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|---|---|--|---|--|
| <i>NOAA's Fisheries Northwest and Southwest Regions</i> | <i>U.S. Fish and Wildlife Service Regions 1 & 8</i> | <i>California/Washington/ Oregon Departments of Transportation</i> | <i>California Department of Fish and Game</i> | <i>U.S. Federal Highway Administration</i> |
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MEMORANDUM

June 12, 2008

From: Fisheries Hydroacoustic Working Group

Subject: Agreement in Principle for Interim Criteria for Injury to Fish from Pile Driving Activities

To: Applicable Agency Staff

The signatory agencies, identified below, have agreed in principle to use the attached Interim Criteria for Injury to Fish from Pile Driving Activities. The agreement was concluded at a meeting in Vancouver, Washington on June 10-11, 2008 with key technical and policy staff from the Federal Highway Administration, NOAA Fisheries, U.S. Fish and Wildlife Service, the Departments of Transportation from California, Oregon, and Washington; and national experts on sound propagation activities that affect fish and wildlife species of concern. The agreed upon criteria identify sound pressure levels of 206 dB peak and 187 dB accumulated sound exposure level(SEL) for all listed fish except those that are less than 2 grams. In that case, the criteria for the accumulated SEL will be 183 dB.

These criteria will apply to all new projects beginning no later than 60 days from the date of this memorandum. During the interim 60 day period, the Transportation Agencies will work with the Services to identify projects currently in the consultation process and reach agreement on which criteria will be used to assess project effects.

The agencies agree to review the science periodically and revise the threshold and cumulative levels as needed to reflect current information. Behavioral impacts to fish and impacts to marine mammals are not addressed in this agreement. Sub-injurious effects will continue to be discussed in future meetings.

The respective agencies also agree to develop appropriate training for staff on these revised criteria, as well as a process to review and possibly refine the criteria, when appropriate.

For questions or concerns about the revised criteria, we recommend staff contact their agency environmental coordinator or agency expert on pile driving issues.

Carol S. Adkins



Federal Highway Administration*

*FHWA supports the use of these interim criteria in the states signing this agreement in principle. FHWA leaves the schedule for implementation to the discretion of the state DOTs in cooperation with their respective FHWA Division Offices and the Services.

Michael Jehan



NOAA Fisheries – NWR

Russell M. Strock



NOAA Fisheries – SWR

Ken S. Berg



US Fish and Wildlife Service Region 1

Michael E. Payer



US Fish and Wildlife Service Region 8

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California Department of Transportation



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California Department of Fish and Game

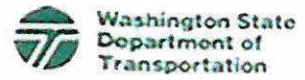


[Signature]
Oregon Department of Transportation



Megan L. Latta

Washington State Department of Transportation



FHWG Agreement in Principle
Technical/Policy Meeting Vancouver, WA
June, 11 2008

| Interim Criteria for Injury | Agreement in Principle |
|------------------------------------|--|
| Peak | 206 dB (for all size of fish) |
| Cumulative SEL | 187 dB - for fish size of two grams or greater. 183 dB - for fish size of less than two grams.* |

**see Table—to be developed*