

From: Jesse A. Buss [<mailto:jessebuss@gmail.com>]
Sent: Friday, October 14, 2011 5:07 PM
To: Morrow, Steve
Subject: Released from eSafe SPAM quarantine: CRC In-Water Work Window variances

Hi, Steve:

P-011-001 I just finished leaving you a voicemail message, and thought I would follow up with a quick email. Regarding the CRC IWWW variances, my question is: is there documentation of the variances being submitted, reviewed, and approved? And, if so, where can I find that documentation? Comment response S-006-003 to the ODFW's DEIS comments states that the CRC project has received a variance from the normal IWWW, but I cannot find any reference to a variance in the FEIS itself.

Thanks for your time and assistance. best,

jesse

P-011-001

Below is the text of the email sent from CRC project staff to the commenter. Enclosed tables referenced in the email are available on the CRC project website.

"Thank you for your question. Over the last 5+ years, the CRC project team has met with staff from ODFW & WDFW as well as NMFS and USFWS as part of the on-going Interstate Collaborative Environmental Process (InterCEP) [<http://columbiarivercrossing.org/FileLibrary/GeneralProjectDocs/InterCEPAgreement.pdf>]. Extensive discussions occurred in 2009 and 2010 on the In-Water Work Window (IWWW). The table I have enclosed was the result of those discussions. This table is also in the CRC Biological Assessment, Table 3-2. In April, 2010, both the ODFW & WDFW InterCEP representatives had agreed in principal with CRC's proposed IWWW and verbally acknowledged their agencies would grant a variance. Formal review and approval of an IWWW variance would occur under the Fish and Wildlife Coordination Act (FWCA) for both Oregon and Washington. The results of these processes are documented as part of permit issuance conditions of the Oregon Removal-Fill permit (ODSL) and the Washington Hydraulic Project Approval (HPA) (WDFW). The CRC project team will apply for regulatory permits such as Clean Water Act Section 404, Oregon Removal-Fill and Washington HPA in early 2012. At that time, ODFW and WDFW will conduct their formal review of the proposed IWWW and make a determination of a variance under the process described above. In the Biological Opinion (BO) issued by NMFS (enclosed), there is a section called "Description of the Proposed Action" that begins on page 3 of the BO. At the bottom of page 6 it describes how and when impact pile driving will occur during construction (September 15-April 15), and shows it in table form (Table 4) on the following page. There was no variance asked for or granted; it was simply considered part of the project and thus part of the impact analysis or incidental take analysis NMFS conducted to prepare their BO. In the BO, the Terms and

Conditions #2(a) i.-iv. (page 80 of the BO) describe peak hydroacoustic noise limits dependent upon time of the year and on the construction and demolition activities that would be allowed year-round.

If you have any further questions or follow-up please do not hesitate to contact me; I am happy to assist."