

## **STREAMLINING ENDANGERED SPECIES ACT CONSULTATIONS FOR TRANSPORTATION PROJECTS IN WASHINGTON STATE**

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### **ABSTRACT**

The number of species listed by the Endangered Species Act (ESA) has increased dramatically in Washington State in recent years. The 1999 listings of several evolutionary significant units of Pacific Coast salmonids especially affected transportation projects, because many of these fish can occur in urban environments. Listed species in Washington overlap with transportation projects in terrestrial, freshwater, estuarine, and marine ecosystems, and are administered by two ESA regulatory agencies. These factors led to an increasingly complex environment for conducting Section 7 consultations in the early 2000s. Consultations became contentious and major project delays resulted.

Consultation problems were recognized at that time in upper level management in four agencies: Washington State Department of Transportation, Federal Highway Administration, U.S. Fish and Wildlife Service, and the National Marine Fisheries Service. Managers from these agencies agreed on a “vision of collaborative efforts” to enhance interagency consultation. There was mutual recognition that better cooperation would lead to what is best for the species and the project. These early meetings between upper level managers eventually developed into the current streamlining program, called the Interagency Transportation Consultation Program. The Project Management Team (PMT) is the cornerstone of this streamlining process. We review here the advent and development of the program, the functions of the program, some of the tools and products that were developed to assist the consultation process, and evaluate how effective streamlining has been.

The PMT meets monthly, with an agenda that includes both immediate and long-term issues. The bulk of the meeting usually focuses on tracking projects that are in consultation or will soon be submitted. Scheduling, staffing availability, project priority, sufficiency of information, and status of biological opinions are discussed. Difficult consultation issues are discussed that may affect multiple projects. Strategies and action items are identified. Consultation support studies and products advance from these conversations, including research studies, guidance documents, staffing needs, training, and process improvement changes. All aim to improve understanding of potential effects from transportation projects on listed species, provide consistent guidance on determining effects and minimization measures, and provide a pathway for completing consultations. Examples of consultation products include implementing the liaison program between WSDOT and the Services (U.S. Fish and Wildlife and National Marine Fisheries Service), using programmatic agreements with the Services, developing an indirect effects

analysis method, and sponsoring research and development of an analytical approach for determining stormwater effects to fish. The tools and products that are derived from this program are used by the Services with other federal action agencies in Section 7 consultations.

We review the effectiveness of this streamlining approach on consultation timelines, and discuss various analysis methods that were developed to facilitate consultations. As the number of ESA listed species increases nationwide, many states will find increasing challenges with transportation consultations. The lessons learned in Washington can be broadly applied throughout the United States.

## **BIOGRAPHICAL SKETCHES**

**Marion Carey** is the Fish and Wildlife Program Manager at the Washington State Department of Transportation. She has a Bachelor's of Science in Wildlife Resources and a Masters of Environmental Studies and has been working for the Department of Transportation since 1994. The Fish and Wildlife Program is responsible for providing guidance and assistance on regulations such as Endangered Species Act section 7 consultations, Migratory Bird Treaty Act, and the Marine Mammal Protection Act. The program is responsible for evaluating and developing solutions for the effects of transportation systems of fish and wildlife. Activities include development of a state wide habitat connectivity plan, evaluation of animal vehicle collisions, evaluating the effectiveness of existing bridges and culverts in passing wildlife.

**Mark Bakeman** is currently a biologist with the Washington Department of Transportation (WSDOT), in the Fish and Wildlife Program. He works on Endangered Species Act issues for the agency, and has primary responsibilities for overseeing programmatic agreements with the U.S. Fish and Wildlife Service and the National Marine Fisheries Service. He assists in project development and related permitting issues within the WSDOT regions. Prior to working for WSDOT, he was a consultant in Colorado and worked on numerous projects within the transportation field. He wrote the first programmatic biological assessment for the Colorado Department of Transportation, and also was instrumental in helping form the first Endangered Species Conservation Bank in Colorado. He has also conducted research projects in several areas: effects of habitat restoration on small mammal populations, effects of off-leash dogs on small mammal and bird populations, fertilization effects on dated wood chemistry, small mammal passage under highways, and formation of mollic soil horizons under cold, forested conditions.