not to exceed 5 juveniles and 1 adult chinook or steelhead). However, to ensure that incidental take is minimized, NOAA Fisheries substitutes the following condition for Condition 2b in the biological opinion issued to your agency on March 3, 2003:

2b. Fish passage during construction: During Phase I of construction, a temporary bypass channel shall be constructed around the south side of the cofferdam as described in the April 10, 2003, Black and Veatch Corporation memo. The temporary bypass channel shall be approximately 190 feet long with side slopes of 1.5 vertical to 1 horizontal, and shall be lined with a flexible reinforced membrane, transitioning smoothly to the creek bed at the upstream and downstream connections. Sandbag baffles shall protrude from each side of the channel wall at seven locations along the length of the channel to create a series of pools with approximately 0.5 ft elevation changes between pools. The Applicant shall allow NOAA Fisheries to inspect the channel, implement any adjustments to the sandbag baffles suggested by NOAA Fisheries, and maintain the channel throughout Phase I of construction, until the location of Pringle Creek is shifted from the temporary bypass into the new fish ladder.

NOAA Fisheries also substitutes this term and condition into its conservation recommendations for protecting and enhancing Essential Fish Habitat, as described in section 3.6 of the March 4, 2003, biological opinion.

This concludes reinitiation of consultation on the Biological Opinion on the Pringle Creek Commercial Street Weir and Fish Ladder Reconstruction (NMFS Tracking No. 2003/00552). If you have any questions, please contact Mindy Simmons of my staff at 503-872-2854 or Mindy.Simmons@noaa.gov.

Sincerely,



D. Robert Lohn
Regional Administrator

cc: Richard Craven, Craven Consulting
Larry Magura, Black and Veatch Corporation
Ken Roley, City of Salem