



MULTNOMAH COUNTY AGENDA PLACEMENT REQUEST

(revised 12/31/09)

Board Clerk Use Only

Meeting Date: 4/29/2010
Agenda Item #: R-2
Est. Start Time: 9:40 am
Date Submitted: 4/7/2010

Agenda Title: **Resolution: Approving The Multnomah County Road Maintenance & Operations Manual And Authorizing Its Submission To The National Marine Fisheries Service**

Note: If Ordinance, Resolution, Order or Proclamation, provide exact title. For all other submissions, provide a clearly written title sufficient to describe the action requested.

Requested Meeting Date: April 22, 2010 **Amount of Time Needed:** 10 minutes
Department: Community Services **Division:** Road Services
Contact(s): Roy Iwai, Water Resources Specialist
Phone: 503-988-5050 **Ext.** 28031 **I/O Address:** 455-1st
Presenter(s): Roy Iwai

General Information

1. What action are you requesting from the Board?

Approve the Road Maintenance & Operations Manual and authorize its submission to the National Marine Fisheries Service.

2. Please provide sufficient background information for the Board and the public to understand this issue. Please note which Program Offer this action affects and how it impacts the results.

The County road maintenance operations have potential to impact salmonid species listed as threatened species in the Federal Endangered Species Act (ESA). Impacts to salmon and their habitat, described as a “take” of the fish, are prohibited by the ESA.

Road Maintenance is a category of activity described in the 4(d) rule of the ESA for which a programmatic exemption (a “limit”) from the “take” prohibition can be obtained from the National Marine Fisheries Service (NMFS). NMFS has found the Oregon Department of Transportation (ODOT) road maintenance program is protective of listed salmonids species and consequently provided ODOT with a programmatic exemption from the “take” prohibition under the ESA. The County can obtain such a “limit” by demonstrating to the NMFS that our road maintenance program is as protective of the listed fish as ODOT’s road maintenance program. Road Services has recently developed a Road Maintenance & Operations Manual that is substantially similar to the ODOT manual.

The Road Services Division seeks a review of the road maintenance program manual from NMFS to obtain the programmatic exemption. The resolution seeks BCC approval of the manual, and authorization to submit the manual to NMFS for review.

3. Explain the fiscal impact (current year and ongoing).

None. No additional fiscal resources are needed to fulfill the responsibilities of the manual.

4. Explain any legal and/or policy issues involved.

Multnomah County may obtain assurance that its routine road maintenance activities are legally permissible under the road maintenance programmatic exemption (“limit”) from the ESA “take” prohibition.

5. Explain any citizen and/or other government participation that has or will take place.

The National Marine Fisheries Service will issue a notification in the *Federal Register* announcing the availability of the program for public review and a 30-day comment period. NMFS will issue a response letter of approval to the County submittal if no changes or minor modifications are needed based upon the comments received. Another *Federal Register* notice will be required if major modifications are needed for approval.

Required Signature

**Elected Official or
Department/
Agency Director:**



Date: 4/1/2010