# MASON COUNTY
# DEPARTMENT OF PUBLIC WORKS

BUILDING 1 411 NORTH FIFTH STREET P.O. BOX 185(
SHELTON, WASHINGTON 98584

*Jerry W. Hauth, PE*
*Director*

*Phone (360) 427-9670 x450*
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MASON COUNTY
MISSION

The mission of Mason County Government is to provide essential & mandated services which will preserve & benefit the health, safety, & welfare of the general public in a professional and courteous manner through the effective and equitable management of available public resources.

Mason County recognizes that its employees & volunteers are the foundation upon which these services are provided.

November 13, 2001

D. Robert Lohn
Regional Administrator
National Marine Fisheries Service
7600 Sandpoint Way NE
Seattle, Washington 98155

Subject: Mason County Public Works Commitment to Implement the Regional Road Maintenance ESA Program

Dear Mr. Lohn:

This letter serves as a letter of commitment from Mason County Public Works (MCPW) to the National Marine Fisheries Service that MCPW will implement the measures, and abide by the commitment made in this Part 3 Application. In addition, we will work closely with National Marine Fisheries Service as we evaluate and adjust the routine Road Maintenance ESA Program through adaptive management.

Mason County Public Works is committed to being a partner in the Regional Road Maintenance ESA Program. Part of this commitment is identifying and implementing best management practices (BMPs) to minimize potential environmental impacts associated with Road Maintenance activities. The accompanying Part 3 Application represents the minimization and avoidance measures identified for routine road maintenance activities.

Mason County Public Works will participate as an active member of the Regional Forum. Mason County Public Works will implement the program outlined in this Part 3 Application.

If you need additional information, or have any questions, please feel free to contact Robert A. Thuring at (360) 427-9670 ext. 528.

Sincerely,

JERRY W. HAUTH, P.E.
Director of Public Works/County Engineer

Enclosure
DLF: df

UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL MARINE FISHERIES SERVICE
Northwest Region
7600 Sand Point Way N.E., Bldg. 1
BIN C15700
Seattle, WA 98115-0070

August 15, 2003

Mr. Jerry Hauth
Director of Public Works
Mason County
Post Office Box 1850
Shelton, Washington 98584

Gary Yando
Director of Utilities and Waste Management
Mason County
Post Office Box 578
Shelton, Washington 98584

Re: 4(d) Rule Submittal for Limit No. 10 - Routine Road Maintenance

Dear Mr. Yando and Mr. Hauth:

NOAA's National Marine Fisheries Service (NOAA Fisheries) has evaluated the Mason County's application for Limit 10, (Routine Road Maintenance) submitted under the 4(d) Rule (July 10, 2000, 65 FR 42422). After evaluating the Regional Road Maintenance submittal package with respect to the Limit 10 criteria, we concur with your conclusion (found on page 136 of the Biological Review) that the Mason County's Routine Road Maintenance Program and Plan, together with supporting documentation, adequately addresses all of the relevant 4(d) criteria. Therefore, NOAA Fisheries finds that your program will adequately conserve the listed species.

The approval does not apply to pesticide, herbicide or fertilizer applications. This finding applies through the end of the calendar year 2008, at which time you may want to resubmit your program for qualification, incorporating any appropriate changes in management practices and effects analysis that may be possible due to advances in scientific understanding between now and then, and the results of the monitoring and evaluation program you include on pages 1.18 to 1.32 of the Regional Road Maintenance ESA Program Guidelines. Specifically, your Program includes a provision for monitoring the adequacy of Best Management Practices (BMPs),

in the Integrated Streambank Protection Guidelines or its equivalent, as required by WDFW in the HPA.

Take prohibitions under section 9 of the ESA and applicable 4(d) rules will not apply to the routine road maintenance practices carried out by Mason County in accordance with that plan, and are implemented in accordance with the requirements of this letter.

Thank you for the time your staff has invested in developing the Regional Road Maintenance ESA Program and submittal package. NOAA Fisheries looks forward to working collaboratively with you to recognize management programs that conserve and meet the biological requirements of salmonids, and to strengthen other programs toward conservation of listed salmonids. For implementation follow-up or any other questions, please contact Laura Hamilton at (360) 753-5820 of the Washington State Habitat Branch.

Sincerely,

D. Robert Lohn

D. Robert Lohn
Regional Administrator

cc: Ken Berg, USFWS
Kathy Brown, King County
Sandy Stephens, WSDOT

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development or implementation of checklists, review of implemented BMPs and their effectiveness, and the evaluation of BMP performance through adaptive management. Additionally, scientific research will serve to verify the effectiveness of BMPs and to recommend changes to BMPs based on the latest technologies. As conditions of your continuing qualification:

1. A representative of your agency with road maintenance knowledge, technical expertise and the authority to implement program changes will participate in the Regional Forum;

2. The Regional Forum will submit biennial reports to NOAA Fisheries on the status of all ten elements of the Regional Program. At a minimum, the reports will include the following:

   - Status reports and updates for each program element.
   - Training program, review and updates.
   - Review of scientific research.
   - Implementation review.
   - Adaptive Management reports, including recommended changes to the Guidelines.

   Reports shall be sent to:

   NOAA Fisheries, Washington State Office
   510 Desmond Drive SE, Suite 103
   Lacey, WA 98503

   Periodically, NOAA Fisheries may evaluate the Regional Road Maintenance Program for its effectiveness in maintaining and achieving program implementation that provides for the conservation of listed species. Whenever warranted, NOAA Fisheries will identify to the Regional Forum ways in which the program needs to be altered or strengthened. If any agency does not change to respond adequately to the new information in the shortest amount of time feasible, but not longer than one year, NOAA Fisheries will publish notification in the Federal Register, announcing intention to disqualify the program under Limit 10;

3. Agencies will identify known or discovered chronic sediment deposit locations and potential sources of excess sediment, making the information available to agency watershed planning groups, regulatory agencies, and/or agency Capital Improvement Plan programs for permanent solutions;

4. Shore defense activities require the issuance of a Hydraulic Project Approval (HPA) by the Washington Department of Fish and Wildlife (WDFW). Agencies will commit to incorporate into the design of shore defense activities the relevant considerations as stated

in the Integrated Streambank Protection Guidelines or its equivalent, as required by WDFW in the HPA.

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