

Attachment to Transportation Consultation Process WSDOT/FHWA/NOAA-
Fisheries/USFWS

Pre BA Meeting Guidance

Updated: January 20,2006

Representatives of Washington State Department of Transportation (WSDOT), Federal Highways Administration (FHWA), U.S. Fish and Wildlife Service (USFWS), and Nation Oceanic and Atmospheric Administration Fisheries (NOAA Fisheries) attend the Pre BA meetings. The purpose of the Pre BA meetings is to allow early involvement of the project proponents and the Services to discuss projects prior to their submittal for section 7 consultations under the Endangered Species Act (ESA). Project managers, especially those with very complex, multi-year projects may attend very early in the design phase, and then may attend several meetings as the project progresses, while others may only need to attend one time. During the meeting the project proponent will have an opportunity to explain the project design and the projects' limitations, and the Services will have an opportunity to discuss how the project could avoid and minimize its effect on listed species. If practical, project proponents should attend at such a time as there is still flexibility in project design.

The Pre BA meetings are held monthly at a pre set day and time, which is currently the third Thursday of the month. The meeting day can be changed by the request of any of the participating agencies. These requests should be made as far in advance as possible. When a participating agency representative cannot attend a regularly scheduled meeting, he/she will coordinate with the other 3 agencies to find a mutually agreeable date, time, and location. Meetings are canceled when there are no projects to present (This can happen during busy summer construction season.). Most meetings are about 3 hours long.

Ten days prior to the meeting, a call for agenda items is sent out to all region environmental coordinators, project engineers, Highways and Local Programs headquarter and regional personnel, FHWA and the Services. Projects that would like to attend the meeting must submit the one page project summary (see attached). They must also provide the project representatives name, email and phone # to allow for last minute schedule changes if necessary due to inclement weather or emergencies.

In addition to contact information on the presenter, the project summary sheet must include a short description of the project including methods to reduce impacts, a list of the listed species in the action area, the provisional effect determination for each species, and the rational for each effect determination. A vicinity map and aerial photo must also be attached. This document must be brief and the photos must be formatted to insure that the document can be emailed out. The project summary sheets for all attending projects are attached to the meeting agenda that is sent out 3 days before the meeting to allow the Services and FHWA to become familiar with the projects prior to the meeting. FHWA

Area Engineers and Team Leaders who have projects from their area being presented will know if they need to attend the meeting or not. The project summary form will provide a record of the presented projects and their ESA issues. Projects, which do not provide the project summary sheet in time to go out with the agenda, will be scheduled for the next monthly meeting.

The agenda will list the order in which the projects will be presented. Every attempt is made to schedule projects with consideration to distances traveled. Both environmental and engineering staff should be present for the project discussion. Local agency projects must have a representative from the local agency present during the discussion. Projects that are scheduled later in the agenda are asked to arrive 15 minutes early in case previous projects finish ahead of schedule. Presenters must insure that they can complete their presentation and discuss all their issues in the time allowed. This will require that they focus the project discussion on elements that may affect listed species. Times may range from 30 to 60 minutes depending on the number of projects presenting and the complexity of the project. If a project needs more time, the meeting facilitator will strive to modify the agenda accordingly. If a project decides that they cannot make the scheduled meeting, they are required to call the meeting facilitator to cancel. Attempts will then be made to rearrange the scheduled to avoid 30- 60-minute gaps in the meeting.

When possible, WSDOT will provide a meeting facilitator to insure that the agenda is adhered to and discussions focus on project-specific issues relevant to the Endangered Species Act. If a note taker is available they will record for each project the major issues, suggested minimization measures, and commitments made by each agency. If a note taker is not available, each project will be responsible for taking notes and sending them to the meeting facilitator within 48 hours of the meeting. WSDOT's meeting facilitator will then send out one email to all the meeting participants containing all of the meeting notes. This email will serve as a record of the meeting.

The following projects are required to attend a Pre BA meeting (although all projects with potential impacts to listed species would be allowed to attend):

1. All formals, although WSDOT formal consultations with only a CORP nexus should also present their project at the monthly CORP meeting.
2. All projects that complete in water work in waters where listed fish or Orcas may be present.
3. All projects that involve in-water pile driving in listed fish bearing waters, including Puget Sound.
4. All projects which conduct blasting within one mile of a point location for bald eagle, northern spotted owl site center, or occupied or suitable marbled murrelet habitat, or within 1/4 mile of a listed fish bearing water
5. All projects (that are not conducting blasting) which occur within suitable habitat or within 60 yards of suitable habitat for spotted owls and marbled murrelets during their respective nesting seasons.

6. All projects, which occur within designated or proposed critical habitat for any plant or animal species and which have the potential to alter the habitat. Projects that do not modify or degrade the CH may not need to attend.
7. Projects that complete activities within ¼ mile if not in line of sight or ½ mile if in line of sight of a bald eagle nest during the nesting season (Jan 1- Aug15) or winter roost or wintering concentration area during October 31 – March 31.

Obviously, not all projects meet one of these criteria so there will be projects that are consulted on that have not attended a pre BA meeting.

Projects that should not come to the pre BA meeting include:

1. Projects that are a no effect for species under the jurisdiction of both NOAA and USFWS,
2. Projects in Eastern Washington that fit under both PBAs.
3. Projects in Eastern Washington that fit under the PBA for one Service and are a NE for the other.
4. H&LP projects that use the ECS form to document their no effect determination.

If there are any doubts if a project should attend or not, please contact the meeting facilitator to discuss if it should be presented or not. In the future, a single point person may be established in each region or mode to facilitate the presentation preparation.

Each Region and Mode will be responsible for screening their own projects and insuring that they attend the Pre BA meeting as required prior to submitting the BA to the Services. The Headquarters HLP environmental staff with assistance from the WSDOT biologist who reviews the draft BA, will screen local agency projects to determine which projects must attend the pre BA meeting.

While attendance at Pre BA meetings is mandatory for all projects that meet the above requirements, Eastern Washington Regions may be able to replace their presentation at a Pre BA meeting with an acceptable alternative meeting format.

Project Name:

Project Proponent: include your name, affiliation e.g. King County; and contact information.

Project Description: Be Brief!

Listed Species in Action Area:

List the species here	Provisional Effect Determination

Rational for the Effect Determination for each species:

Attach Vicinity Map and Air photo

(Remember this entire document is just one of several that must be emailed to the Services – so keep is short and keep the photos files small.)