

WSDOT Liaison Program

2015 Annual Performance Report

(January 1 – December 31, 2015)

Prepared by: TaraLyn Stone
Project Delivery Environmental Specialist
WSDOT Liaison Program

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Glossary of Terms

BA.....	Biological Assessment for ESA consultations prepared by WSDOT environmental staff and submitted to USFWS or NOAA. The ESA consultation process begins when the BA is received and stamped in at USFWS or NOAA.
BO.....	Biological Opinion issued for formal consultations under Section 7 of the ESA.
Change in scope.....	One of the factors contributing to a delay in the ESA and permitting processes. A change in the types of project activities or project scope of work by WSDOT.
Complete Application.....	Term used for applications submitted to the Corps. Indicates all the required application material has been received. See Chapter 3 of the <i>2015 Complete Permit Application Guidance</i> for more information.
Consultation Completion Deadline.....	The Consultation Completion Deadline is provided by WSDOT regional and ferries staff and represents the date consultations must be completed to meet the project schedule needs.
Corps.....	US Army Corps of Engineers
Ecology.....	Washington State Department of Ecology
EFH.....	Essential Fish Habitat impact finding by NOAA per the Magnuson-Stevens Fishery Conservation and Management Act.
ESA.....	Endangered Species Act (specifically Section 7, Federal agency actions)
Extended leave.....	One of the factors contributing to a delay in the ESA and permitting processes. A planned or unplanned leave of absence due to training or the use of annual or sick leave.
IP.....	Individual Permits issued by the US Army Corps of Engineers and Washington State Department of Ecology under both Section 404 and 401 of the Clean Water Act.
Internal review.....	One of the factors contributing to a delay in the ESA and permitting processes. The review of consultation and permit documents at the Liaison's host agency by non-Liaison staff.
JARPA.....	Joint Aquatic Resource Permit Application is a single permit application for development projects in Washington State in or along aquatic environments.
LET.....	Liaison ESA Team in the Liaison Program
LOV.....	Letter of Verification from Ecology under Section 401 of the Clean Water Act
LPT.....	Liaison Permitting Team in the Liaison Program

NOAA..... National Oceanic and Atmospheric Administration Fisheries, also known as the National Marine Fisheries Service

Pre-BA Meeting..... Pre-Biological Assessment Meeting, facilitated by the Biology Program, to provide WSDOT regional and ferries staff an opportunity to consult with USFWS and NOAA prior to submitting a BA.

Section 10..... Section 10 of the Rivers and Harbors Act for approval of structures over navigable waters.

USFWS..... US Fish and Wildlife Service

WSDOT..... Washington State Department of Transportation

WQMPP..... Water Quality Monitoring and Protection Plans required by Ecology under Section 401 of the Clean Water Act for in-water work.

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Introduction

WSDOT Liaison Program

The Washington State Department of Transportation (WSDOT) Liaison Program was started in 1999. The purpose of the program is to fund staff at various state and federal resource agencies dedicated to delivering transportation projects. The program currently funds staff for Endangered Species Act (ESA) consultations at US Fish and Wildlife Services (USFWS) and National Oceanic and Atmospheric Administration Fisheries (NOAA), referred to as the **Liaison ESA Team** (LET). Liaison staff who deliver Clean Water Act permitting at US Army Corps of Engineers and the Washington State Department of Ecology are referred to as the **Liaison Permitting Team** (LPT).

Liaison ESA Team

The LET is responsible for consulting with WSDOT projects statewide under ESA and the Magnuson-Stevens Fishery Conservation and Management Act for Essential Fish Habitat (EFH). The Team reviews biological assessments, attends Pre-Biological Assessment (BA) meetings, conducts jeopardy analyses, writes concurrence letters and biological opinions (BOs), and maintains administrative records of consultations.

In 2015, the LET was funded for one full-time USFWS and one full-time NOAA Biologist. The Team received additional support from another Biologist, consultants, and WSDOT Fish and Wildlife Program staff.

Liaison Permitting Team

The LPT is responsible for issuing permits under Sections 404 and 401 of the Clean Water Act for WSDOT projects statewide. The Corps Liaisons also issue permits under Section 10 of the Rivers and Harbors Act. The Team reviews and evaluates permit applications, provides technical expertise and services on projects and reviews projects in construction for permit and mitigation compliance.

For Section 404 permits in 2015, The LPT was funded for two full-time Project Managers. A full time Project Lead and part-time Wetland Specialist and Stormwater Engineer were funded at Ecology for Section 401 approvals.

Performance measuring and review

The Liaison Program works to meet the mission and vision of the WSDOT Compliance Solutions Branch:

Mission: "We develop trust, protect the environment, and streamline project delivery."

Vision: "People come to us for solutions to achieve environmental excellence."

To achieve this vision, the Liaison Program developed two goals, one for each team, and incorporated Performance Measure tracking and reporting into the program's business model. The Program Goals are:

Goal 1: Provide efficient and predictable ESA consultations for WSDOT projects

Goal 2: Provide efficient and predictable permitting for WSDOT projects

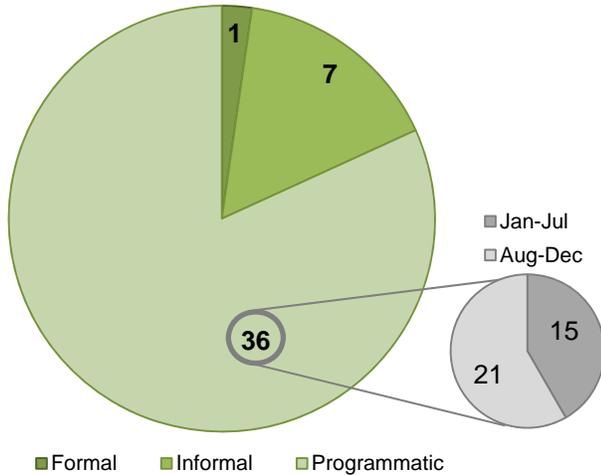
The purpose of this Performance Measure Annual Report is to evaluate the delivery of services by the LET and LPT. This report: considers the overall support by the Liaisons; evaluates the quality of service as measured by the 2015 Performance Measure Goals and Objectives; explores the reasons why Performance Measure Objectives were not met, causing a delay in project delivery; and, identifies opportunities for the Liaisons and WSDOT to improve the quality of service.

2015 Liaison Support Summary

Liaison ESA Team (LET)

USFWS

Consultations completed: 44



Reinitiations: 2

Average Processing Durations (from Receipt of BA)

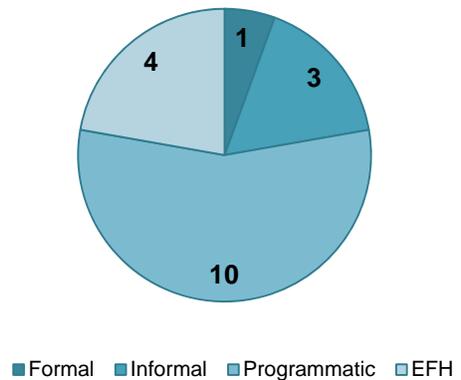
Consultation Type	Days	
Formal	286	
Informal	66	
Programmatic	(Jan-Jul)	52
	(Aug-Dec)	14

Other Project Support:

- Participated in 14 Pre-BA meetings.
- Updated the Programmatic BO (effective 8/1/2015) which drastically reduced processing durations.
- Concurred with the finding of effect for a reinitiation of informal consultation for a rail project.
- Provided mitigation measures for numerous emergency projects during the summer fire season and winter storms.
- Coordinated on a weekly basis with Washington State Ferries and provided technical guidance and document updates.

NOAA

Consultations completed: 18



Average Processing Durations (from Receipt of BA)

Consultation Type	Days
Formal	322
Informal	35
Programmatic	1
EFH	9

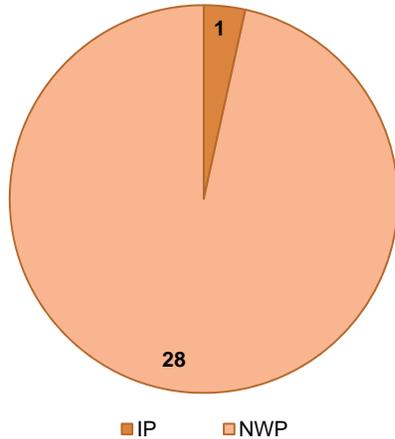
Other Project Support:

- Participated in 14 Pre-BA meetings.
- Reduced the processing duration for programmatic consultations to less than a day by coordinating with the WSDOT Biologist prior to BA submittal.
- Consulted with WSDOT on numerous emergency projects during the summer fire season and winter storms.
- Updated multiple project findings of effect to extend in-water work windows or as a result of a change in the project design.
- Coordinated on a weekly basis with Washington State Ferries and provided technical guidance and document updates.
- Issued a BO for a Western Federal Land project.
- Initiated efforts to update the Programmatic BO.

Liaison Permitting Team (LPT)

Corps

Permits issued: 29



Permit modifications: 15

Average Processing Durations (from complete application)

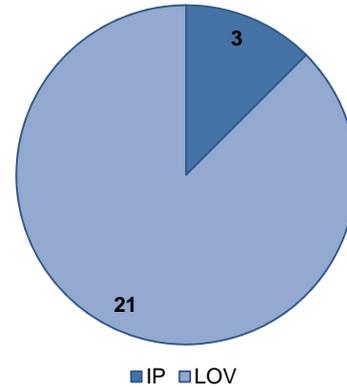
Permit Type	Days
Individual Permit (IP)	231
Nationwide Permit (NWP)	31

Other Project Support

- Reviewed annual monitoring reports and closed 6 mitigation sites.
- Approved reduced monitoring of mitigation performance measures at 46 sites.
- Provided early coordination opportunities to discuss permit application requirements for multiple projects.
- Coordinated on numerous emergency actions and issued 5 after-the-fact permits.
- Issued NWPs for 9 additional projects not supported by the Liaison Program.
- Trained WSDOT staff on the Clean Water Rule at the Coordinators Roundtable in September.

Ecology

Permits issued: 24



Permit/Certification modifications: 3

Average Processing Durations

Permit Type	Days	From
Individual Permit (IP)	238	Receipt of application
Letter of Verification (LOV)	4	From Corps action

Other Project Support

- Reviewed monitoring reports and other supplemental documents for multiple mitigation sites.
- Visited 8 wetland mitigation sites for mid-term inspections
- Closed 5 mitigation sites.
- Reviewed 16 Water Quality Monitoring and Protection Plans (WQMPPs)
- Created a WQMPP Matrix to help WSDOT and contractors prepare WQMPPs and reduce the review time for the Liaison.
- Conducted and prepared inspection reports for 9 compliance site visits.
- Consulted on non-compliance events, provided technical guidance, and conducted 5 site visits for SR 520.

2015 Performance Measure Goals and Objectives

The Liaison Program establishes performance objectives at the start of each reporting period. The purpose of the Objectives is to measure how well the program is meeting the Goals. The Liaison Program Manager reviews and refines the previous year's Performance Measure Objectives with the Liaisons, host agency supervisors and the Compliance Solutions Branch Manager.

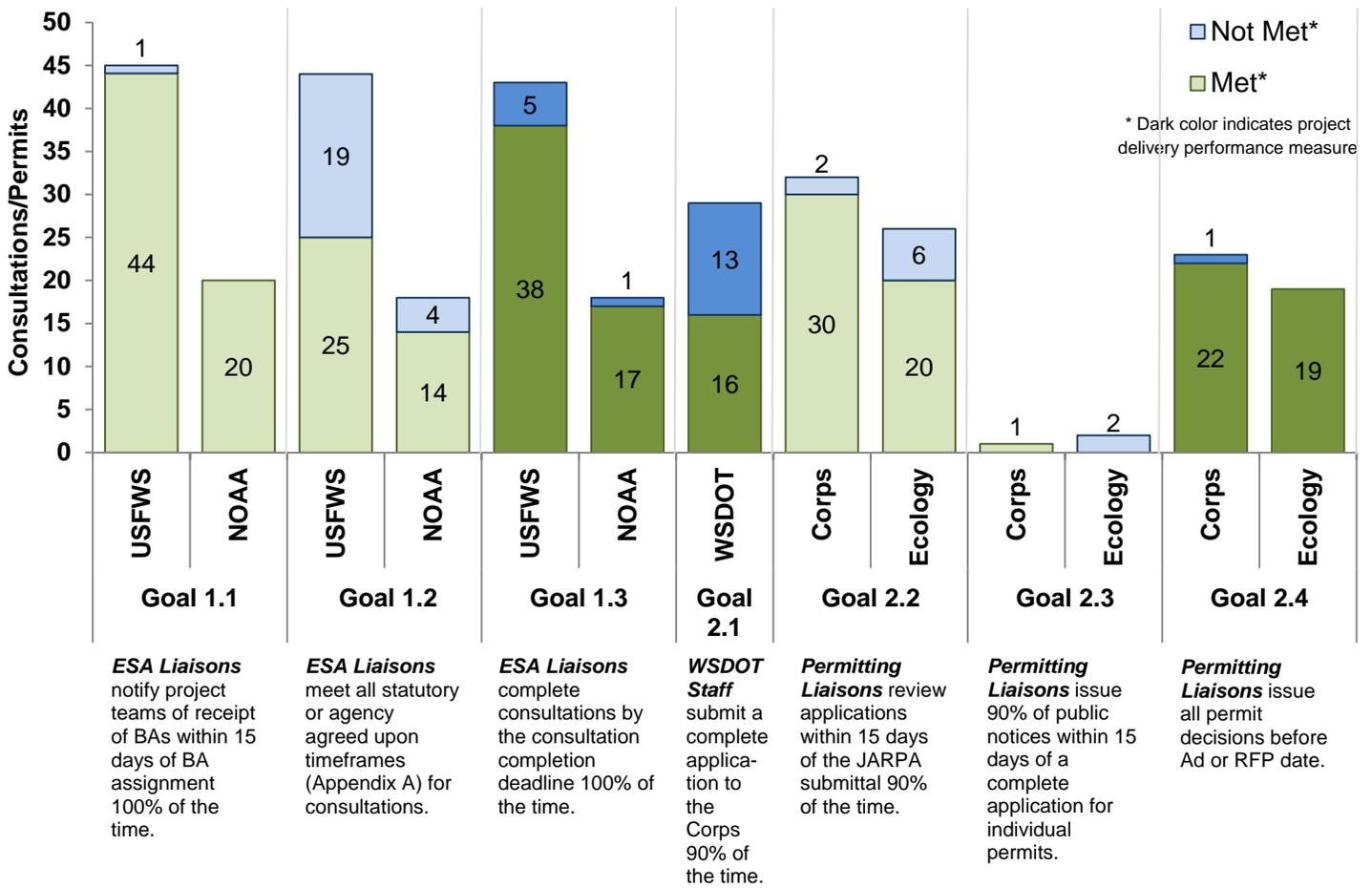
Objectives for Goal 1: Provide efficient and predictable ESA consultations for WSDOT projects

This goal applies to the LET. The objective measures Liaison support from receipt of a BA through consultation completion. Objective 1.3, completion of consultations by the Consultation Completion Deadline, is the project delivery performance measure for the LET.

Objectives for Goal 2: Provide efficient and predictable permitting for WSDOT projects

This goal has one objective that applies to the WSDOT environmental staff and three that apply to the LPT. The objective measures WSDOT permit application submittals and Liaison support from the receipt of a permit application through permit decision. Objective 1.4, issuing permit decisions before the AD or RFP date, is the project delivery performance measure for the LPT.

Liaison Performance



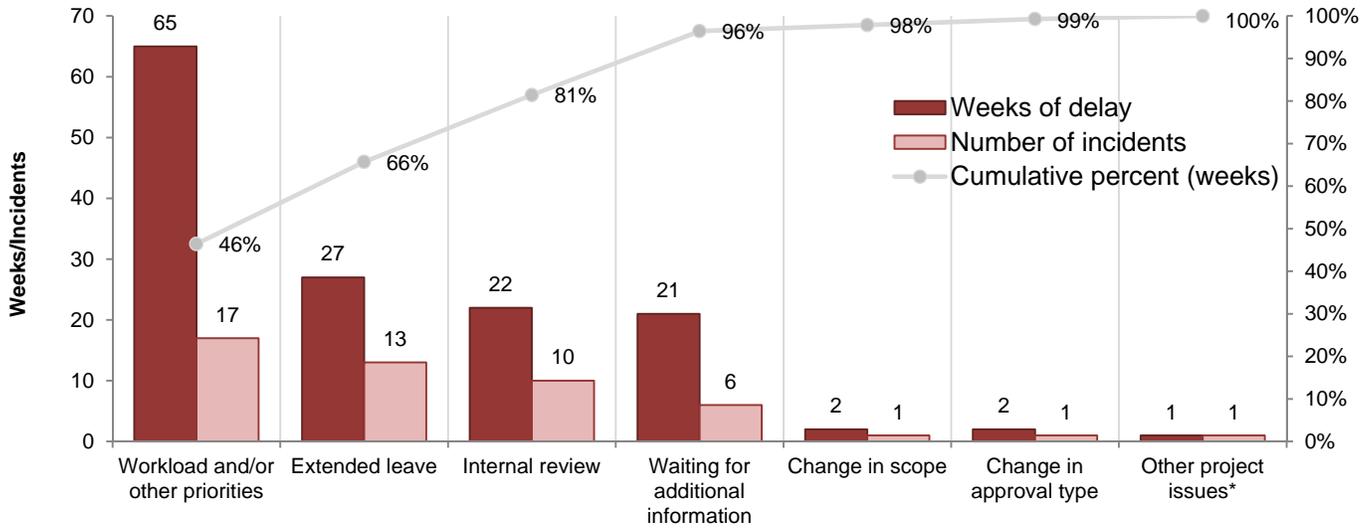
Causes of not meeting the 2015 Performance Measure Objectives

Liaisons

Factors contributing to projects not meeting the Objectives were identified from weekly updates provided by the LET and LPT in 2015.

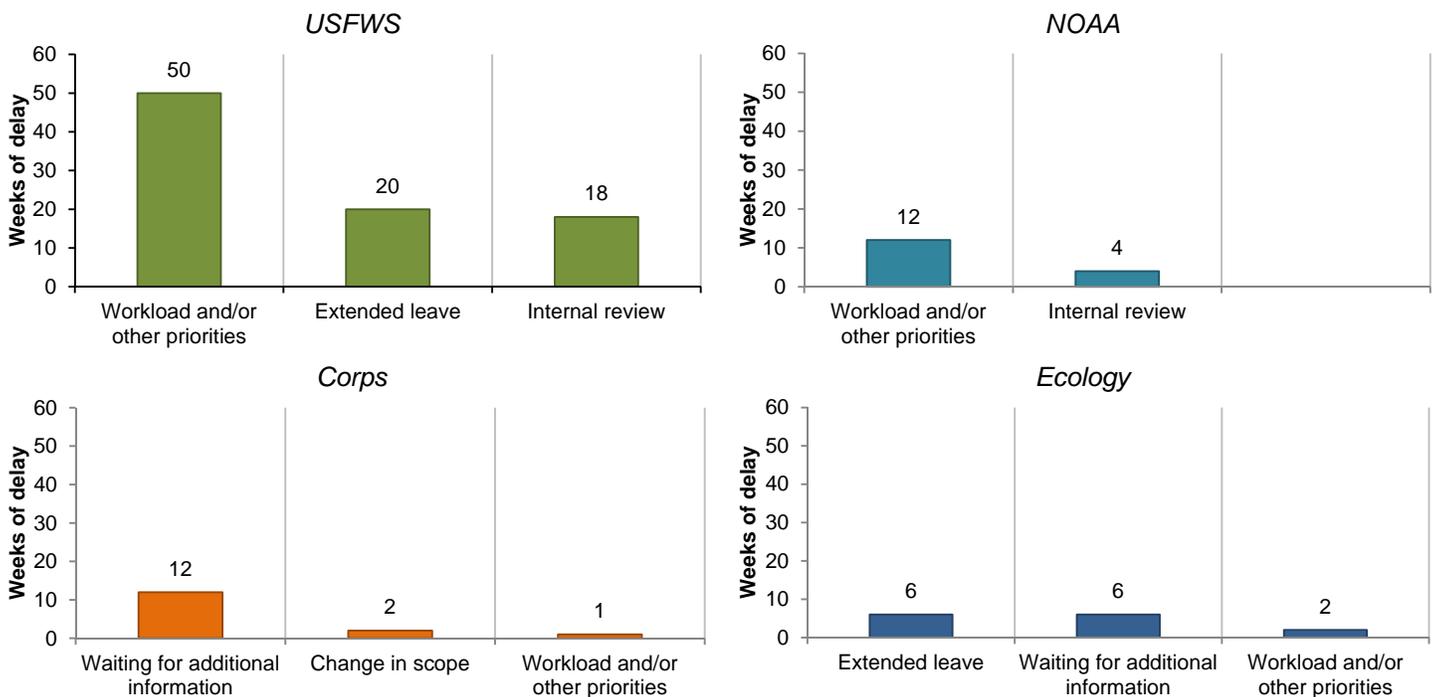
Performance Measure Objectives

Factors contributing to not meeting the 2015 Performance Measure Objectives (all agencies)



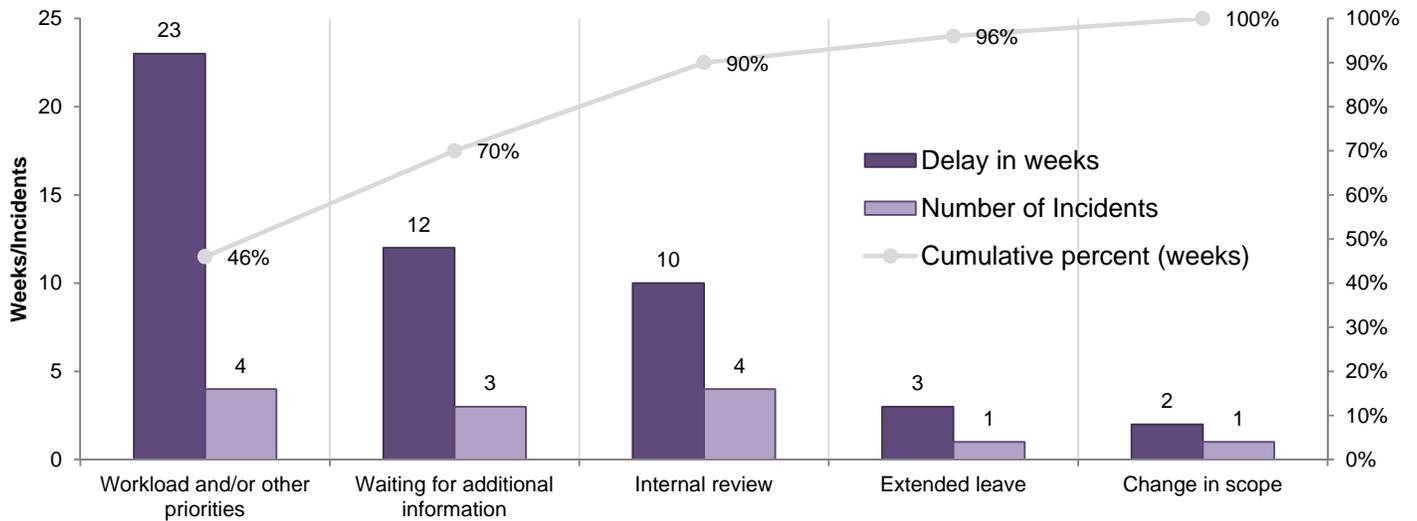
*The one "Other project issues" for this review period was a possible change in approval type where additional information was needed.

Top three factors by agency in weeks of delay

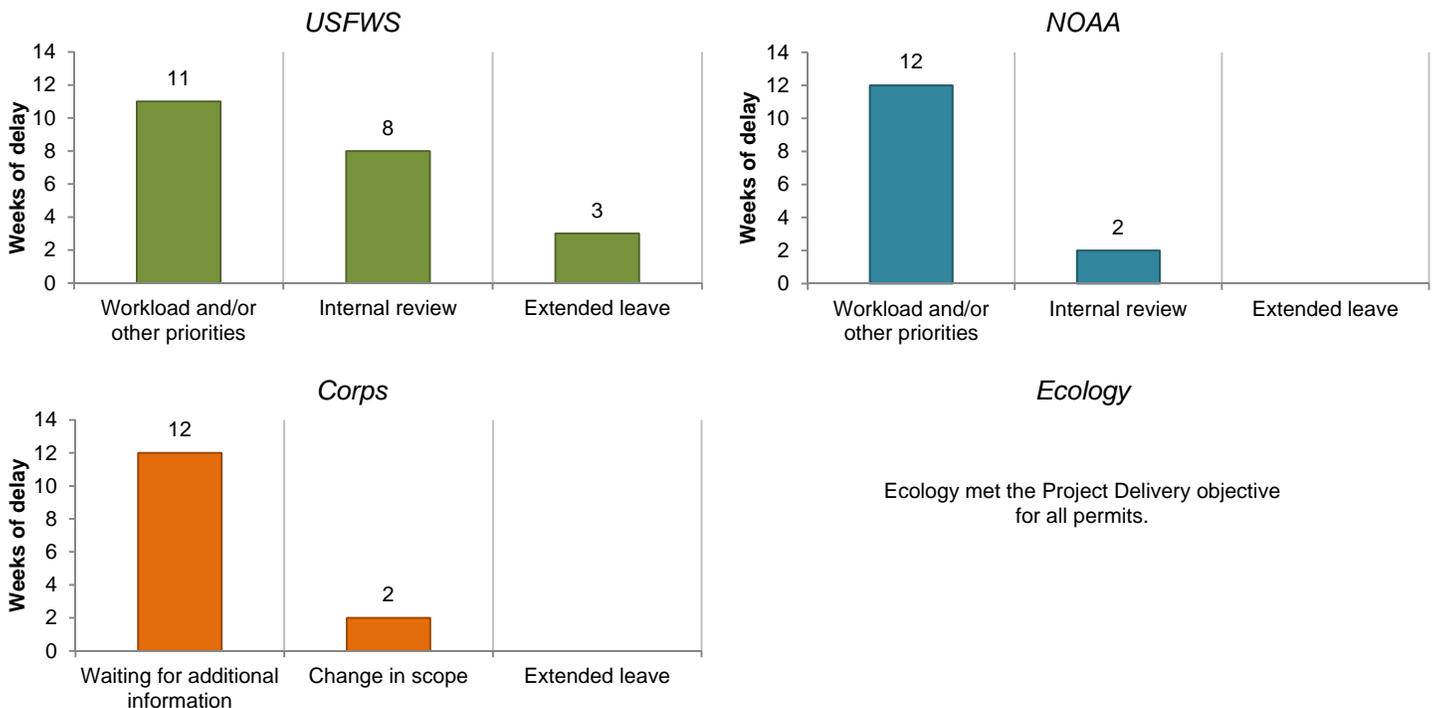


Project Delivery

Factors contributing to not meeting the Project Delivery Objectives (all agencies)



Factors by agency in weeks of delay



Opportunities for improvement

Based on the 2015 performance measure Goals and Objectives, especially those for Project Delivery, the primary factors contributing to project delays are:

Workload and/or other priorities

A high workload volume and multiple high priority tasks contributed to almost half of the overall delay. The delays from high workloads can be mitigated by improving capacity at USFWS and NOAA. The Liaison Program increased the staffing

for ESA Liaisons in February 2016 to minimize workload impacts on project delivery and to address an anticipated increase in the number of consultations. Capacity can also be increased by improved workload planning strategies at the program and agency levels. The Liaison Program is in the process of updating the monthly workload planning tools to better assist the Liaisons. The program manager will work with the Liaisons and agencies as needed to develop individual workload management strategies.

The need for additional information, the second highest factor for Project Delivery, caused 12 weeks of delay and was a direct result of the workload of another agency within the Liaison program. The Corps permit was on hold for 8 weeks waiting for the ESA consultation to be completed by NOAA. The consultation was delayed at NOAA by 12 weeks due to a higher priority project. The other 4 weeks of delay was from waiting for mitigation information and drawings from WSDOT. The number of incidents and weeks of delay will reduce with improvement in “Workload and/or other priorities”.

Extended Leave

Extended leave contributed to a delay at three of the four agencies for all the Performance Measure Objectives and resulted in 3 weeks of delay for the Project Delivery Objectives. The amount of leave available to Liaisons is not subject to change. Impacts from vacations, sick leave, and trainings can be mitigated by having the appropriate level of staffing, effective workload planning, and working with Liaisons to understand coverage.

Internal Review

Internal review processes at the host agency are outside the Liaison Program’s ability to mitigate and can cause a substantial amount of delay in Project Delivery. The average internal review at NOAA for individual consultations in 2015 was 20 days (23 days for Formal, 15 days for Informal, and 31 days for EFH), with the longest review taking 47 days and the shortest taking only four days. Liaisons should plan for a delay in the consultation and permitting processes when possible.

WSDOT Objective

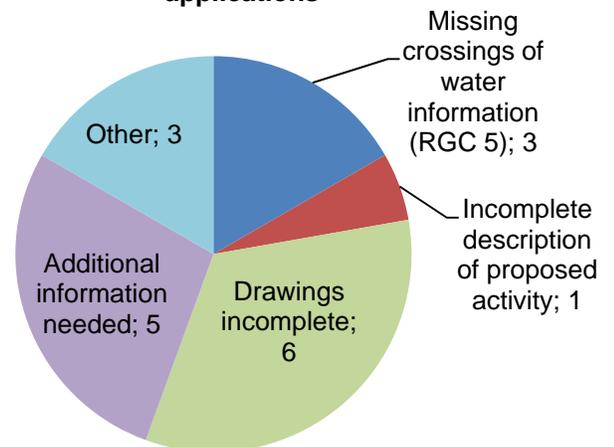
Having a complete permit application (Objective 2.1) is also an important part of Project Delivery. Incomplete applications delayed projects a total of 84 weeks for the 13 projects that did not meet this objective, an average of 6 weeks per project.

Factors that contributed to incomplete permit applications (Objective 2.1) were taken from Corps Liaison feedback and notes from the weekly LPT meetings.

“Other” factors contributing to incomplete permit applications include:

- Not having tribal approval of the culvert design when not meeting stream simulation (NWP National General Condition 17) which caused the longest delay of 30 weeks
- Conflicting stream simulation determinations in the application and supplemental information
- Multiple comments on an after-the-fact emergency project permit application

Factors contributing to incomplete permit applications



Opportunities for improvement

The Liaison Program will share this information with the Permitting Compliance Program for consideration when updating the Complete Permit Application Guidance and Complete Permit Application Drawing Guidance. These results will also be shared with the WSDOT regional and ferries staff at the quarterly Coordinators Roundtable meeting.

2016 Performance Measure Goals and Objectives

Prior to the addition of ESA Liaisons in 2013, the Liaison Program Performance Measure Goals and Objectives focused on the results from customer satisfaction surveys. In 2013, the goals were reduced to procedural, task-specific objectives. The procedural goals measured independent tasks within the ESA consultation and permitting processes. The procedural objectives were modified slightly at the beginning of the 2014 and 2015 rating periods.

The Liaison Program is moving away from procedural objectives. For 2016, the Program will refocus on Project Delivery with a target of no delays to the project schedules. The Liaison Program will keep existing project delivery measures and will focus analysis on the steps critical to project delivery.

APPENDICES

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Appendix A. Statutory and Agency Agreed Upon Timeframes

(Revised September 2015)

Agency	Type	Duration (From receipt at Agency)	Source
NOAA	Formal	135 days	Statutory
	Informal	30 days	Agency Agreement
	EFH	90 days	Statutory
	NOAA Programmatic (Formal, Informal, and EFH)	30 days	Programmatic Biological Opinion
	Programmatic Fast Track	5 days	Programmatic Biological Opinion
USFWS	Formal	135 days	Statutory
	Informal	30 days	Agency Agreement
	Programmatic (Formal or Informal)	30 days	Programmatic Biological Opinion
	Programmatic Informal- Fast Track	10 days	Programmatic Biological Opinion
Corps	Individual	None	N/A
	Nationwide	45 days	Statutory
Ecology	Individual	365 days from Public Notice issuance	Statutory
	LOV	180 days from Nationwide Permit issuance	Statutory