

## **APPENDIX B TO CONSENT DECREE**

### **Hangman Creek Headwaters Mitigation Work Plan**

This Appendix B defines Defendant's obligations, including required schedules and specifications, under Paragraph 18 of the Consent Decree with respect to the Mitigation Actions, which consist of 1) creating, via conservation easement, 100-year no-harvest stream buffers and 2) replacing four culverts that are blocking fish passage. The required Mitigation Actions are designed to improve habitat quality and extent for Interior Redband Trout and native anadromous salmon and steelhead.

#### **I. Mitigation Action 1: Conservation Easement – No Harvest Stream Buffers**

As required by Paragraph 18 of the Consent Decree, Defendant shall record the Conservation Easement in the form attached to the Consent Decree at Appendix C, by no later than November 15, 2024.

As set forth in Appendix C, the conservation easement creates 100-year no-harvest buffers of 75' on each side of designated stream segments that were selected based on riparian habitat conditions and potential for seasonal extent of spawning. In total, the Conservation Easement set forth in Appendix C provides 17,812' of stream buffer containing 61.25 acres. The buffers will be distributed along 5 creeks as follows and as shown on Maps 1-3 below:

1. Bunnel Creek - 2,729' of Class I stream containing 9.4 acres and 255' of Class II stream containing .85 acres.
2. Parrot Creek - 1,897' of Class II stream containing 6.5 acres.
3. Martin Creek – 4,684' of Class I stream containing 15 acres.
4. South Fork of Hangman Creek – 2,835' of Class I stream containing 11 acres and 2,809' of Class II stream containing 9.5 acres.
5. Papoose Creek – 2,603' of Class II stream containing 9 acres.

#### **II. Mitigation Action 2: Culvert Replacements - Fish Passage and Connectivity**

As required by Paragraph 18 of the Consent Decree, Defendant shall implement four culvert replacement projects, designed to protect and enhance habitat for trout, salmon, and steelhead in Hangman Creek headwaters streams on Defendant's property, in accordance with the schedules and specifications set forth in this Appendix B.

For work planning and construction purposes the three culvert replacements that have similar planning and installation characteristics are grouped together. These are the Bunnel Creek and Parrot Creek Mid-Slope and Martin Creek Culvert Replacements (identified as culverts 2, 3, and 4 on Maps 4 and 5 below), and their schedules and specifications are set forth below. The schedule and specifications for the other culvert replacement, on Parrot Creek in Sander's West Road (identified as culvert 1 on Map 4 below), are set forth separately below.

#### A. Bunnel Creek and Parrot Creek Mid-Slope and Martin Creek Culvert Replacements

In accordance with the schedule for the interim milestones and the specifications set forth below, Defendant shall complete construction and site work for the mid-slope culvert replacements on Parrot and Bunnel Creeks and the replacement on Martin Creek by no later November 15, 2024.

##### Schedule for Interim Milestones for Implementation of the Bunnel Creek and Parrot Creek Mid-Slope and Martin Creek Culvert Replacements:

- By August 1, 2024 – Submission of Stream Channel Alteration Permit Notification Form
- By October 1, 2024 – Begin Construction and Site Stabilization
- By November 15, 2024 – Completion of construction
- By December 15, 2024 – Complete post work inspections

##### Final Report

- As required by Paragraph 20 of the Consent Decree, Defendant shall submit the Mitigation Actions Completion Report to EPA by December 15, 2024. The Mitigation Actions Completion Report shall include the information described in Paragraph 20.

##### Specifications for the Bunnel Creek and Parrot Creek Mid-Slope and Martin Creek Culvert Replacements:

Defendant shall replace the existing perched pipe culverts with oversized culverts that are:

- Equipped with fish baffles;
- Sized to accommodate 50-year flood returns;
- Installed with the bottom of the culvert embedded in the streambed at mid-slope roads over Parrot Creek and Bunnel Creek and Martin Creek; and
- Emplaced with riprap on the culvert headwalls to minimize sediment input during high flows.

Defendant shall, further, reshape and rerock the road surface to minimize sediment input during high flows.

#### B. Parrot Creek Sander's West Road Culvert Replacement

In accordance with the schedule for the interim milestones and the specifications set forth below, Defendant shall complete construction and site work for the replacement of the 112' pipe culvert on Sander's West Road by not later than November 15, 2024. Defendant shall utilize professional external geotechnical and structural review, design and implementation oversight, as Defendant determines to be necessary, for this culvert replacement and shall also obtain a State of Idaho Joint Permit - U.S. Army Corps of Engineers Idaho Department of Water Resources - Idaho Department of Lands permit.

##### Schedule for Interim Milestones for Implementation of the Parrot Creek Sander's West Road Culvert Replacement:

- By March 31, 2024 - Submit Joint Permit Application
- By September 1, 2024 – Contingent upon issuance of Joint Permit, begin Construction and Site Stabilization
- By November 15, 2024 – Completion of construction

- By December 15, 2024 – Complete post work inspections

**Final Report**

- As required by Paragraph 20 of the Consent Decree, Defendant shall submit the Mitigation Actions Completion Report to EPA by December 15, 2024. The Mitigation Actions Completion Report shall include the information described in Paragraph 20.

**Specifications for the Parrot Creek Sander's West Road Culvert Replacement:**

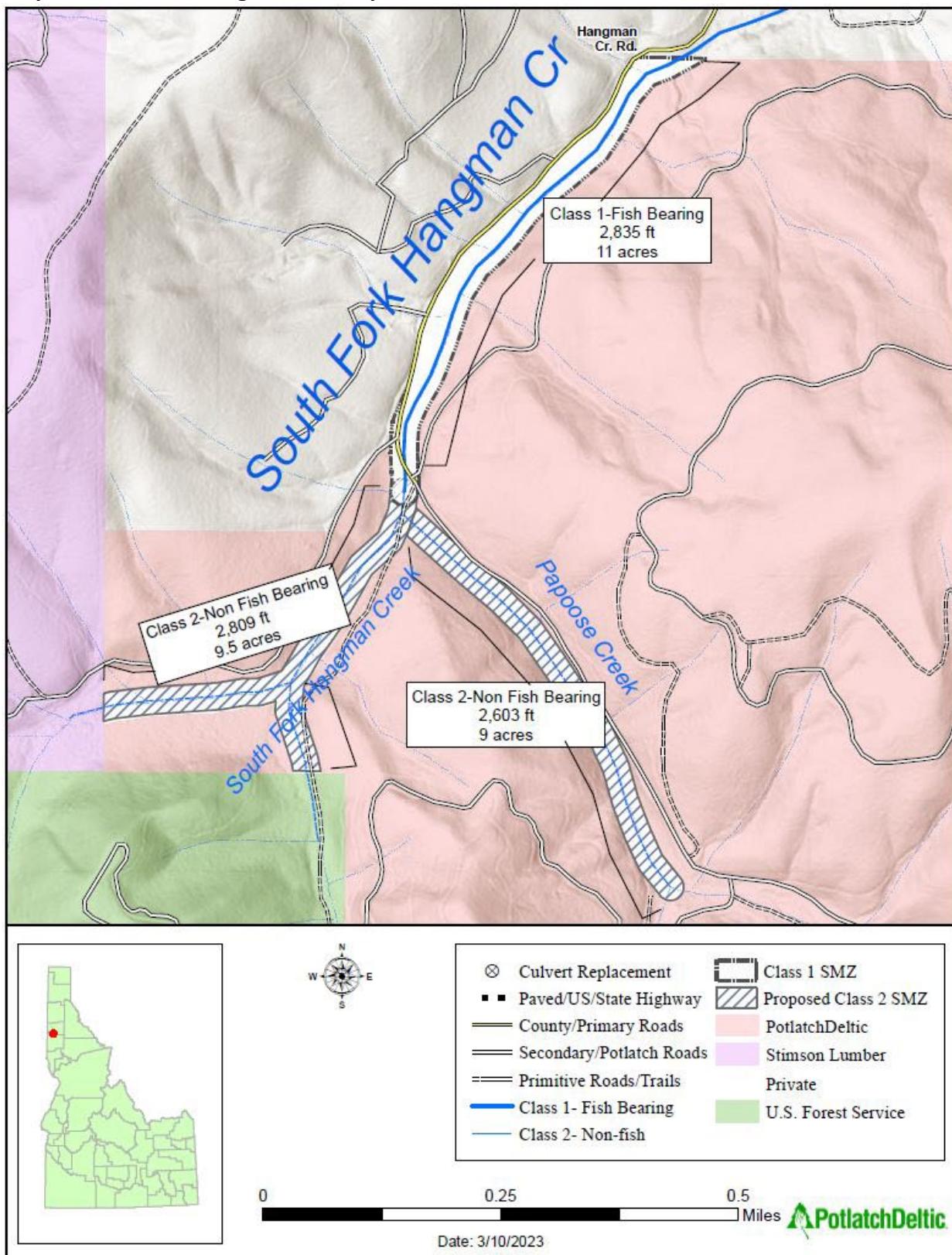
Defendant shall 1) utilize a bottomless arch culvert with precast foundations and including 10-gauge steel sized to exceed a 50-year flood return interval (final design to be reviewed by outside engineer), 2) reshape and rerock road surface to minimize sediment inputs, and 3) place riprap on the culvert headwalls to minimize sediment input during high flows.

**III. Tribal Partnership**

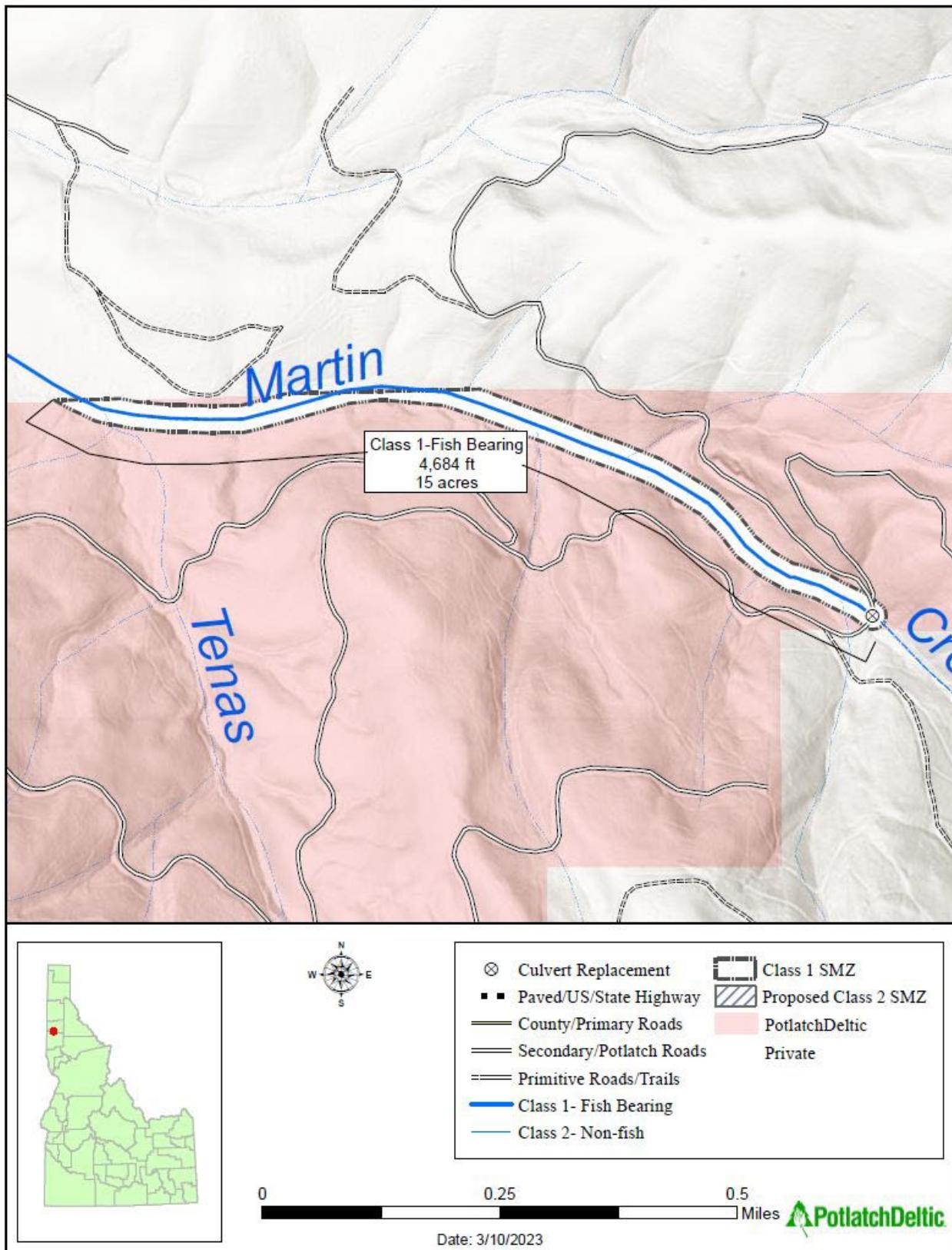
Defendant consulted with the Coeur d'Alene Tribe to identify and prioritize the stream enhancements required by this Appendix B. Defendant intends for the Mitigation Actions it is required to perform under the Consent Decree to also foster the establishment of an enduring partnership between the Tribe and Defendant to enhance communication and cooperation for stream and fisheries enhancement on the project area. After completion of the Mitigation Actions required by the Consent Decree, Defendant plans to propose to the Tribe development of a Memorandum of Understanding with the Tribe to provide access to the project area and establish a partnership for the purposes of: (1) collecting stream and fish data; (2) Tribal stocking of salmon, steelhead, or trout; and (3) Tribal fishing and quiet enjoyment of the Hangman Creek headwater streams.

## Maps

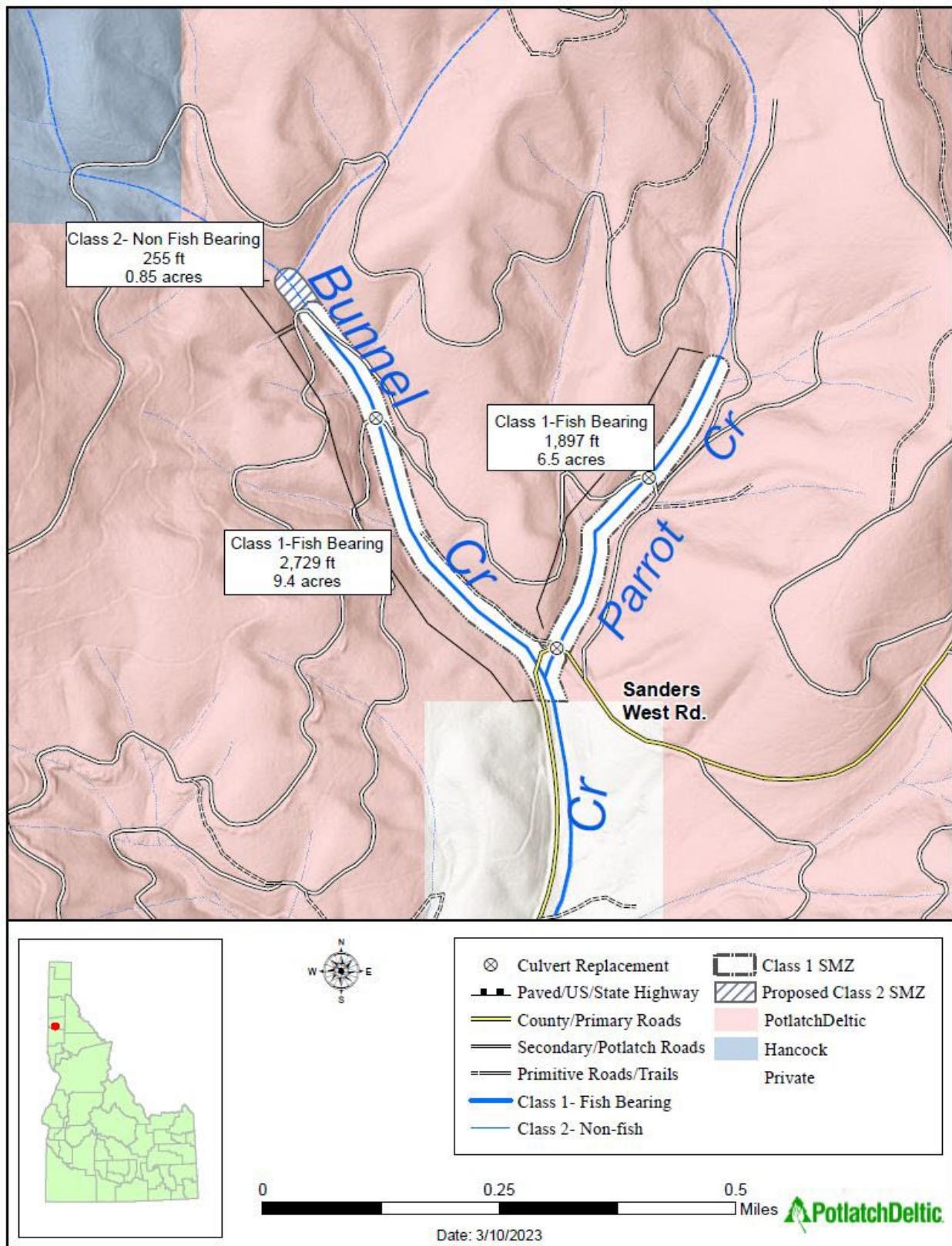
### Map 1: South Fork Hangman and Papoose Creek Buffers



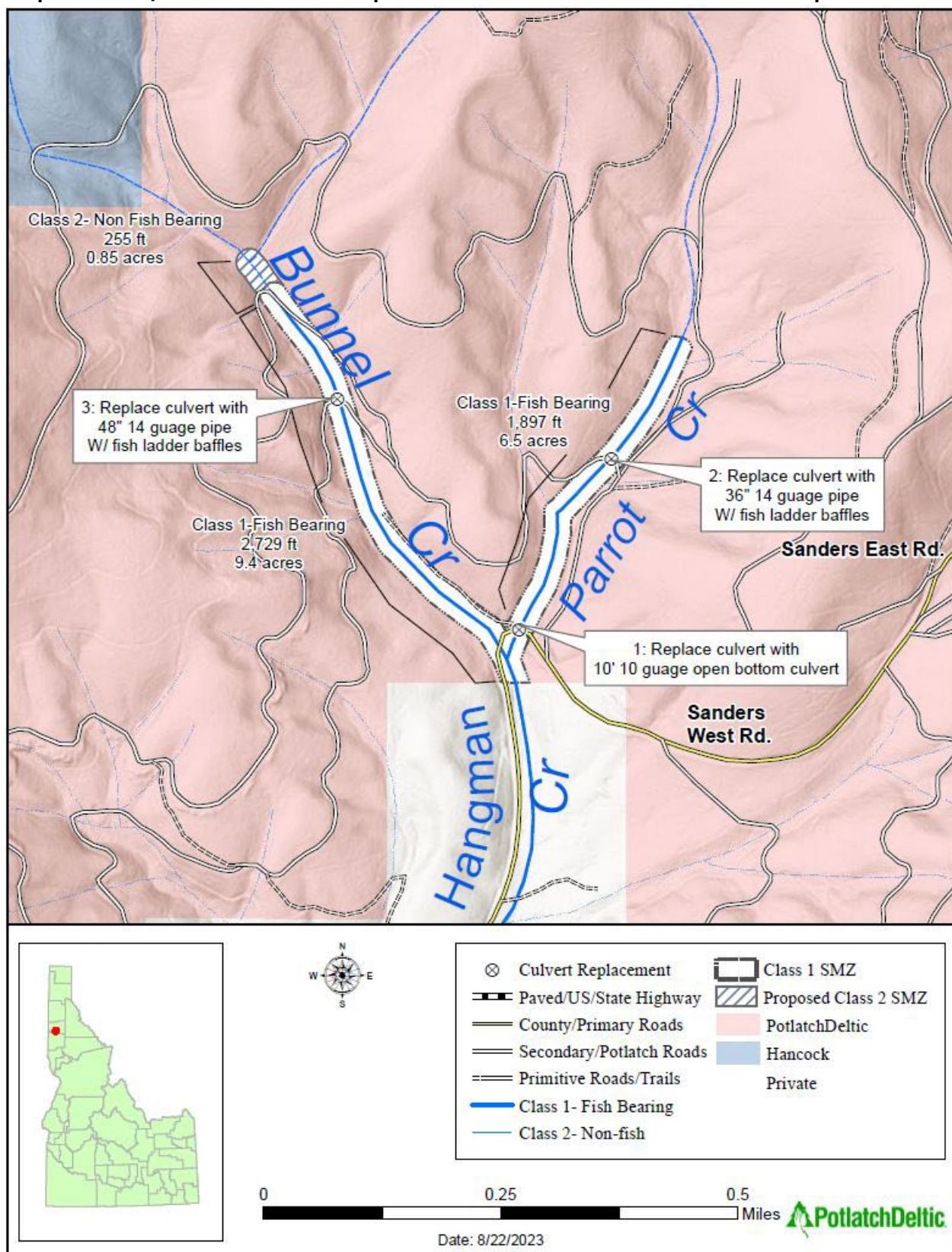
Map 2: Martin Creek Buffer



Map 3: Bunnel and Parrot Creek Buffers



Map 4: Bunnel/Parrot Creek Mid-Slope and Parrot Creek Sander's Road West Replacements



Map 5: Martin Creek Culvert Replacement

