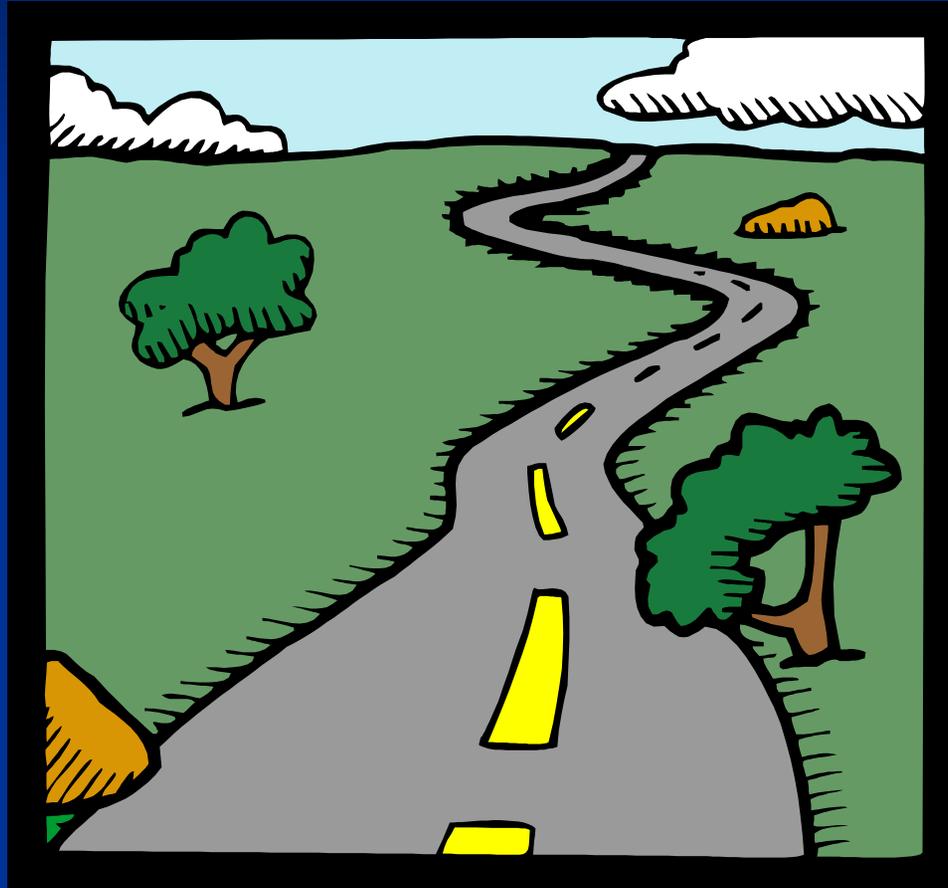


# Section 7 Consultation with ODOT





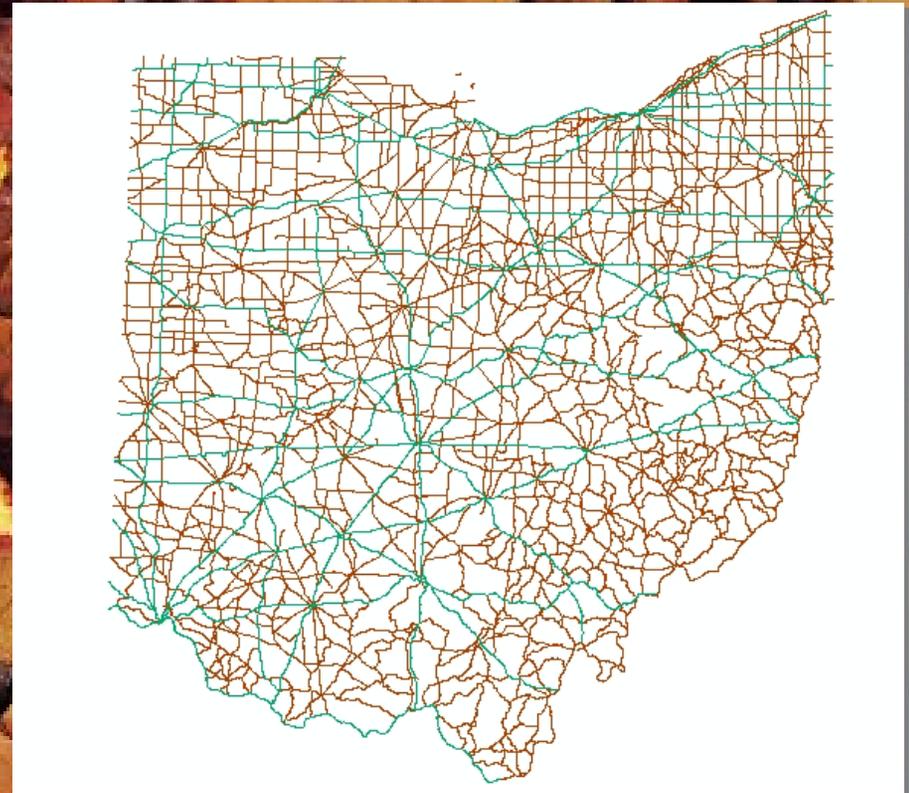
# Section 7 Consultation with ODOT

## Just to reiterate:

- ❖ Under Section 7 of the ESA:
  - Federal agencies must consult with the USFWS on all Federal actions that may affect a listed species or Federally listed Critical Habitat
- ❖ A *Federal action* is any action that a Federal agency authorizes, funds, or carries out
  - Ex. Corps of Engineers Permits, Federal Highway Administration/Dept. of Transportation, Energy projects

# Section 7 Consultation with ODOT

- ❖ ODOT acts on behalf of FHWA
- ❖ USFWS reviews hundreds of ODOT projects each year





# Section 7 Consultation with ODOT

- ❖ Currently, minor projects that have the potential to effect T&E species and/or streams and wetlands are bundled together in “MOA packages” before being sent to USFWS for comment
- ❖ Larger projects, those with ESRs and major new projects are coordinated individually



# Section 7 Consultation with ODOT

- ❖ USFWS responds to ODOT's effects determination (in most cases, may affect, not likely to adversely affect) by
  - ❖ 1. written concurrence or
  - ❖ 2. non-concurrence and request for more information
- ❖ Consultation process with ODOT is the same as with other agencies
  - ❖ ODOT makes determination, must support it with evidence, and submit it for concurrence

# Section 7 Consultation with ODOT

- ❖ For reasons stated earlier, one species stands out from the crowd, in terms of amount of consultations and the need for early coordination between USFWS and ODOT...





# Section 7 Consultation with ODOT

**Question:**

**How can we**

- ❖ 1. streamline the Section 7 process for both agencies,
- ❖ 2. AND conserve the Indiana bat?

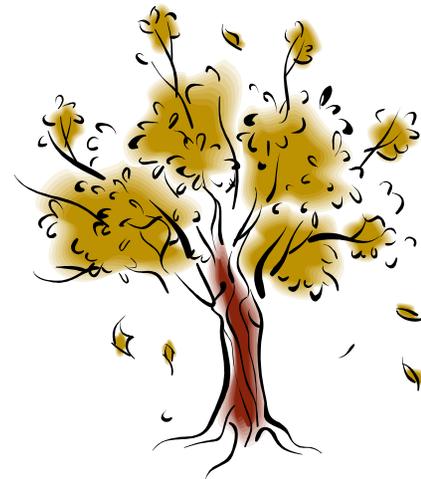


# Section 7 Consultation with ODOT

**Answer:**

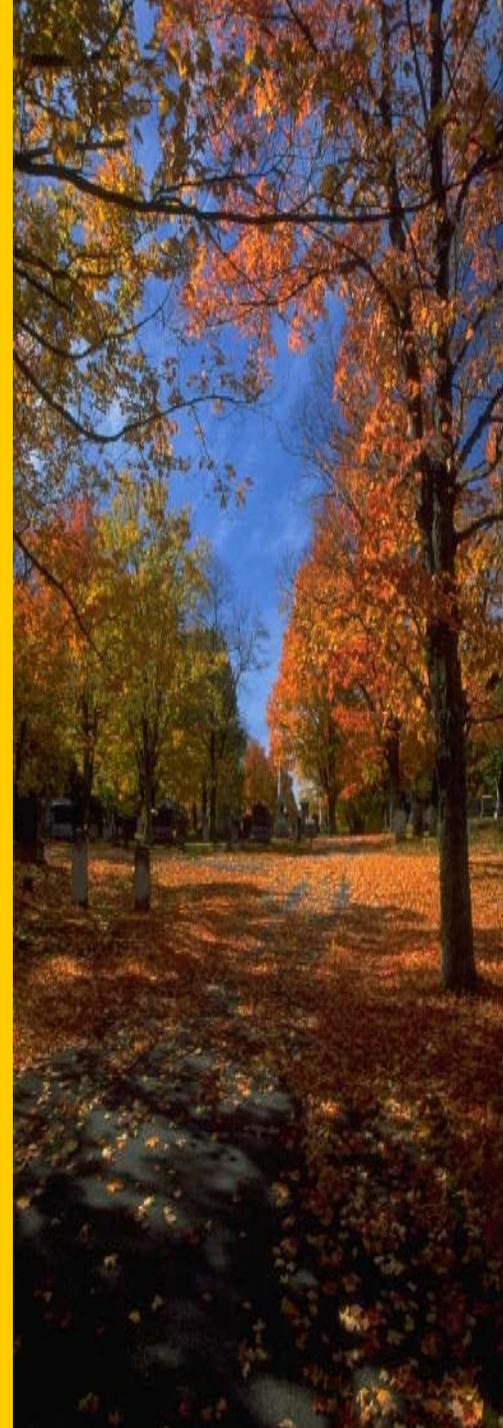
**Programmatic**

**Section 7 Consultation!**



# Section 7 Consultation with ODOT

- ❖ Programmatic consultation can take various forms, we can consult on:
  - specific types of projects,
  - batches of temporally or spatially similar projects,
  - species-specific,
  - generic design standards, among other options



# Section 7 Consultation with ODOT

- ❖ In 2004 USFWS & ODOT partnered to begin work on the Indiana bat Programmatic Consultation
- ❖ Goals:
  - to identify statewide needs for Indiana bats,
  - evaluate the effects in a general sense of transportation related activities, and
  - identify conservation measures specifically by regions within the State

# Section 7 Consultation with ODOT

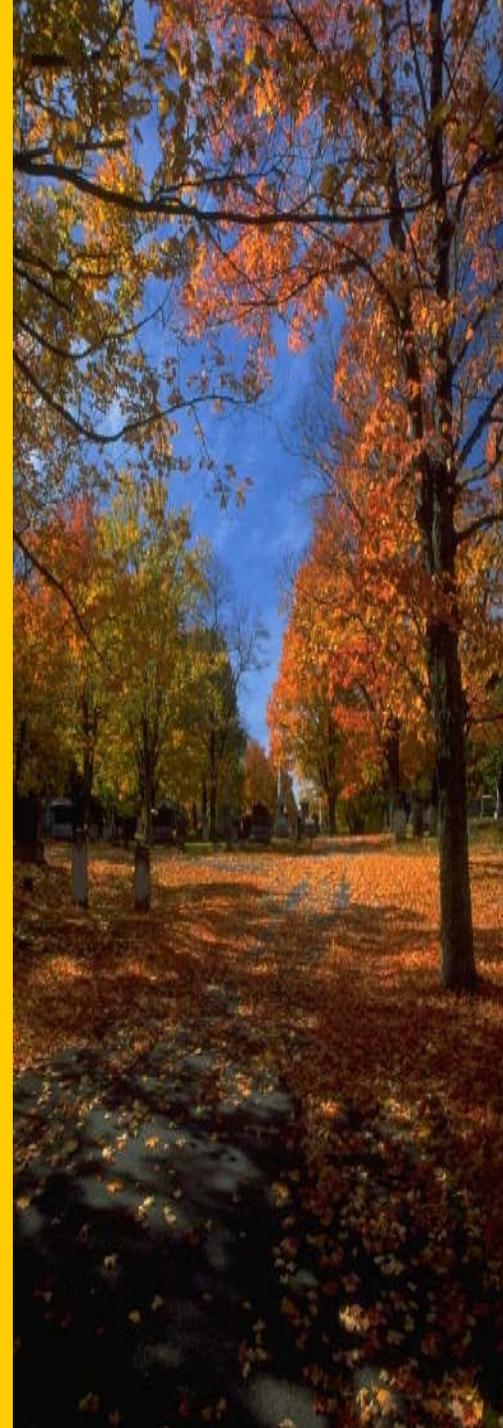
- ❖ USFWS in Ohio has completed a programmatic consultation with Wayne Nat'l Forest, on their forest plan
- ❖ Programmatic consultation for Indiana bat is new:
  - ❖ Nationwide, none performed statewide for a bat, yet
  - ❖ Nationwide, none performed statewide for a transportation agency's program of work

It is new territory and we have our work cut out for us, but we can do it!



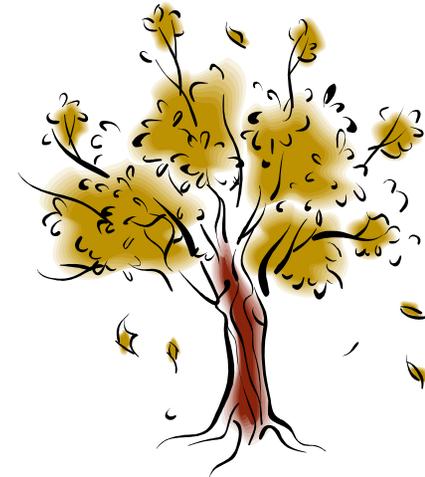
# Section 7 Consultation with ODOT

- ❖ The intention is:
  - at the project level, ODOT will know from the start of the project development phase whether Indiana bat will be a concern for this project and potentially to what degree
  - if avoiding this area is not possible, then ODOT will know what conservation measures to add into their planning very early in the process



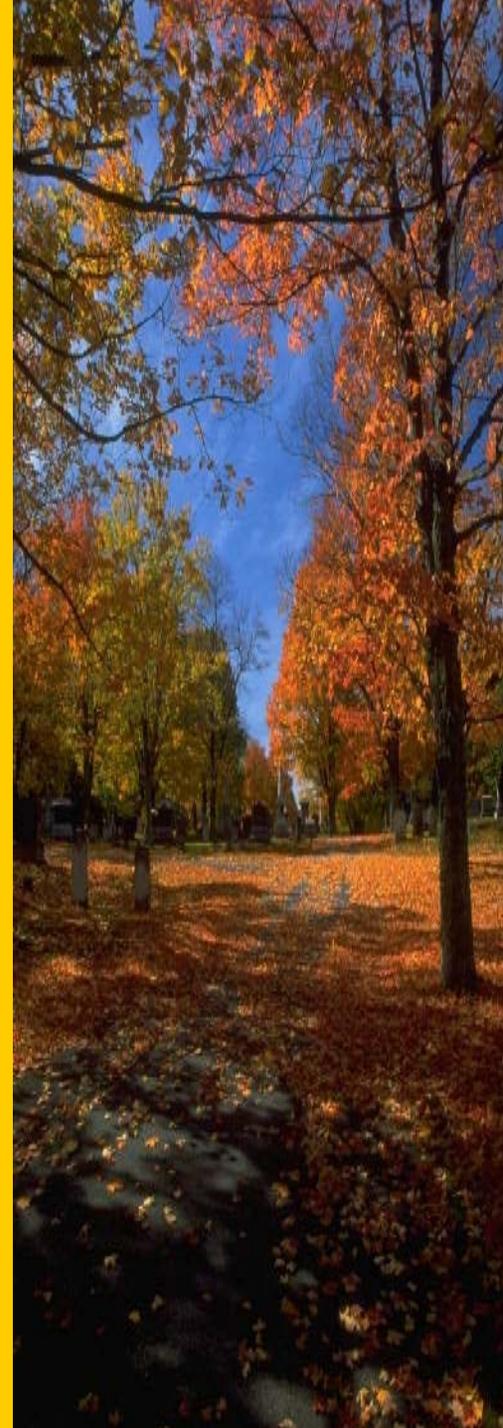
# Section 7 Consultation with ODOT

- ❖ Important products so far include:
  - ❖ Comprehensive Indiana bat literature database for USFWS to use and reference
  - ❖ GIS database of all known Indiana bat captures and surveys in Ohio, updated regularly



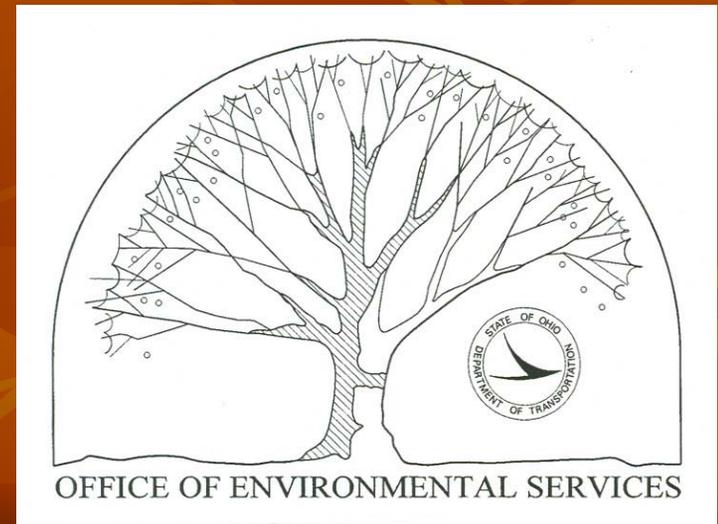
# Section 7 Consultation with ODOT

- ❖ Lessons learned:
  - ❖ much more time consuming than thought
  - ❖ were lacking valuable distributional and biological data on Indiana bat
  - ❖ communication is the key; use the same terminology



# Section 7 Consultation with ODOT

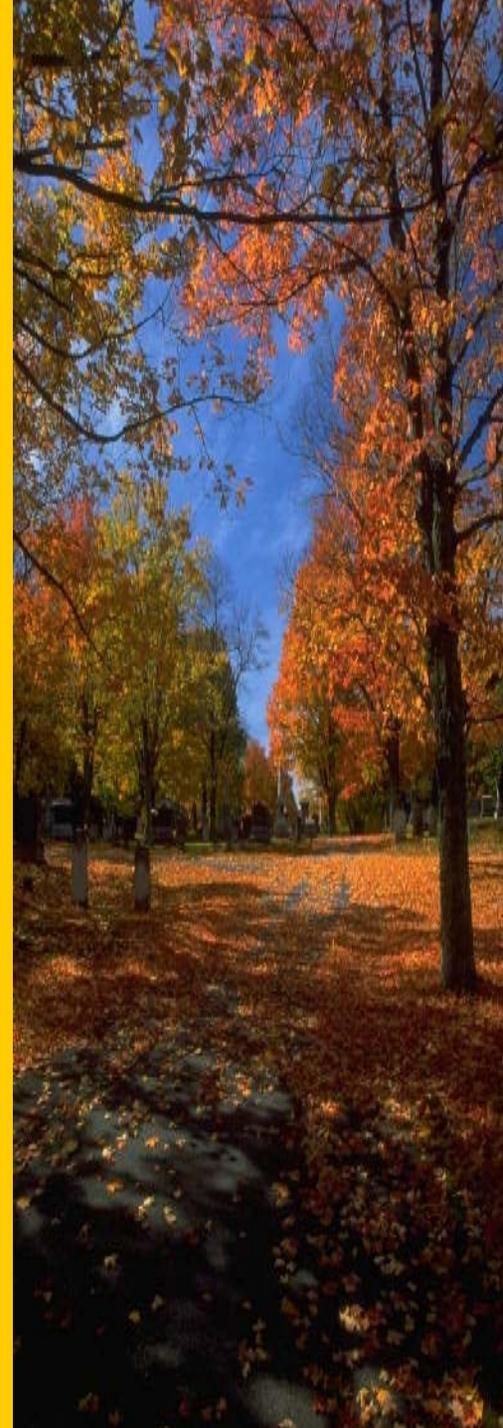
- ❖ In the works:
  - ❖ ODOT will be publishing updated Ecological Manual, probably January 2006
  - ❖ Indiana bat technical guidance (appendix to Eco manual) is currently being revised

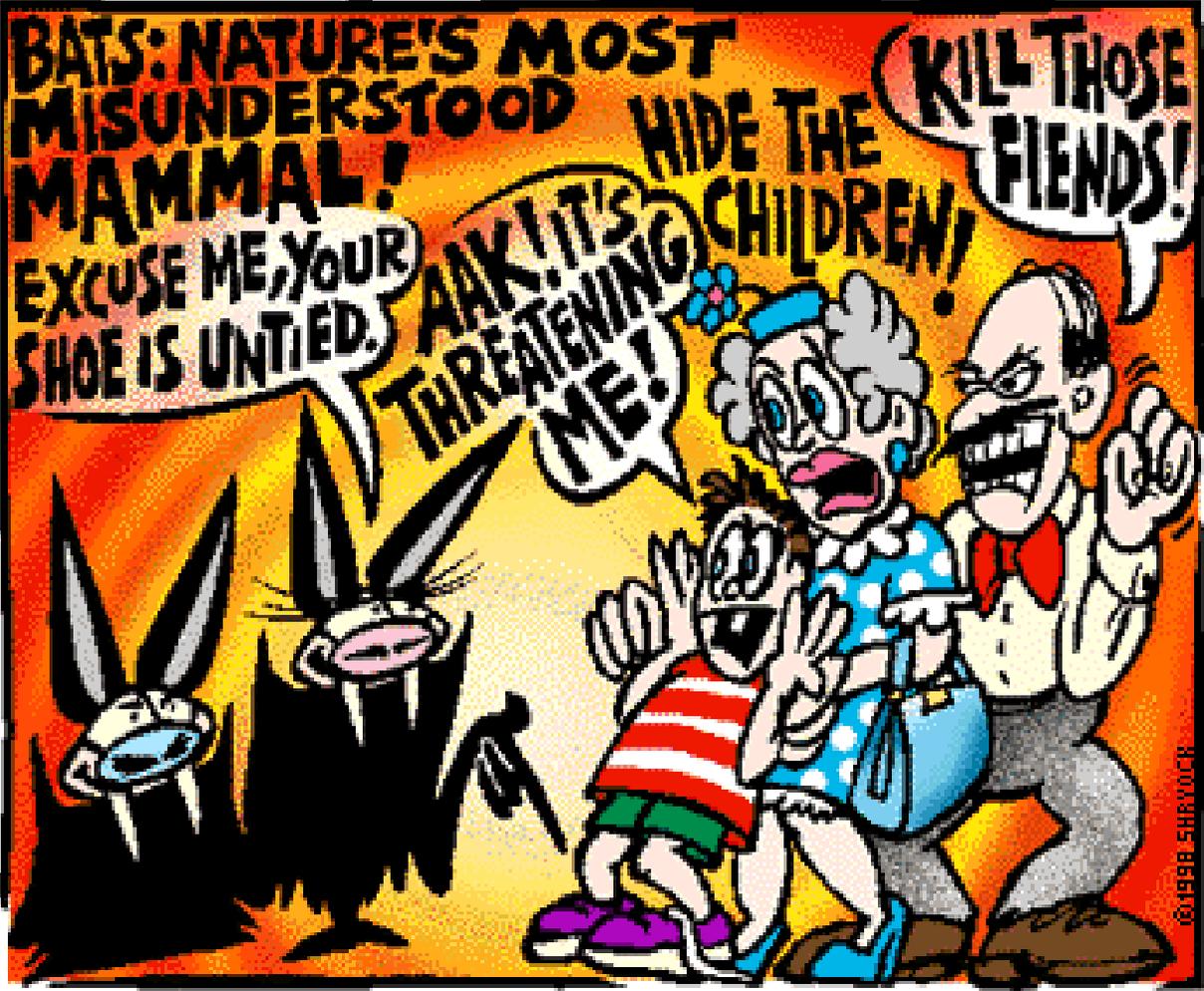


# Section 7 Consultation with ODOT

## ❖ In the end:

- this effort will provide predictability and efficiency to the consultation process,
- help agencies coordinate earlier in the process, reducing workload,
- and ensure better protection for Indiana bats in areas where it is especially important!







*Thanks!*