

Ecology

Programmatic Agreements

Overview

Local Coordination Procedures

Joint Coordination Procedures

Range-wide Programmatic Consultation for Indiana Bat and
Northern Long-eared Bat

NOAA Fisheries Programmatic Biological Evaluation

Programmatic Essential Fish Habitat Assessment

Effects Determination Guidance for Endangered & Threatened
Species

OVERVIEW

A Programmatic Agreement (PA) establishes a streamlined process for handling routine environmental requirements for commonly encountered project types. PAs usually set procedures for consultation, review, and compliance with one or more federal laws, but they can also address tribal, state, and local laws. PAs are part of a larger collection of programmatic approaches that include regional permits, programmatic consultations and other alternative arrangements with resource and regulatory agencies regarding environmental process reviews, data collection, and regulatory compliance. Efficiency is increased by considering repetitive actions at a program level rather than by individual projects, and appropriate consideration for the environment is maintained.

This guidebook describes PAs that apply to ecology resources potentially occurring on GDOT projects but is not comprehensive of all PAs in use by GDOT. The following table lists these PAs and the participating agencies to which each PA applies. Please note that PAs involving the Federal Highway Administration (FHWA) may not apply to projects that do not receive federal funding.

Table 1 – Programmatic Agreements by Participating Agency

Programmatic Agreements	Participating Agency
Joint Coordination Procedures for the Endangered Species Act (ESA) and Fish and Wildlife Coordination Act (FWCA)	GDOT, FHWA, GADNR WRD, and USFWS
Local Coordination Procedures (LCP) for Section 404(B)(1) of the Clean Water Act	GDOT, FHWA, and USACE
Collaborative Programmatic Agreement for Federally Listed and State Protected Bats in Georgia (BPA)	GDOT, USFWS GA, FHWA GA, USACE SD, and GADNR WRD
Programmatic Biological Evaluation on the Effects of Transportation Activities and Projects Regularly Undertaken in North Carolina, South Carolina, and Georgia	NOAA Fisheries and FHWA
Programmatic EFH Assessment for Transportation Activities and Projects Regularly Undertaken in North Carolina, South Carolina, and Georgia	NOAA Fisheries and FHWA

EFH – Essential Fish Habitat; FHWA GA – Federal Highway Administration, Georgia Division; FRA – Federal Railroad Administration; FTA – Federal Transit Administration; GADNR – Georgia Department of Natural Resources; WRD – Wildlife Resources Division; NOAA – National Oceanic and Atmospheric Administration; USACE – US Army Corps of Engineers; USACE SD – US Army Corps of Engineers, Savannah District; USFWS – US Fish and Wildlife Service; USFWS GA – US Fish and Wildlife Service, Georgia Ecological Services

LOCAL COORDINATION PROCEDURES

The January 2025 [LCP](#) is a framework for coordination by GDOT, FHWA, and USACE to improve consistency and streamline the permitting process for GDOT projects under Section 404(b)(1) Guidelines of the Clean Water Act. The *LCP* applies to projects involving substantial impacts to waters of the US, typically major widening or new location projects.

JOINT COORDINATION PROCEDURES

The January 2021 [JCP](#) clarifies GDOT procedures for consultation with FHWA, WRD, and USFWS that satisfy the requirements of Section 7 of the Endangered Species Act, the Fish and Wildlife Coordination Act, Migratory Bird Treaty Act, Bald and Golden Eagle Protection Act, Georgia Endangered Wildlife Act, and Georgia Wildflower Preservation Act. The *JCP* includes Standard Operating Procedures (SOPs) based on the level of agency consultation or coordination, which are referenced in the *Ecology Assessment of Effects* guidebook, *Protected Species* guidebook, and *Miscellaneous Resources* guidebook.

Ecology Environmental Procedures Guidebooks,
GDOT Office of Environmental Services

Programmatic Species Determinations

The *JCP* includes a *SOP for Programmatic Determinations for Listed Species* that details the applicability and procedure for determining whether an action qualifies for a Programmatic No Effect (PNE) or Programmatic May Affect (PMA) determination. The *JCP*

lists GDOT activities that may qualify for PNE, as well as species and critical habitat exceptions to PNE. The *JCP* also lists PMA determinations established between GDOT and FHWA.

Programmatic No Effect

The *SOP for Programmatic Determinations for Listed Species* includes Table 1 that lists the PNE categories and associate activities with a brief description of each. The Ecologist should verify that all project activities are included in the table to be eligible for a PNE. Prior to making a PNE determination the Ecologist should reference Table 2 of the SOP, which lists species and critical habitat exceptions to PNE activities. However, special provisions can be used in some cases to ensure that project activities will have no effect to species and critical habitat listed in Table 2. These special provisions would allow the project to remain eligible for a PNE determination.

Programmatic May Affect

Table 3 lists PMA Agreements that have been developed to standardize avoidance and minimization measures (AMMs) for specific project activities. The Ecologist should verify that all project activities are included in the applicable PMA Agreement to be eligible for a PMA. Each agreement details the methodology to be applied when applying the programmatic determination and describes cases in which a PMA determination will be applied for each species.

Programmatic FWCA Coordination

The *JCP* includes a *SOP for Interagency Coordination Pursuant to the FWCA* that details a process for programmatic FWCA coordination for GDOT projects. The SOP lists the eligibility criteria for programmatic FWCA coordination and describes the procedure for documenting programmatic criteria in the Ecology Resource Survey and Assessment of Effects Report (ERS AOE) and Environmental Commitments Table. The *Miscellaneous Resources* guidebook also provides additional information regarding FWCA procedures for GDOT projects.

COLLABORATIVE BAT PROGRAMMATIC AGREEMENT

The December 2023 [*Collaborative Programmatic Agreement for Federally Listed and State Protected Bats in Georgia*](#) (colloquially referred to as the “Bat Programmatic” or “BPA”), a state-wide programmatic consultation, can be used for any GDOT project that may affect federal and/or state protected bats in Georgia. This programmatic consultation may be utilized for the following project types:

- projects administered by GDOT that require an action by FHWA or require the use of federal aid funds [FHWA would be the Lead Federal Agency (LFA)]; or
- projects that do not require an action by FHWA or the use of federal aid funds but do require a permit from USACE (USACE would be the LFA).

The GDOT Bat Conservation Fund was established as a §7(a)(1) recovery action to benefit imperiled bat species in Georgia as part of the Bat Programmatic Agreement. The fund is established through a Memorandum of Agreement between GDOT and GADNR. The GADNR is the sole manager of the fund and allocates money from the Conservation Fund to purchase high priority conservation areas for bat species in Georgia as identified through the State Wildlife Action Plan. Payments into the Bat Conservation Fund are made on a program level and aim to offset tree clearing impacts from GDOT projects.

A *BPA Users' Guide* and tricolored bat report template page is available on the Ecology Guidebooks site linked above and the [Ecology Section SharePoint¹](#) site. This template provides guidance on required project information such as a description of the proposed action, verification that the project is within the scope of the *BPA*, a quantification of impacts (e.g., acreage of tree removal, timing of tree removal, and bridge work), AMMs, and an effects determination. These resources provide guidance on the AMMs that must be incorporated into a project-specific Special Provision (SP) as well as several AMMs that are standard GDOT practices and would not be included in a SP depending on species present within the project area. Additionally, guidance is provided on whether a project requires project-specific review per the *BPA*. The scenarios that require project-specific review are listed below:

- Tree clearing activities during pup season (May 1 to July 31);
- Tree clearing that exceeds 100 acres per project;
- Bridge/culvert or structure removal, replacement or maintenance activities with 5 or more federally listed bats, presence of federally listed pups, or 50 or more state protected bats;
- May have undetermined stressors that could affect listed and/or proposed bats;
- May require additional information about the bat presence and usage of an activity area; or
- Blasting activities for road cuts, bridge approach grades, or other significant land contour altering activities.

NOAA FISHERIES PROGRAMMATIC BIOLOGICAL EVALUATION

The September 2018 [*Programmatic Biological Evaluation on the Effects of Transportation Activities and Projects Regularly Undertaken in North Carolina, South Carolina, and Georgia \(Programmatic BE\)*](#) was developed by NOAA Fisheries and FHWA for common transportation projects with federal funding and/or approval. The purpose of this programmatic consultation is to streamline the ESA consultation process required

¹ See instructions for accessing SharePoint on the [Office of Environmental Services Guidebooks website](#).

when these projects “may affect” federally listed species and critical habitats under NOAA Fisheries jurisdiction and promote better conservation outcomes for listed species and critical habitat. The *Programmatic BE* covers projects that will result in “no effect” or “may affect, not likely to adversely affect” listed species and critical habitat.

The *Programmatic BE* identifies project design criteria (PDC) intended to structure an action to avoid adverse effects to listed species and critical habitat at the individual project level and cumulatively from all projects implemented under the programmatic consultation. The *Programmatic BE* includes PDCs that are general for all projects, specific to common activities, and specific to common project types. The *Programmatic BE* also provides effect determinations if project and activity specific PDCs are followed. In-stream restrictions during construction beyond those outlined by applicable PDCs would not be required for projects qualifying under the *Programmatic BE*.

For projects undertaken in or within 0.5 mile of areas where federally listed sturgeon and sea turtle species are known to occur, and/or where Atlantic sturgeon (*Acipenser oxyrinchus oxyrinchus*) critical habitat is designated, the Ecologist should consult with Design to verify project compliance with PDCs included in the *Programmatic BE*.

Under the *Programmatic BE*, Section 7 concurrence from NOAA Fisheries shall be issued within 15 calendar days of receipt of the submission form. If no response is received from NOAA Fisheries, then coverage under the Programmatic Informal Consultation is extended to the action and the transportation agency may proceed on the 15th calendar day. If the *Programmatic BE* does not apply to the project, then incorporation of as many of the PDCs as appropriate may reduce the overall consultation timeline with NOAA Fisheries and may allow for reduction of in-stream restrictions, in some cases.

PROGRAMMATIC ESSENTIAL FISH HABITAT ASSESSMENT

The October 2018 [*Programmatic Essential Fish Habitat \(EFH\) Assessment for Transportation Activities and Projects Regularly Undertaken in North Carolina, South Carolina, and Georgia \(Programmatic EFH Assessment\)*](#) was developed by NOAA Fisheries and FHWA for common transportation projects with federal funding and/or approval. The intent of the agreement is to reduce the number of projects subject to full EFH consultation by the NOAA Fisheries Southeast Regional Office. Procedures for *Programmatic EFH Assessment* are described in further detail in the *Miscellaneous Resources* guidebook.

EFFECTS DETERMINATION GUIDANCE FOR ENDANGERED & THREATENED SPECIES

The USACE Savannah District and USFWS Georgia Ecological Services jointly developed [*Effects Determination Guidance for Endangered & Threatened Species \(EDGES\)*](#) to coordinate on projects that may affect species listed under the ESA. The *EDGES* are species keys, which incorporate previously agreed-upon levels of effect, resulting in expedited determinations of “no effect” and “not likely to adversely affect”.

If a determination key has not been developed in the USFWS [Information for Planning and Consultation \(IPaC\)](#) website for species included on a project specific list, the Ecologist should consult *EDGES* for available species keys. If an *EDGES* key is available for the target species, the Ecologist should refer to *EDGES* available on the USACE Savannah District Regulatory Division website to develop a biological determination. The *Savannah District EDGES Applicant Coordination Slip* should be submitted with the ERS AOE or Addendum to the lead Federal Agency. If a species isn't covered under *EDGES*, follow the *JCP* for agency consultation.

Guidebook Revision History

Revision Description	Relevant Sections	Revision Date
Initial Publication	All	5/20/2021
Minor editorial revisions & hyperlinks	All	9/19/2024
Inclusion of 2023 Bat Programmatic Agreement	Overview; Collaborative Bat Programmatic Agreement	
Font update	All	2/4/2025
LCP Date updated	Local Coordination Procedures	
Elaborated BPA details	Collaborative Bat Programmatic Agreement	