ENDANGERED SPECIES ACT (ESA) UPDATE

We are pleased to announce that we have hired Ms. Cindy Callahan to help develop programmatic approaches to ESA consultation, with a particular focus on consultations with National Marine Fisheries Service (NMFS). In her previous job, Cindy was the primary author of WSDOT’s Programmatic Biological Assessments (PBA) for the USFWS in eastern and western Washington. She will be continuing to assist with the completion of the western Washington consultation in her new role with FHWA. Our decision to add a biologist to our staff came out of a series of discussions with the executive management at the four agencies involved (USFWS, NMFS, FHWA and WSDOT) in ESA consultations to reduce consultation timeframes.

These four agencies have pursued other initiatives in the last year, aimed at tackling complex issues that have surfaced during consultations and which have delayed project delivery. The initiatives included, 1) developing methodology for the prediction of the concentration and dispersion of pollutants in stormwater, 2) reaching agreement on how the effects to fish from hydroacoustic sound pressure levels from pile driving will be measured and mitigated, and 3) improving the existing guidance on indirect effects analysis. As a result of these efforts, consultation timeframes are expected to be reduced thereby minimizing project development delays. In addition, an interagency Program Management Team provides a forum for addressing emerging issues, checking on project status, and resolving issues on specific consultations.

Also to improve ESA consultations and thus project delivery, FHWA HQ has developed a web-based Biological Assessment (BA) tool that WSDOT NW Region and H&LP have been pilot testing for 16 months. The web-based BA tool is intended to streamline the consultation process by allowing BA authors to submit, amend, and append BA’s online facilitating direct review/download by NMFS and USFWS. The Washington Division recently arranged for users participating in the pilot to speak to the web-based BA development team to enhance the system. The enhanced web-based BA will become available nation-wide in July 2009.

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### Timeliness of Authorizations / Modifications

<table>
<thead>
<tr>
<th>Days</th>
<th>With-in</th>
<th>1999</th>
<th>2000</th>
<th>2001</th>
<th>2002</th>
<th>2003</th>
<th>2004</th>
<th>2005</th>
<th>2006</th>
<th>2007</th>
<th>2008</th>
<th>2009</th>
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<tr>
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<tr>
<td>6 to 10 Days</td>
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<td>307</td>
<td>121</td>
<td>90</td>
<td>101</td>
<td>103</td>
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<td>175</td>
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<tr>
<td>11 to 15 Days</td>
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<td>109</td>
<td>39</td>
<td>10</td>
<td>22</td>
<td>24</td>
<td>13</td>
<td>37</td>
<td>12</td>
<td>4</td>
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<td>16 to 20 Days</td>
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<td>21</td>
<td>5</td>
<td>3</td>
<td>8</td>
<td>1</td>
<td>18</td>
<td>5</td>
<td>0</td>
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<td>152</td>
<td>68</td>
<td>98</td>
<td>52</td>
<td>15</td>
<td>17</td>
<td>8</td>
<td>16</td>
<td>13</td>
<td>5</td>
<td></td>
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<tr>
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<td>1697</td>
<td>1803</td>
<td>1040</td>
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</table>

*Approval of certifications 1 and 2 have been delegated to WSDOT.
** In order to authorize the advertisement of a project for construction, the State must certify the ROW has been cleared, per 23 CFR 635.309.
*** Certification 3s are to be used infrequently.

This table reflects the number of authorizations / modifications approved within certain timeframes since 1999.
- For FY2008 our approval has increased to 94% up from FY2007’s 86% within the first five (5) days.
- The 94% exceeded our goal of 90%! This is attributed to being fully staffed, as well as the emphasis placed on timely approvals.

(Note: The FY begins on October 1 and ends on September 30 of the following year.)

### Approval of Documented Categorical Exclusions

This chart shows the timeliness of approval of documented categorical exclusions (DCEs) semi-annually from FY2007 to FY2009.

As the chart depicts, we are approving the majority of DCEs within the first 10 days of receipt.

### Approval of R/W Cert 3s

This chart shows the timeliness of approval for right-of-way (R/W) certifications 3

- A certification 3 occurs for parcels where rights have not been obtained and there may be some displacedes remaining.
- Our goal is to take action on / approve 90% of certification 3s within 10 days of receipt.

### Other Approvals/Actions

#### Environmental Document Approvals
- I-90 Snoqualmie Pass East ROD was approved on October 6, 2008
- South East Issaquah Bypass ROD was signed on January 26, 2009
- North Spokane Corridor – US Wandermere Vicinity Supplemental EIS was approved on December 10, 2008
- SR 522 Cathcart Rd. Vicinity to US 2 FONSI was approved on November 12, 2008
- I-405 Congestion Relief & Bus Rapid Transit Projects FONSI was approved on November 20, 2008
- SR 99 So. Holgate to So. King Street Viaduct Replacement FONSI was approved on February 11, 2009
- Snoqualmie Pass East R/W Certification 3s were approved on December 28, 2008 (4 days after receipt)
- SR 522 Cathcart Rd. Vicinity to US 2 FONSI was approved on November 12, 2008

#### Design Approvals
- I-5/520 - 5th Ave Interchange Improvements was approved on March 30, 2009 (11 days after receipt)
- I-90 Snoqualmie Pass East was approved on February 27, 2008 (3 days after receipt)
- I-405/NE 8th St. to SR 520 Northbound Braided Ramps approved on March 31, 2009 (6 days after receipt)
- SR99 So. Holgate to So. King St. Viaduct Replacement approved on December 18, 2008 (Same day of receipt)
- I-90 - Spokane Port of Entry approved on January 26, 2009 (Same day of receipt)
- SR520 & I-90 Active Traffic Management (AcTM) Speed Harmonization Design Matrix approved on October 20, 2008 (11 days after receipt)
- I-5 Harrison Avenue to Grand Mound approved on March 3, 2009 (5 days after receipt)

#### Design Deviations
- Mercer Corridor Improvement Project approved on October 20, 2008 (within 4 days of receipt)
- I-405/NE 8th St. to SR520 Northbound Braided Ramps (multiple approvals all within a day of receipt)
- I-405/I-5 to SR169 Stage I Widening approved on March 10, 2009 (within a day of receipt)
- I-5/I-90/SR520 AcTM approved (two) on November 5, 2008 and March 26, 2009 (first within a day and second within 16 days of receipt)

#### Access Actions
- 44th Ave. West Interurban Trail & Bridge access break approved on November 14, 2008 (28 days after receipt)
- Sound Transit University Link access break approved on February 9, 2009 (2 months after receipt)