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Memorandum

To: File

From: Bill Wikoff, Fish & Wildlife Biologist

Through: Peter Maholland, Field Supervisor, Georgia Field Office

Subject: EDGES to DKey rational memo

This memo is a record of the rationale behind the creation of U.S. Fish & Wildlife Service (Service) - Information for Planning and Conservation (IPaC) determination keys (DKeys) based on Effect Determination Guidance for Endangered and Threatened Species (EDGES). The Service collaborated with the U.S. Army Corps of Engineers (USACE) to create the EDGES. The EDGES are species specific determination keys for Endangered Species Act (ESA) listed species. EDGES were created for use on species occurring in Georgia that would be consulted on by the Georgia Ecological Services Field Office (GAES). The EDGES are a logically structured set of questions to assist a user in determining whether a proposed project qualifies for a predetermined consultation outcome based on a USFWS standing analysis. General biology and other information are included to support the standing analysis and key. The authority for the EDGES is the Endangered Species Act (ESA) of 1973, as amended; (16 U.S.C. 1531 *et seq.*) and an agreement letter between the USACE and the Service GAES. The authority for the DKeys is the ESA.

The intent of the EDGES is to target agency and applicant resources to speed ESA consultations and enhance listed species' conservation. The EDGES streamline processes and reduce regulatory workload associated with otherwise 'uneventful' ESA consultations. They establish an ESA consultation framework and provide information to assist applicants locate, plan, and design projects to minimize listed species impacts, which can expedite regulatory approval. The EDGES are living documents subject to revision at any time upon agreement between the USACE and Service. Project proponents/applicants/consultants and the USACE use IPaC to determine which listed species may occur on the project area. The appropriate EDGES for that species or list of species is then applied to result in an ESA determination for the species.

The Service has an agreement letter with the USACE authorizing the use of the EDGES. The agreement is an important tool to streamline consultation for ESA species. However the Service stands behind the logic of the EDGES regardless of the USACE agreement. This logic that leads to

ESA determinations is not dependent on USACE agreement. The logic for species ESA determinations that the EDGES are based on applies to any user of the logically structured set of questions. It is the Service's logically structured set of questions that yields the ESA determination. These same logically structured set of questions that yields ESA determinations in EDGES yields the same results for a species no matter who the user is. The only caveat to this is that the Service can only consult with and give concurrence to other federal agencies or their designated representatives. To all other users the Service provides a letter of consistency that an ESA determination is consistent with our structured set of questions for that species. That letter of consistency references the same determination that would be made for a federal agency. That is, the determination is the same, just the way it is presented is modified for the audience.

As the ESA determinations are not dependent on the USACE and an agreement with them, but rather are dependent on the logical structured set of questions about a species based on that species' biology and behavior, the same logical structured set of questions in the EDGES can be modified to be a DKey for the same species. The logical structured set of questions is species dependent and not dependent on who is using the questions, but on the questions themselves. Stated otherwise the logical structured set of questions produces the same results no matter who is using them. The DKeys can be edited to provide the same determinations for both federal agency users and all other users. The only exception is that for the other users, the result is consistent with a determination instead of being that determination.

Monitoring / Adaptive Management

The GAES will annually review IPaC reports during the first quarter of the calendar year. This review will: 1) assess the quality and accuracy of DKey generated responses, and 2) ensure that the aggregate effects of the actions analyzed in the DKey are not exceeded. This, along with random project reviews from staff will allow the GAES to adaptively manage any potential issues that arise.