



Oregon

Kate Brown, Governor

Department of Fish and Wildlife
North Willamette Watershed District
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March 16, 2020

Mrs. Sherilyn Lombos
City of Tualatin
18880 SW Martinazzi Ave
Tualatin, OR 97062



RE: ODFW Fish Passage Authorization PA-02-0279- SW 105th Avenue Culvert Replacement at Hedges Creek

Mrs. Lombos—

The Oregon Department of Fish and Wildlife's (ODFW) has reviewed the project submittals for the City of Tualatin's culvert replacement project at SW 105th Avenue where it crosses Hedges Creek in Washington County. The proposed project will replace an existing 42inch diameter X 43-feet long corrugated metal pipe culvert with a new precast concrete 15-foot wide X 5-feet tall X 58-feet long box culvert. The project is owned and managed by the City of Tualatin and will be implemented during the 2020 in-water work window.

This action has triggered the state's fish passage rules and regulations. ODFW has reviewed the project design plans you submitted and we have determined the design plans are consistent with the state's fish passage design criteria, as defined in OAR 635-412-0035(1) and (3)(a) and therefore approve the project as required by Oregon fish passage law (ORS 509.585).

This ODFW fish passage authorization (PA-02-0279) 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 complete during the appropriate ODFW in-water work period, or as otherwise defined by ODFW.
2. The ODFW North Willamette Watershed District Fish Biologist shall be contacted 2-weeks in advance and prior to the implementation of the project.
3. Fish salvage and rescue shall be performed prior to commencement of any in-water work, including work area isolation and temporary water management.
4. Temporary water management and work area isolation measures shall be implemented during the project. Downstream passage of native migratory fish shall be provided during construction through a gravity feed water management system.
5. 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-STP's 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

6. As per ORS 509.601, the City of Tualatin 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% exceedence flows) for the project.
7. 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).
8. Large oversized fish rocks shall be mechanically placed in the newly constructed stream channel leading into, through and exiting the new culvert. These rocks shall be buried ~ 2/3 the diameter of the rock with ~ 1/3 of the rock above the finished channel bed (substrate) elevations.
9. Monitoring and reporting on the effectiveness of upstream passage of fish is required at the project. This shall entail monitoring, by a qualified fisheries biologist, to determine whether or not the constructed stream channel within the new structure functions as it was designed to function. Fish passage monitoring shall report on channel bed stability and the effectiveness of native migratory fish passage. Monitoring shall coincide with the time of the year when native migratory fish are migrating through the project area. Monitoring and reporting shall be based on visual observations, established photo points, flow velocity characteristics, or other means; particularly with regards to fish passage conditions and fish passage performance through the project, including at both high and low flow conditions.
10. Monitoring reports shall be completed and submitted by the City of Tualatin, or your designee, to the ODFW Statewide Fish Passage Program Leader and the North Willamette Watershed District Fish Biologist every other year (years 1,3,5) and for a period of 5-years after the completion of the project.
11. If monitoring, by the City of Tualatin, your designee, or Department indicates that volitional fish passage is questionable or not provided, you in consultation with the Department, shall determine the cause and, during a work period approved by the Department, shall modify the project to rectify fish passage problems as necessary. Failure to monitor fish passage for the duration of the ODFW fish passage approval shall constitute a violation of this approval and applicable fish passage laws (ORS 509.585 and 509.610).
12. The ODFW shall be allowed to inspect the project at reasonable times for the duration of this approval. Unless prompted by emergency or other exigent circumstances, inspection shall be limited to regular and usual business hours, including weekends.
13. It is the responsibility of the City of Tualatin to comply with all necessary and required local, county, state, and federal approvals and permits.
14. This approval in no way purports or authorizes take of a federally listed species.

Please retain this fish passage authorization on for your records, as this documents ODFW's approval of fish passage for the SW 105th Avenue Culvert Replacement at Hedges Creek Project. This approval is solely for the purpose of fulfilling Oregon fish passage statutory requirements and responsibilities administered by the Oregon Fish and Wildlife Commission or the Department 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 continue to coordinate with Monica Blanchard, the ODFW North Willamette Watershed Acting District Fish Biologist, as the project advances towards implementation. You may similarly

contact Greg Apke, the Statewide Fish Passage Program Leader, at 503-947-6228 or by email at greg.d.apke@state.or.us, if you have any questions regarding the content or the provisions of this fish passage approval.

Sincerely,

A handwritten signature in black ink, appearing to read 'MBlanchard', written in a cursive style.

Monica Blanchard

ODFW – North Willamette Watershed Acting District Fish Biologist

Cc: Eric Campbell, Campbell Environmental, LLC
Greg Apke, ODFW Statewide Fish Passage Program Leader
Alan Ritchey, ODFW Screens and Passage Program Manager
Kregg Smith, ODFW Fish Passage Assistant Program Coordinator
Project files (#PA-02-0279)


ODFW FISH PASSAGE APPROVAL #PA-02-0279
SW 105th Ave Culvert Replacement at Hedges Creek

• ODFW will use the following criteria to determine the level of review required.

For ODFW Use Only

	YES	NO	N/A
1. Is the bed within the crossing as wide as the active channel:	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2. Is the bed within the culvert at the same slope, and at grades continuous with, the surrounding stream:	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
3a. If the crossing is open-bottomed, is there 3 feet of vertical clearance between the active channel width elevation and the inside top of the crossing:	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
OR			
3b. If the crossing is closed-bottomed, will bed depth within the culvert be 20-50% of the crossing height:	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
4. Is the bed material that will be used sufficient to assure water depth will be similar to that in the surrounding stream (i.e., will not go sub-surface prematurely):	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
5. Are the bed material or retention measures that will be used sufficient to assure that the bed will be maintained through time:	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
6. If the crossing is longer than 40 feet, will partially-buried, over-sized rock be placed within the crossing's bed:	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
7. Will the bed within the crossing be placed during construction:	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
8. If trash racks are present, are they above the active channel width elevation and do vertical bars have at least 9 inches of clear space between them:	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
9. If there is an upstream pond, wetland, or backwater area, has its desired state after construction been determined, and have these considerations been addressed in the design:	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
10. Are upstream grade control measures satisfactory:	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
11. Are the construction timing and measures adequate based on the location:	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
12. Are there plans to maintain the crossing:	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

- If all answers are "Yes" or "Not Applicable", this plan is eligible for approval by an ODFW biologist.
- If any answer is "No" or there are other concerns, consult with the Fish Passage Coordinator.

APPLICATION IDENTIFIER: SW 105 th Avenue Culvert Replacement at Hedges Creek ODFW # PA-02-0279		
DATE RECEIVED: 1/8/2020		
APPROVED <input checked="" type="checkbox"/>	SIGNATURE: 	DATE: 3/16/2020
DENIED <input type="checkbox"/>	TITLE: Acting District Fish Biologist	
CONDITIONS:		