

BEFORE THE BOARD OF THE COUNTY COMMISSIONERS  
FOR MULTNOMAH COUNTY, OREGON

**RESOLUTION NO. 2010-049**

Approving The Multnomah County Road Maintenance & Operations Manual And Authorizing Its Submission To The National Marine Fisheries Service

**The Multnomah County Board of Commissioners Finds:**

- a. Salmon and steelhead trout in the Pacific Northwest have significantly declined in the past several decades as a result of natural and human factors.
- b. Beginning in 1998, several species of Oregon salmon and trout (Chinook, coho, chum salmon and steelhead trout) have been listed as threatened species in the Federal Endangered Species Act by the National Marine Fisheries Service (NMFS).
- c. Several streams in Multnomah County are designated as “critical habitat,” areas essential for the conservation of threatened salmon and trout species that may require special management considerations or protections.
- d. Under the regulations of the Endangered Species Act (Section 9), it is illegal for any person subject to the jurisdiction of the United States to “take” (harass, harm, pursue, hunt, shoot, kill, trap, capture, or collect) a threatened fish species.
- e. The term “harm” includes any act that kills or injures fish or wildlife and any habitat modification or degradation that significantly impairs their essential behavioral patterns.
- f. Section 4(d) of the Endangered Species Act limits the prohibition of “take” for certain activities, including a “limit” for routine road maintenance (Limit 10). Under this limit, there is potential to “take” listed fish species if protective practices are not implemented.
- g. Multnomah County may obtain assurance that its routine road maintenance activities are legally permissible under this “limit,” if NMFS finds that its activities are conducted under a program that complies substantially with the Oregon Department of Transportation Routine Road Maintenance – Water Quality and Habitat Guide (2009).
- h. Submitting the Road Maintenance & Operations Manual to the NMFS will demonstrate the County’s compliance with ODOT guidelines and the routine road maintenance limit in the Endangered Species Act 4(d) rule.

**The Multnomah County Board of Commissioners Resolves:**

1. The Multnomah County Road Maintenance & Operations Manual is approved, and the Multnomah County Water Quality Program manager is authorized to submit it to the National Marine Fisheries Service for approval.

ADOPTED this 29th day of April, 2010.

BOARD OF COUNTY COMMISSIONERS  
FOR MULTNOMAH COUNTY, OREGON

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Jeff Cogen, County Chair

REVIEWED:

AGNES SOWLE, COUNTY ATTORNEY  
FOR MULTNOMAH COUNTY, OREGON

By: \_\_\_\_\_  
Sandra N. Duffy, Assistant County Attorney