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*The Federal  
Highway  
Administration*

*National  
Marine  
Fisheries  
Service*

*US Fish  
And  
Wildlife  
Service*

*WA State  
Department  
Of  
Transportation*

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MEMORANDUM

June 17, 2009

To: Applicable Agency Staff

Re: **Endangered Species Act (ESA), Transportation and Development: Assessing Indirect Effects in Biological Assessments**

The Federal Highway Administration (FHWA), National Marine Fisheries Service (NMFS), U.S. Fish and Wildlife Service (USFWS), and Washington State Department of Transportation (WSDOT) have agreed to use the [ESA, Transportation and Development: Assessing Indirect Effects](#) guidance during Section 7 consultations in Washington State for reviewing and analyzing the indirect effects relationship between transportation and land use development.

This guidance, finalized in May 2009, represents an update of guidance that was previously developed. The previous guidance resulted from discussions between the USFWS, NMFS, FHWA, WSDOT and stakeholder groups in 1999 and 2000. The current guidance provides general guidelines for reviewing and analyzing the indirect effects relationship between transportation and land use development during the consultation process. The guidance describes a step-by-step approach to assess indirect effects by posing a series of questions about the project being reviewed.

All WSDOT projects with Biological Assessments (BAs) submitted 60 days from the date of this memorandum are required to use the guidance described above for analysis of indirect effects unless the indirect effects analysis was started prior to this date. In those cases, the BA can be submitted using WSDOT's existing 2003 indirect effects guidance found within the [Advanced Training Manual: Biological Assessment Preparation for Transportation Projects](#) (Version 10-08) ([Part 2, Chapter 10](#)). Please note that the 2003 indirect effects guidance found within the Advanced Training Manual will be replaced later this fall with this new guidance.

Local-agency projects are being given a six-month "grandfather period" during which the use of this new indirect effects guidance will not be required; however, local agencies are advised to begin applying the new indirect effects guidance into BAs if possible. After December 17, 2009, all local-agency BAs submitted to NMFS and USFWS for initiating

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consultation will be required to use the new guidance to assess potential indirect effects of projects on ESA-listed species.

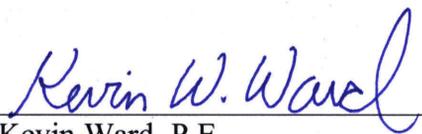
WSDOT provides biological assessment preparation training to WSDOT and local agency staff and consultants on a yearly basis each fall. Upcoming biological assessment training will include instruction on this new indirect effects guidance.

The agencies agree to revisit the guidance regularly to evaluate how well it is working and what, if any, modifications or updates are required.

If you have questions on the guidance, please contact WSDOT's Fish and Wildlife Program Manager at (360) 705-7404.



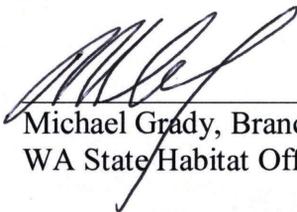
John Grettenberger  
CTA Division Manager



Kevin Ward, P.E.  
Assistant Division Administrator



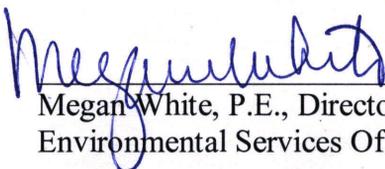
U. S. Department of Transportation  
**Federal Highway Administration**



Michael Grady, Branch Chief  
WA State Habitat Office



**Washington State  
Department of Transportation**



Megan White, P.E., Director  
Environmental Services Office