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February 2, 2021

Mr. Moises Marrero, Division Administrator
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Dr. Don Imm, PhD, Georgia Field Supervisor
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Mr. Ted Will, Director
Georgia Department of Natural Resources, Wildlife Resources Division
2067 US Highway 278 SE
Social Circle, GA 30025

RE: Transmittal of Signed Interagency Joint Coordination Procedures

Gentlemen,

Attached for your reference and files is the final signed Joint Coordination Procedures (JCP). We look forward to working with your staff on the implementation of these new JCP procedures as we work to improve project delivery and protections for environmental resources. Thank you again for the time and intellectual investments from your staff to make this agreement possible.

Sincerely,

A handwritten signature in blue ink that reads 'Eric Duff'.

Eric Duff
State Environmental Administrator

ED/gd/cg

Enclosure
cc: Meg Pirkle, P.E.
Hiral Patel, P.E.

**JOINT COORDINATION PROCEDURES AMONG
THE FEDERAL HIGHWAY ADMINISTRATION, GEORGIA DIVISION,
U.S. FISH AND WILDLIFE SERVICE GEORGIA ECOLOGICAL SERVICES OFFICE,
GEORGIA DEPARTMENT OF NATURAL RESOURCES, AND
GEORGIA DEPARTMENT OF TRANSPORTATION FOR STREAMLINING INTERAGENCY
COORDINATION AND CONSULTATION UNDER THE ENDANGERED SPECIES ACT, FISH AND
WILDLIFE COORDINATION ACT, MIGRATORY BIRD TREATY ACT, BALD AND GOLDEN EAGLE
PROTECTION ACT, GEORGIA WILDFLOWER PRESERVATION ACT, AND GEORGIA ENDANGERED
WILDLIFE ACT**

I. PURPOSE AND BACKGROUND

- A. These Joint Coordination Procedures (JCP) have been developed to document processes mutually agreed to by the Parties for coordination and consultations required by the laws listed in Stipulation IV, and mutually determined advantageous to streamline project delivery of transportation projects in the State of Georgia. The objective of this Agreement is to streamline the methods by which the consulting lead Federal Agency and Georgia Department of Transportation (GDOT) review projects and establish the processes by which the consulting lead Federal Agency carries out its responsibilities under the Federal and State laws listed below.
- B. The coordination/consultation processes specific to each law are documented by individual Standard Operating Procedures (SOPs) that are provided in the appendices of this Agreement. Furthermore, detailed guidance documents developed by GDOT in consultation with the Parties, termed Ecology Guidebooks, are incorporated by reference into the JCP as technical assistance and process guidance supporting compliance with Federal laws and regulations.

II. APPLICABILITY

- A. This Agreement supersedes and replaces in its entirety the June 2003 JCP, as amended January 2007 and June 2018.
- B. This Agreement applies to all highway projects subject to Federal Highway Administration (FHWA) review under 23 CFR 771 - Environmental Impact and Related Procedures (see Stipulation VIII for details regarding the extent of delegated reviews).

III. PARTIES

- A. The following agencies comprise the Parties of this agreement:
 - 1. GDOT
 - 2. FHWA, Georgia Division
 - 3. U.S. Fish and Wildlife Service, Georgia Ecological Services (USFWS)
 - 4. Georgia Department of Natural Resources, Wildlife Resources Division (GDNR WRD)

IV. REGULATORY AUTHORITIES

- A. This Agreement has been developed to streamline interagency coordination and consultation processes associated with the following Federal and State laws:
 - 1. Endangered Species Act (ESA) of 1973, as amended (16 U.S.C. 1531 – 1534) (50 CFR

Part 402)

2. Fish and Wildlife Coordination Act (FWCA), as amended (16 U.S.C. 662(a))
3. Migratory Birds Treaty Act (MBTA) (16 U.S.C. 703-712)
4. Bald and Golden Eagle Protection Act (BGEPA) (16 U.S.C. 668-668(c))
5. Georgia Wildflower Preservation Act (O.C.G.A. 12-6-170)
6. Georgia Endangered Wildlife Act (O.C.G.A. 27-3-130)

V. ROLES AND RESPONSIBILITIES

- A. FHWA is the consulting lead Federal Agency for the Federal-aid highway program and responsible for ensuring that the program complies with all applicable Federal and State laws and regulations. FHWA remains legally responsible for ensuring that the terms of this Agreement are met and for all findings and determinations made pursuant to this Agreement by GDOT under the authority of FHWA. At any point in the consultation or coordination processes covered by this Agreement, FHWA may inquire as to the status of any project carried out under the authority of this Agreement and may participate directly in any project at its discretion.
- B. The USFWS and National Marine Fisheries Service (NOAA Fisheries) are responsible for participating in interagency consultation under Section 7 of ESA and 50 CFR Part 402. As a participating agency under this agreement and specific to species and critical habitat under its ESA jurisdiction, the USFWS is responsible for responding to early consultation requests, providing technical assistance, participating in consultation, assisting in determining whether formal consultation or a conference is required, suggesting modifications to the action to avoid the likelihood of adverse effects to listed species or critical habitat, reviewing all relevant information provided by the lead Federal Agency, evaluating the current status of the listed species or critical habitat, evaluating the effects of the action on listed species or critical habitat, formulating the Biological Opinion, and providing incidental take statements. It is also responsible for assisting Federal agencies to use their authorities to further the conservation purposes of the ESA, Section 7(a)(1). The USFWS also has jurisdiction pursuant to the FWCA.
- C. GDOT administers Federal-aid projects throughout the State of Georgia as authorized by 23 U.S.C. 302 and Title 32 of the Official Code of Georgia Annotated (O.C.G.A.). FHWA designated GDOT as non-Federal representative for conducting *informal consultation* under Section 7 and of making *no effect* determination related to ESA with USFWS on April 3, 2006. In addition, FHWA designated GDOT as non-Federal representative for conducting *informal consultation* under Section 7 and of making *no effect* determination related to ESA with NOAA Fisheries on March 17, 2004. Where authority has been delegated to GDOT by FHWA, only GDOT shall act under this delegation. GDOT is responsible for providing oversight of work products and all activities undertaken by consultants and contractors on behalf of GDOT.
- D. GDNR WRD is responsible for collecting, maintaining, and providing data on high priority species and habitats (elements) in Georgia. These data include State species that are protected under the Georgia Endangered Wildlife Act of 1973 and Georgia Wildflower Preservation Act of 1973, and Federal species protected under the ESA (50 CFR Part 402).

GDNR WRD will review all appropriate GDOT site-specific requests for information on species and natural community occurrences through the Georgia's Natural, Archaeological, and Historic Resources GIS (GNAHRGIS) Ecology Review and Survey Module or the GDNR WRD desktop in-house environmental review tool. Unless otherwise specified, requests will be filled with a letter from the GDNR WRD office containing a list of nearby tracked elements in the GDNR database, the distance and direction of these elements, and recommendations concerning the projects. As a participating agency under this agreement and specific to species and critical habitat under its ESA jurisdiction, the GDNR WRD is responsible for responding to early coordination requests, providing technical assistance for Federal and State listed species, participating in consultation, suggesting modifications to the action to avoid the likelihood of adverse effects to listed species or critical habitat, and evaluating the status of the listed species or critical habitat.

VI. GUIDANCE

- A. GDOT, in consultation with the Federal and State agencies, shall develop guidance on how to meet the requirements of the regulatory authorities listed in Stipulation IV to be included in GDOT's Ecology Guidebooks. The guidebooks will be made publicly available via GDOT's website. GDOT will ensure that its staff and consultants act consistently with the procedures contained therein through internal monitoring as described in Stipulation VIII.
 - 1. GDOT's Ecology Guidebooks may be revised or amended from time to time as appropriate. Changes to the technical requirements of the guidance must be agreed upon in writing by the signatories of this Agreement. Concurrence shall be indicated via email correspondence or letter.

VII. PROFESSIONAL QUALIFICATIONS

- A. Actions prescribed by this Agreement that involve the identification, evaluation, recording, monitoring, or other actions, or that involve the reporting or documentation of such actions in the form of reports, forms, or other records, shall be carried out by or under the direct supervision of a person or persons who meet GDOT's Prequalification Standards under Area Class 1.06e (Ecology).

VIII. PROJECT REVIEW

- A. GDOT's qualified Ecology staff and consultants under its supervision will implement the SOPs for Federal- and State-aid projects established in the SOPs listed below and included in Appendix B of this Agreement.
 - 1. [SOP for Early Coordination and Technical Assistance with Agencies for Ecological Assessment and Project Planning](#)
 - 2. [SOP for Programmatic Determinations for Listed Species](#)
 - 3. [SOP for No Effect Determinations and Informal Consultation Pursuant to Section 7 of the Endangered Species Act \(ESA\)](#)
 - 4. [SOP for Formal Consultation and Conference Pursuant to Section 7 of the Endangered Species Act \(ESA\)](#)
 - 5. [SOP for Re-Initiation of Section 7 Consultation and Conference under the Endangered](#)

[Species Act \(ESA\)](#)

6. [SOP for Interagency Coordination Pursuant to the Fish and Wildlife Coordination Act](#)
7. [SOP for Migratory Birds and Bats Located on Drainage Structures](#)
8. [SOP for the Bald and Golden Eagle Protection Act \(BGEPA\)](#)

B. All consultation and coordination procedures will be completed prior to approval of the final National Environmental Policy Act (NEPA) document.

IX. DOCUMENTATION AND RECORDS RETENTION

A. GDOT shall provide the lead Federal Agency copies of all correspondence, including reports, studies, surveys, and letters, disseminated on its behalf under the authority delegated herein.

B. GDOT shall maintain in the project file all documentation supporting the consultations and coordination activities covered by this Agreement, including special studies, reports, correspondence (e.g., letters, emails, telephone call logs, letters, memoranda, etc.). This information will be accessible to authorized representatives of the lead Federal Agency.

C. GDOT shall manage all project records in accordance with its records management and retention policy.

X. MONITORING, REPORTING, AND ANNUAL MEETING

A. GDOT shall prepare two (2) reports each year this Agreement is in effect: an *Internal Process Review Monitoring Report* and an *Annual Report*. Both reports shall be submitted to the lead Federal Agency by September 1. If the lead Federal Agency is satisfied with their content, these reports shall be submitted to the USFWS and GDNR WRD by September 30. See Appendix C for reporting schedule.

B. The *Internal Process Review Monitoring Report* shall present the results of GDOT's Internal Process Review.

1. GDOT shall annually review at least ten (10) percent of the projects under which it coordinated/consulted with USFWS under the authority of the lead Federal Agency for consistency with the stipulations of this Agreement or made determinations of effect on the lead Federal Agency's behalf during the reporting period which is the GDOT fiscal year (July 1 through June 30). Projects reviewed shall consist of both GDOT and consultant-prepared documents/consultations.

2. An *Internal Process Review Monitoring Report* shall be prepared by GDOT presenting the methodology for the review, the projects reviewed, and findings, along with proposed corrective actions (if warranted).

3. The lead Federal Agency may, at its discretion, conduct additional reviews, either independently or jointly with GDOT, to monitor implementation of this Agreement as part of its program oversight.

C. The *Annual Report* shall present the list of projects consulted on per this Agreement during the reporting year.

1. The list of projects shall include the project identification (PI) number, a brief project description, and county location. The report shall also note whether *no effect*

determinations were made and/or Section 7 consultation was required, and if so, whether consultation was informal, formal, programmatic, or conducted under conference protocol. Similarly, the list shall note whether the project required FWCA coordination and if it was conducted programmatically or on a project-specific basis.

- D. An annual evaluation and meeting shall provide the Parties to this Agreement an opportunity to evaluate its effectiveness.
1. GDOT shall arrange an Annual Meeting with the Parties to this Agreement to review the *Internal Process Review Monitoring Report* and the *Annual Report*. This review will assess the effectiveness and recommend revisions (if any), as well as evaluate the quality of the resource identification and protection activities carried out under the Agreement. The Parties to this Agreement shall meet in October following the availability of the first *Internal Process Review Monitoring Report* and *Annual Report*.
 - a. If upon review of the first reports and recommendations, the Parties of the Agreement agree via email that an in-person meeting is not necessary, the Parties may meet via conference call.
 - b. For the remaining duration of the Agreement, the Parties may agree that a formal discussion (either in-person or via conference call) is not necessary.
 2. Based upon the combined information contained in the *Internal Process Review Monitoring Report*, if warranted, corrective measures taken as identified as a result of monitoring, and the *Annual Report*, any Party may recommend measures to improve the effectiveness of the Agreement. The recommended changes will be discussed among the Parties, and only the proposed recommended measures that have been approved by the Parties will be reflected in an amendment to the *Annual Report*.
 3. If a Party to the Agreement concludes that performance under the Agreement is less than satisfactory, the Parties shall consult at any time to improve performance and meet again within six (6) months to evaluate the effectiveness of the improvements.

XI. AMENDMENT

- A. Any Party to this Agreement may at any time propose amendments to the Agreement, whereupon all Parties shall consult to consider such amendment. This Agreement may be amended only upon written concurrence of all Parties.
- B. Amendments to SOPs or the Ecology Guidebooks shall not be considered amendments to this Agreement.

XII. TERMINATION

- A. Any Party may terminate this Agreement. If this Agreement is not amended as provided for in Stipulation XI, or if any Party proposes termination of this Agreement for other reasons, the Party proposing termination shall notify the other Parties in writing, explain the reasons for proposing termination, and consult with the other Parties for no more than forty five (45) calendar days to seek alternatives to termination.
- B. Should such consultation result in an agreement on an alternative to termination, the Parties shall proceed in accordance with that agreement.

- C. Should such consultation fail, the Party proposing termination may terminate this Agreement by promptly notifying the other Parties in writing.
- D. Should this Agreement be terminated, the lead Federal Agency would carry out the requirements of Section 7 ESA, FWCA, and State Wildlife laws beginning with the date of termination.

XIII. TERM AND RENEWAL

- A. The Agreement will be valid for a period of five (5) calendar years with an option to renew afterward. Ninety (90) days prior to the conclusion of the five (5)-year period, GDOT will notify all Parties in writing. If there are no objections, the term of the Agreement will automatically be extended for an additional five (5) years. If any Party objects to extending the Agreement, or proposes amendments, GDOT will consult with the Parties to consider amendments or other actions to avoid termination.
- B. Nothing in this Agreement is intended to affect the statutory or regulatory authorities of the agencies involved.

XIV. SIGNATORIES

By:



Russell R. McMurry, P.E.
Commissioner
Georgia Department of Transportation

Date:

1/15/2021

MOISES MARRERO Digitally signed by MOISES
MARRERO
Date: 2021.01.20 08:26:56 -05'00'

By:

Date: _____

Moises Marrero
Division Administrator
Federal Highway Administration, Georgia Division

Donald W. Imm

By:

Date: 20 Jan 2021

Donald Imm, PhD
Field Supervisor
U.S. Fish and Wildlife Service

Date:

By:



1/27/21

Ted Will
Director
Wildlife Resources Division
Georgia Department of Natural Resources

APPENDIX A: ACRONYMS

ADA	Americans with Disabilities Act
BA	Biological Assessment
BGEPA	Bald and Golden Eagle Protection Act
CFR	Code of Federal Regulations
EDGES	Effect Determination Guidance for Endangered and Threatened Species
EPA	Environmental Protection Agency
ERS AOE	Ecology Resource Survey and Assessment of Effects
ESA	Endangered Species Act
ESB	Environmental Survey Bounds
FHWA	Federal Highway Administration
FWCA	Fish and Wildlife Coordination Act
GADNR WRD	Georgia Department of Natural Resources, Wildlife Resources Division
GDOT	Georgia Department of Transportation
GIS	Geographic Information System
GNAHRGIS	Georgia's Natural, Archaeological, and Historic Resources GIS
HUC	Hydrologic Unit Code
IPaC	Information for Planning and Consultation
JCP	Joint Coordination Procedures
MBTA	Migratory Bird Treaty Act
NEPA	National Environmental Policy Act
NOAA Fisheries	National Marine Fisheries Service
O.C.G.A.	Official Code of Georgia Annotated
PI	Project Identification
PMANLAA	Programmatic 'may affect, not likely to adversely affect'
PNE	Programmatic 'no effect'
SOP	Standard Operating Procedure
ROW	Right-of-way
TSS	Total Suspended Solids
USACE	U.S. Army Corps of Engineers
U.S.C.	United States Code
USFWS	U.S. Fish and Wildlife Service
WOTUS	Waters of the U.S.

APPENDIX B: STANDARD OPERATING PROCEDURES

1. [SOP for Early Coordination and Technical Assistance with Agencies for Ecological Assessment and Project Planning](#)
2. [SOP for Programmatic Determinations for Listed Species](#)
3. [SOP for No Effect Determinations and Informal Consultation Pursuant to Section 7 of the Endangered Species Act \(ESA\)](#)
4. [SOP for Formal Consultation and Conference Pursuant to Section 7 of the Endangered Species Act \(ESA\)](#)
5. [SOP for Re-Initiation of Section 7 Consultation and Conference under the Endangered Species Act \(ESA\)](#)
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STANDARD OPERATING PROCEDURE FOR EARLY COORDINATION AND TECHNICAL ASSISTANCE WITH AGENCIES FOR ECOLOGICAL ASSESSMENTS AND PROJECT PLANNING

PURPOSE: This procedure documents the process for early coordination requests for: 1) a species list pursuant to 50 CFR § 402.12 and to assist in compliance with Georgia Rule 391-4-10; and 2) project-specific recommendations.

APPLICABILITY: This procedure is applicable for developing State and Federal species lists of proposed/listed species or proposed/designated critical habitats with ranges within the action area of proposed GDOT projects, as well as a procedure for receiving project-specific recommendations. Early coordination is a process that includes all communications with consulting agencies designed to assist the lead Federal Agency and GDOT in determining which State and Federal listed species and critical habitats must be assessed during project evaluations, and other project-specific recommendations to be considered. Technical Assistance is a process that includes all communications with the consulting agencies designed to assist the lead Federal Agency and GDOT in determining avoidance and minimization measures, as well as potential anticipated ecological effects.

PROCEDURE:

1. GDOT shall initiate early coordination with GDNR WRD and USFWS on behalf of the lead Federal Agency prior to conducting field surveys and transmitting the ERS AOE.
2. GDOT shall use the ESB to define the survey area within GNAHRGIS and the IPaC tool to determine a species list for project evaluation.
3. GDOT shall assess effects in the ERS AOE and any Addenda, as needed, to: a) state species in the GNAHRGIS report; and b) Federal species included in the IPaC report.
4. GDOT shall include a statement in the ERS AOE and any Addenda for Federal species listed in the GNAHRGIS report that are not included in the IPaC report stating that they are outside of the USFWS consultation range. No further analysis is required.
5. GDNR WRD shall provide project-specific recommendations in response to official GNAHRGIS requests from GDOT. USFWS shall provide project-specific recommendations through USFWS HUC 10 lists and IPaC (as available).
6. GDOT may request technical assistance from State and Federal agencies, as needed.
7. GDOT shall provide early coordination responses and documentation of technical assistance within the ERS AOE and any Addenda for the administrative record.
8. GDOT shall generate new species lists on GNAHRGIS and IPaC upon project reevaluation to be included in the Addendum. If the new species lists include species not addressed in previous early coordination responses, return to Procedure Step 3.

STANDARD OPERATING PROCEDURE FOR PROGRAMMATIC DETERMINATIONS FOR LISTED SPECIES

PURPOSE: This procedure documents the process for determining whether an action qualifies for a programmatic determination pursuant to the Endangered Species Act, Georgia Endangered Wildlife Act, and the Georgia Wildflower Preservation Act.

APPLICABILITY: This SOP is applicable to all projects where the effects of the proposed action either: 1) do not overlap the range of listed and proposed species and critical habitat; or 2) when in the range of listed species, then the project's activities are wholly described in the four (4) categories listed in Table 1 and/or are covered by a Programmatic Informal Consultation listed in Table 3. All species that overlap the effects of the project must qualify for a PNE or a PMANLAA determination in order for a project to qualify for programmatic determinations. Any action that would normally qualify for a PNE or PMANLAA, but that may affect federally- or state-listed species or critical habitat due to unusual circumstances or conditions will require additional coordination and may trigger the need to modify this agreement. This SOP does not apply to actions within the range of listed and proposed species and critical habitats under NOAA Fisheries jurisdiction.

PROCEDURE:

1. GDOT shall maintain a project file that includes all documents, correspondence, and information relating to coordination, assessments, and analyses supporting the rationale for the determination made under this SOP. GDOT shall document any USFWS or GDNR WRD technical assistance or coordination in Ecology documentation.
2. GDOT shall obtain a Federal and State species list from the IPaC tool and GNAHRGIS per the Early Coordination and Technical Assistance SOP.
 - a. If there are no listed or proposed species or critical habitats on the species list then the project qualifies for a PNE Determination.
 - b. If there are species or critical habitats on the species lists, then GDOT shall determine whether a project's activities qualify for a PNE determination using the PNE Activities list and Table 2 (Exceptions) attached to this SOP. GDOT's determination that a project qualifies for a PNE determination shall be based upon all activities involved in the project.
 - c. Should any species on the species lists obtained through IPaC or GNAHRGIS be listed and not meet the eligibility criteria within Table 2 in the category of the proposed activities, consult Table 3 to determine if the species are covered by a programmatic informal consultation. If all species are not covered by either a PNE determination or a PMANLAA determination, the project will not qualify for programmatic determinations under this SOP.
3. For projects that meet conditions for programmatic determinations for all species on the species lists (as defined in this SOP), required documentation shall be transmitted electronically to the lead Federal Agency. No agency response is required.

4. To document programmatic determinations per this SOP, all applicable GDOT Ecology Documents will contain a table of species with which programmatic determination criteria apply (*example below*) and the following statement:

“The proposed project’s activities are consistent with the January 2021 Joint Coordination Procedures’ (JCP) January 2021 Programmatic Determinations SOP. However, these programmatic determinations shall not be used and consultation pursuant to the Endangered Species Act, Georgia Endangered Wildlife Act, and Wildflower Preservation Act must be completed if: 1) new information reveals effects of the proposed action that may affect listed or proposed species or critical habitat; 2) a new species is listed or critical habitat is designated that may be affected by the identified action; or, 3) the project is modified in a manner not previously considered.”

Programmatic Agreement	Species
Ex. PNE Category 3b	Wood stork, oval pigtoe, American chaffseed
Ex. PMANLAA #1	Eastern indigo snake, gopher tortoise

GDOT ACTIVITIES THAT WILL HAVE NO EFFECT TO SPECIES OR CRITICAL HABITAT:

Certain GDOT maintenance activities and minor highway projects constitute an undertaking that does not have the potential to affect listed or proposed species, or critical habitat due to the nature of the activity and the specific scope of work. FHWA has determined, following coordination with USFWS, GDNR WRD, and GDOT, the following activities will have “no effect” to listed or proposed species or critical habitat. However, this PNE determination shall not be used and consultation pursuant to the ESA, Georgia Endangered Wildlife Act, and Wildflower Preservation Act must be completed if: 1) new information reveals effects of the proposed action that may affect listed or proposed species or critical habitat; 2) a new species is listed or critical habitat is designated that may be affected by the identified action; or 3) the project is modified in a manner not previously considered.

DEFINITIONS AND REQUIREMENTS:

1. The term “roadway” as used in this SOP is defined as the limits of the existing roadway, extending from the base of the slope (for portions built on fill) and/or top of the backslope (for portions cut into natural grade). The term is used to generally refer to the limits of the disturbed area in relation to the footprint of the existing road structure (see figure below).
2. The term “traveled way” as used in this SOP is defined as the limits of the travel lanes, including structures (e.g., bridges).
3. The term “shoulders” as used in this SOP is defined as the portion of the roadway contiguous with the traveled way to the shoulder break (i.e., beginning of the foreslope or backslope).
4. The term “foreslope” as used in this SOP is defined as the fill slope extending downward from the traveled way or shoulder to the ditch or bottom of the backslope (does not include ditch).
5. The term “median” as used in this SOP is defined as the fill slope contained between two traveled ways and any associated shoulders.
6. The term “maintained” as used in this SOP is defined as areas of the roadway fill that are typically grassed and maintained (e.g., mowed or controlled through herbicide application).
7. No activity can involve the acquisition of additional ROW or easement (i.e., activities must be restricted to existing ROW and/or easements).
8. If a maintenance activity is not on the list below, it does not qualify as having no potential to cause effect and must go through review as described in the SOPs for No Effect Determinations and Informal Consultation Pursuant to Section 7 of the ESA or Formal Consultation and Conference Pursuant to Section 7 of the ESA.
9. The actions covered in this SOP shall constitute the project in its entirety. No action covered by this SOP can be a subset of a larger action.
10. No activity may result in impacts to State or jurisdictional WOTUS.

FIGURES:

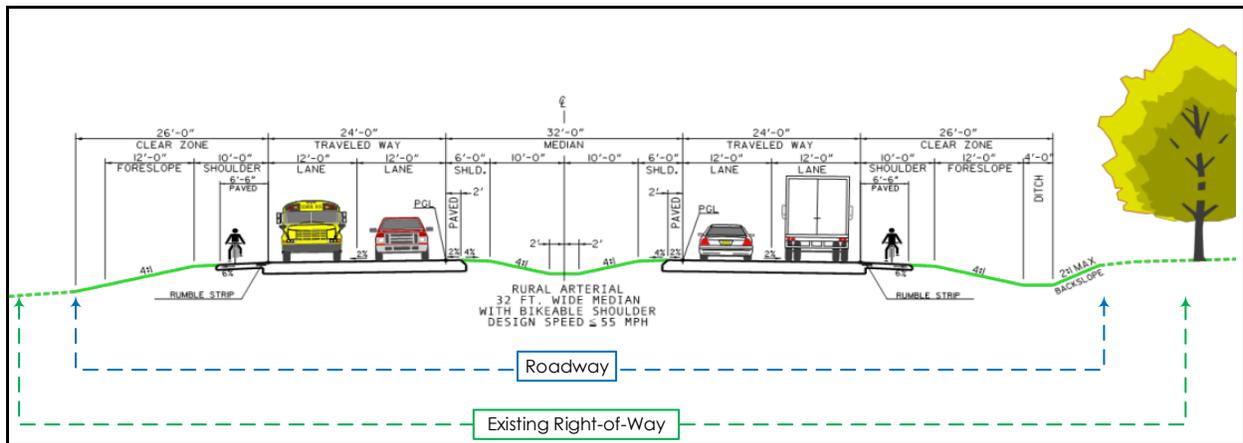


Figure 1. Typical Roadway Profile.

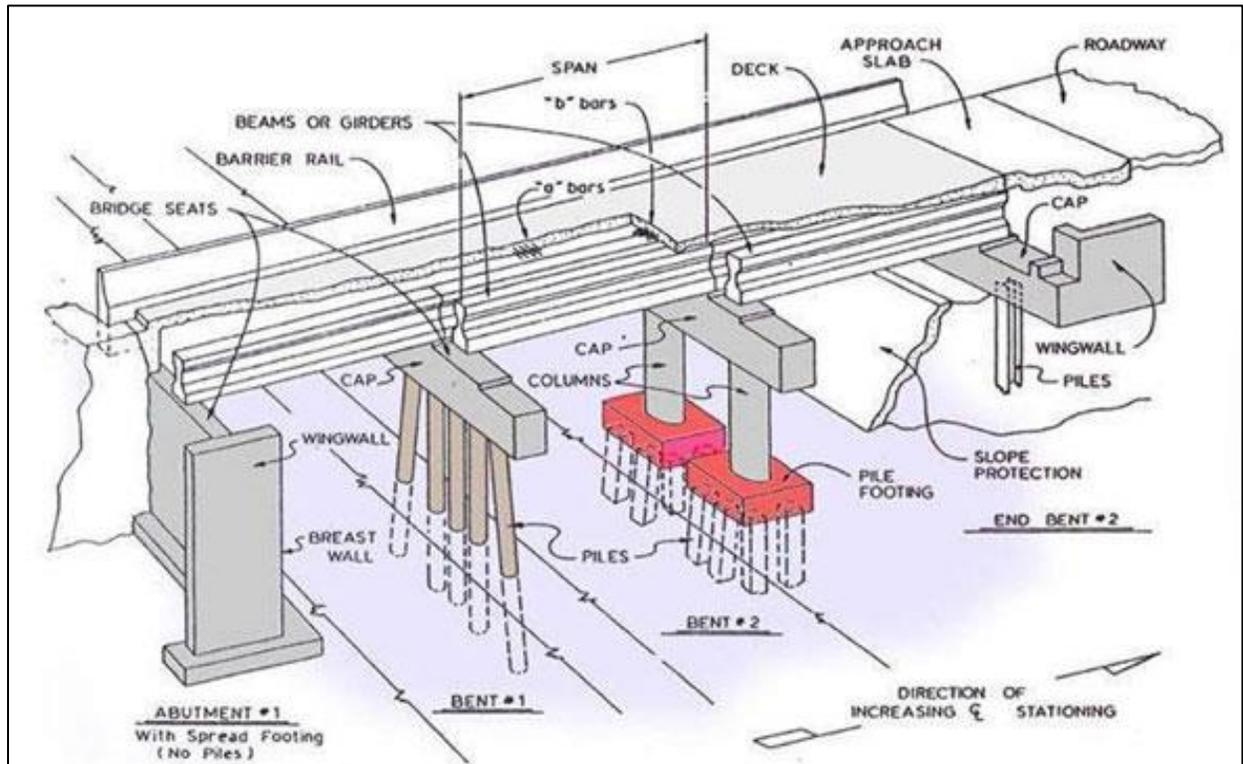


Figure 2. Typical Bridge Components. Image courtesy of www.sketchup3dconstruction.com.

Table 1. Programmatic ‘No Effect’ Activities:

No.	Activity	Description
Category 1: Maintenance and Safety Activities Confined to the Traveled Way and Maintained Medians		
A.	Milling and resurfacing (including project corridors containing concrete bridges that will not be milled and/or resurfaced)	Milling is a process of removing (grinding down) an existing surface to a specified depth which is commonly completed as prep work in the paving (resurfacing) process for the re-installation of new asphalt material.
B.	Sidewalk and trail repair	Repair of sidewalk or trail surfaces on existing location (i.e., no new alignment).
C.	Pavement markings (e.g., striping, rumble strips, reflectors, etc.)	Installation, repair, and replacement of pavement markings, which are used to convey messages to roadway users.
D.	Patching asphalt and crack repair when not over bridge expansion joints	Method of treating an area of localized distress within asphalt.
E.	Median opening additions or alterations	Addition of new or alteration of existing median openings within maintained rights-of-way.
F.	Spall repair on concrete roadways (not including bridges)	Treatment (e.g., removal of deteriorated concrete, cleaning, and placement of fill material) of concrete roadways that have become pitted, flaked, or broken up.
Category 2: Maintenance and Safety Activities Confined within Existing Shoulders		
A.	Shoulder building	Addition and compaction of fill material within the existing shoulder breaks to bring the shoulder to grade with the traveled way.
B.	Shoulder paving	Conversion of a roadway shoulder from a grassed to a paved surface that does not result in additional traffic capacity (i.e., no new travel lanes).
C.	Roundabout splitter island reconstruction	Alteration of center island within a roundabout.
D.	Alteration of existing facilities to ensure ADA compliance	Altering existing pedestrian facilities to ensure safety and ease of use for all users (e.g., curb ramps).

Category 3: Maintenance and Safety Activities Confined within Existing Maintained Foreslopes		
A.	Guardrail and cable barrier installation, repair, and replacement	Installation, repair, and replacement of safety barriers (e.g., guardrail and cable barriers), not including bridge barrier railing, that are contained within the existing maintained foreslope, shoulder, median and/or traveled way.
B.	Intersection improvements	Alteration of existing intersection (e.g., turn lanes, islands, etc.) that do not result in expansion of foreslope or backslope.
C.	Streetscapes and beautification projects	Activities may include road diets (removing travel lanes from a roadway and utilizing the space for other uses and travel modes), plantings, etc. typically meant for improving aesthetic appeal or making roadways more pedestrian-friendly.
D.	Roadway safety or traffic operation projects	Various safety and traffic improvement projects including installation, repair and replacement of ramp metering control devices, traffic signals and cabinets, and signage.
E.	Directional boring (e.g., installation of utilities, Intelligent Transportation Systems, etc.)	Horizontal, trenchless method of installing underground pipe, conduit, or cables along a prescribed underground path using a surface-launched drilling rig.
F.	Railroad crossing improvements and rehabilitation	Repair and improvements to existing railroad crossing facilities.
G.	Roadway lighting installation in urbanized areas	Installation of lighting for safety in urbanized areas (areas that are built up and have little or no undeveloped or undisturbed land)
H.	Bicycle and pedestrian lanes, paths, and facilities construction in urbanized areas	Installation of sidewalks, trails, and associated facilities in urbanized areas.
I.	Noise barrier and fence construction and repair	Installation of new and treatment of existing noise barriers and fencing that do not extend beyond existing, maintained foreslopes.
Category 4: Projects Resulting in No Construction (e.g., purchasing property, access rights, equipment, etc.)		

Table 2. Species and Critical Habitat Exceptions to Programmatic ‘No Effect’ Activities:

Species		PNE Category (Table 1)	PNE Eligibility Criteria (see SOP 2c)
Common Name	Scientific Name		
FAUNA			
Southeastern Pocket Gopher	<i>Geomys pinetis</i>	1, 2, 3	Not eligible within designated category unless no suitable soils* are present
Diamondback terrapin	<i>Malaclemys terrapin</i>	2, 3	Not eligible unless activities would occur outside of nesting season*
Map turtles	<i>Graptemys barbouri</i> <i>Graptemys geographica</i> <i>Graptemys pulchra</i>	3	Not eligible unless activities would occur outside of nesting season*
Eastern indigo snake	<i>Drymarchon couperi</i>	1, 2, 3	Not eligible within designated category unless no suitable soils* are present
Indiana/NLE bat	<i>Myotis sodalis</i> <i>Myotis septentrionalis</i>	1, 2	Not eligible unless activities occur during daytime or outside of active season*, or when not adjacent to suitable bat habitat
Gopher tortoise	<i>Gopherus polyphemus</i>	1, 2, 3	Not eligible within designated category unless no suitable soils* are present
FLORA			
Floodplain Tickseed	<i>Coreopsis integrifolia</i>	3	Not eligible within designated category
Fringed Gentian	<i>Gentianopsis crinita</i>	3	Not eligible within designated category
Curtiss' Loosestrife	<i>Lythrum curtissii</i>	3	Not eligible within designated category
Pineland Barbara Buttons	<i>Marshallia ramosa</i>	3	Not eligible within designated category
Sandhill Golden-aster	<i>Pityopsis pinifolia</i>	3	Not eligible within designated category
Barbed Rattlesnake Root	<i>Prenanthes barbata</i>	3	Not eligible within designated category
Solitary Beakrush	<i>Rhynchospora solitaria</i>	3	Not eligible within designated category
Cumberland Rose Gentian	<i>Sabatia capitata</i>	3	Not eligible within designated category
Pickering's Morning-glory	<i>Stylisma pickeringii</i> var. <i>pickeringii</i>	3	Not eligible within designated category

*Refer to GDNR WRD species profiles for life history information, including nesting or active season

Table 3. Programmatic 'May Affect' Determinations:

No.	Agreement Name	Species Covered	Date Signed
1	Road Maintenance and Safety Activities	Eastern indigo snake, gopher tortoise, pocket gopher	Dec. 23, 2020

STANDARD OPERATING PROCEDURE FOR NO EFFECT DETERMINATIONS AND INFORMAL CONSULTATION PURSUANT TO SECTION 7 OF THE ENDANGERED SPECIES ACT (ESA)

PURPOSE: This procedure documents the process for coordinating Informal Consultation for proposed/listed species or proposed/designated critical habitats.

APPLICABILITY: This procedure is applicable for actions for which an official species list in the IPaC tool is submitted and includes proposed/listed species or proposed/designated critical habitats. Informal Consultation is a process that includes all communications between the consulting agencies designed to assist the lead Federal Agency and GDOT in determining whether Formal Consultation is necessary (see 50 CFR § 402.13). The same process shall be applied in determining whether to conduct a conference for proposed species and critical habitats, and for species that are candidates for listing. If this procedure results in a *likely to adversely affect* determination, continue to the SOP for Formal Consultation and Conference Pursuant to Section 7 of the ESA.

PROCEDURE:

1. GDOT shall conduct Informal Consultation and Conference on behalf of the lead Federal Agency during the development of the ERS AOE.
2. GDOT shall evaluate species on the project-specific list using IPaC whenever determination keys are available. If determination keys are not available for a particular species or group of species in IPaC, GDOT shall either follow the EDGES or request technical assistance from USFWS.
3. For projects that have a *no effect* determination for all species on the official species list, GDOT shall upload required documentation into IPaC, share the project with USFWS and the lead Federal Agency, and submit the project via IPaC. Required documentation should also be transmitted electronically to the lead Federal Agency. No agency response is required.
4. For projects that have a *may affect, not likely to adversely affect* determination for any species on the official species list, GDOT shall upload the ERS AOE into IPaC, share the project with USFWS and the lead Federal Agency, and submit the project via IPaC. Upon submission, GDOT will either generate a concurrence letter through IPaC, or notify the USFWS and request concurrence on behalf of the lead Federal Agency that the action proposed *may affect, but is not likely to adversely affect* proposed/listed species or proposed/designated critical habitats. GDOT will provide adequate information required for USFWS to concur with a determination as provided by regulation (see 50 CFR § 402.13(c)(1)).
5. For projects that have a *may affect, likely to adversely affect* determination for any species on the official species list, continue to the SOP for Formal Consultation and Conference Pursuant to Section 7 of the ESA.
6. GDOT shall submit the ERS AOE, Addenda, or Memorandum electronically to the lead Federal Agency for its receipt on the same date as it is submitted to the USFWS via IPaC to allow for concurrent reviews.
7. USFWS shall review the ERS AOE, Addenda, or Memorandum and provide GDOT and the lead Federal Agency comments within twenty-one (21) calendar days. If a concurrence letter was provided via IPaC and the USFWS does not provide any comments within the twenty-one (21)

calendar day period, the IPaC concurrence letter shall be considered validated. If a concurrence letter cannot be generated via IPaC, USFWS shall have an additional seven (7) calendar days to provide GDOT a concurrence letter electronically.

8. The lead Federal Agency shall complete an independent review of the ERS AOE and provide comments, if any, to GDOT and USFWS within twenty-one (21) calendar days of receipt.
9. Should either USFWS or the lead Federal Agency have comments, the review clock shall be suspended until the comments are resolved between the parties. If review comments are minor and clarifications or revisions are completed expeditiously, the clock may continue once changes have been received. More extensive revisions or delays will restart the review clock.
10. If either USFWS or the lead Federal Agency are unable to meet the prescribed review times, they shall notify GDOT via email and request an extension.
11. Informal consultation shall be re-initiated, when applicable, pursuant to 50 CFR § 402.16 and in compliance with the SOP for Re-Initiation of Section 7 Consultation and Conference under the ESA.

**STANDARD OPERATING PROCEDURE FOR FORMAL CONSULTATION AND CONFERENCE
PURSUANT TO SECTION 7 OF THE ENDANGERED SPECIES ACT (ESA)**

PURPOSE: This procedure documents the process for initiating and conducting formal consultation pursuant to 50 CFR § 402.14 – Formal Consultation, and conference pursuant to 50 CFR § 402.10 – Conference on proposed species or proposed critical habitat.

APPLICABILITY: This procedure is applicable for actions for which *a likely to adversely affect* determination is submitted for proposed/listed species or proposed/designated critical habitats.

PROCEDURE:

1. GDOT shall submit the BA to the lead Federal Agency for review when it is determined the proposed action *may affect, likely to adversely affect* a proposed/listed species or proposed/designated critical habitats.
2. GDOT shall submit the BA to the USFWS on the same date as it is submitted to the lead Federal Agency. However, formal consultation or conference shall not be initiated until the lead Federal Agency has submitted a request by email to USFWS to initiate formal consultation or conference.
3. GDOT shall provide a copy of the BA to the lead Federal Agency via regular interoffice mail delivery for its administrative record.
4. FHWA shall review the BA within twenty-one (21) calendar days of receipt of BA from GDOT and either provide comments or submit an electronic request to USFWS to initiate formal consultation or conference.
5. USFWS shall review the BA within twenty-one (21) calendar days of receipt of BA from GDOT and notify the lead Federal Agency and GDOT whether there was sufficient information to initiate formal consultation or conference.
 - a. If there is sufficient information, the USFWS shall provide a biological or conference opinion within ninety (90) calendar days of receipt of the initial request from the lead Federal Agency, or according to alternative timelines identified in a programmatic biological opinion or otherwise previously agreed to.
 - b. If there is not sufficient information, the USFWS will identify the information needed to initiate formal consultation or conference via written correspondence. The ninety (90) calendar day consultation timeline will begin when a complete initiation package is received by the USFWS.
6. If either USFWS or the lead Federal Agency are unable to meet the prescribed review times, they shall notify GDOT and, if necessary, the lead Federal Agency, shall electronically and formally request an extension.
7. The lead Federal Agency or GDOT may elect to request to review a draft biological or conference opinion before USFWS finalizes the consultation. A request for a draft opinion should be made when requesting initiation of formal consultation or conference.
8. Formal consultation shall be re-initiated, when applicable, pursuant to 50 CFR § 402.16

STANDARD OPERATING PROCEDURE FOR RE-INITIATION OF SECTION 7 CONSULTATION AND CONFERENCE UNDER THE ENDANGERED SPECIES ACT (ESA)

PURPOSE: This procedure documents the process for re-initiating informal and formal consultation and conference for proposed/listed species or proposed/designated critical habitats under Section 7 of the ESA (16 U.S.C. 1531 – 1534) (50 CFR § 402.16).

APPLICABILITY: This procedure is applicable for determining whether re-initiation of Section 7 consultation is required after informal or formal Section 7 consultation has been completed. Re-initiation is necessary if any of the following apply:

1. If the amount or extent of the taking specified in the incidental take statement is exceeded;
2. If new information reveals the effect of the action that may affect the proposed/listed species or proposed/designated critical habitats is in a manner or to an extent not previously considered;
3. If the identified action is subsequently modified in a manner that may cause an effect to the proposed/listed species or proposed/designated critical habitats that was not considered in the biological opinion or written concurrence; or
4. If a new species is listed or critical habitat designated that may be affected by the project.

PROCEDURE:

1. For projects currently under construction, GDOT shall contact the lead Federal Agency and USFWS for project-specific guidance via email.
2. For projects not currently under construction, GDOT shall update the project in the IPaC tool and request an updated species list. If any project revisions are necessary, GDOT will re-evaluate species following Procedure Step 3 or 4, document project changes in an addendum, and transmit it to the lead Federal Agency and USFWS.
3. For projects that use IPaC to re-evaluate species using automated determination keys:
 - a. If the species list or designated critical habitat, minimization measures, and effect determinations do not change from previous consultation, no additional review is necessary from the agencies after the project has been updated in IPaC.
 - b. If the species list or designated critical habitat have changed, minimization measures are different, or effect determinations have changed, USFWS and the lead Federal Agency will have twenty-one (21) calendar days to conduct concurrent reviews and provide comments.
 - c. If the IPaC determination keys direct the user to contact USFWS, GDOT shall notify the lead Federal Agency and USFWS via email for project specific guidance.
4. For projects that do not use IPaC to re-evaluate species, re-initiation is not required if all of the following are true:
 - a. The official species list or designated critical habitat has not changed from previous consultation;
 - b. Project changes will not alter the ESB; and

- c. Project changes do not result in different answers on EDGES worksheets.
5. For projects that do not meet the criteria in Procedure Step 4, GDOT shall notify the lead Federal Agency and USFWS via email for project specific guidance.

STANDARD OPERATING PROCEDURE FOR INTERAGENCY COORDINATION PURSUANT TO THE FISH AND WILDLIFE COORDINATION ACT (FWCA)

PURPOSE: This procedure documents the process for coordination related to all relevant GDOT projects pursuant to the FWCA (48 Stat. 401, as amended; 16 U.S.C. 661 et. seq.).

APPLICABILITY: This procedure is applicable for determining if water-related actions require FWCA coordination, qualify for programmatic coordination, or require project-specific coordination. Any requests for connectivity or water quality protections related to Federal listed species will be coordinated under the auspices of the ESA.

PROCEDURE:

1. For perennial streams, GDOT shall survey all existing bridges and culverts for aquatic and terrestrial connectivity and make an assessment of aquatic and terrestrial connectivity. Connectivity assessments should be documented in the ERS AOE and pictures of the upstream and downstream outlets provided.
2. The ERS AOE and the transmittal letter accompanying the report shall note whether the proposed project does not require FWCA coordination, is being coordinated programmatically, or if project-specific coordination is to be conducted. USFWS or FHWA may, at their discretion, coordinate under FWCA for any project, even if the water resource(s) effected by a project falls into the categories not requiring coordination. For the purposes of FWCA coordination, impact types and water resources are defined by USACE Savannah District. When project changes occur, the requirements for coordination should be re-evaluated.
3. FWCA consultation is not required for any project where there are no effects on water resources or that all effects by the project fall into one of the categories listed below:
 - a. Impacts to a resource that is not considered to be WOTUS by the USACE or EPA;
 - b. Impacts to jurisdictional ephemerals, intermittent streams, open waters, and wetlands, except when high quality wetlands become newly bisected, disconnected, or otherwise divided by new alignment; or
 - c. Impacts to an individual water resource(s) that results in less than 100 feet or 0.1 acre of impact.

For projects that do not require coordination, the ERS AOE and the transmittal letter accompanying the report shall note which category/categories are being met, and documentation should provide appropriate reasoning for why an impact does not require coordination.

4. Projects are eligible for programmatic coordination provided they meet **either** the connectivity criteria or the water quality criteria described below:
 - a. *Connectivity Criteria:* Installation of new drainage structures or drainage structure extensions where the entirety of the structure is designed to accommodate aquatic and terrestrial species passage.
 - b. *Water Quality Criteria:* Treatment of stormwater runoff that drains to the impacted water that requires FWCA coordination to a minimum of sixty (60) percent removal of TSS.

5. For programmatic coordination, at least one of the programmatic coordination criteria must be implemented as part of the project design. GDOT shall document incorporation of the specific criteria in the ERS AOE and notify the agencies that the impacts to each single resource meet criteria for programmatic coordination in the transmittal letter at the time the ERS AOE is submitted.
 - a. Documentation of programmatic criteria in the ERS AOE shall include a narrative of how the design satisfies the connectivity and/or water quality criteria. Final designs should include engineered details of the proposed drainage structure(s) and/or stormwater plans, and be provided as part of the final Addendum to the ERS AOE report.
 - a. Measures to meet the programmatic criteria shall be catalogued in the Environmental Commitments Table.
 - b. If design changes occur after coordination that would affect commitments to programmatic criteria, GDOT should notify the lead Federal Agency and project-specific coordination should be requested.
6. For projects being coordinated programmatically, the ERS AOE and the transmittal letter accompanying the report shall note the programmatic criteria for the FWCA-eligible impact. Programmatic Coordination under FWCA does not satisfy ESA obligations, or State protections for Endangered, Threatened, Rare, or Unusual Species under the Georgia Endangered Wildlife Act or Wildflower Preservation Act. No concurrence from the agencies is necessary when GDOT follows programmatic coordination criteria.
7. For project-specific coordination, GDOT shall initiate and conduct FWCA coordination on behalf of lead Federal Agency during the development of the ERS AOE.
 - a. USFWS shall review the ERS AOE within twenty-one (21) calendar days and either provide comments or a written concurrence letter via email.
 - b. GDNR WRD shall review the ERS AOE within twenty-one (21) calendar days and provide any comments via email. No concurrence with GDOT's determination is necessary.
 - c. The lead Federal Agency shall complete an independent review of the ERS AOE and provide comments, if any, within twenty-one (21) calendar days of receipt. No concurrence with GDOT's determination is necessary.
 - d. Should any agency have comments, the review clock shall be suspended until the comments are resolved between the Parties. If review comments are minor and clarifications or revisions are completed expeditiously, the clock may continue once changes have been received. More extensive revisions or delays will restart the review clock.
 - e. If any agency is unable to meet the prescribed review times, it shall notify GDOT via email and request an extension.
 - f. When project changes require additional resource impacts, FWCA re-initiation should occur when additional impacts to a single resource are greater than or equal to 100 feet or 0.1 acre or the impact type changes in a way not previously considered.

STANDARD OPERATING PROCEDURE FOR MIGRATORY BIRDS AND BATS LOCATED ON BRIDGES AND CULVERTS

PURPOSE: This procedure documents the process for coordination with the USFWS and GDNR WRD in situations when migratory birds and bats are located on bridges and culverts in order to comply with the MBTA and the Georgia Endangered Wildlife Act of 1973.

APPLICABILITY: This procedure is applicable to actions that have the potential to impact migratory birds and state-protected bat species that nest or roost on bridges and culverts that have scheduled demolition/construction activities. Drainage structures refer specifically to bridges and culverts.

PROCEDURE:

1. GDOT shall maintain a project file that includes all documents, correspondence, and information relating to coordination under this SOP. GDOT shall document any USFWS or GDNR WRD technical assistance or coordination in the ERS AOE, Addenda, Memorandum, and/or BA, as applicable.
2. GDOT shall inspect all bridges and culverts with scheduled demolition/construction activities for migratory birds and evidence of bat presence. A survey shall be completed within five (5) years of scheduled demolition/construction activities.
 - a. For migratory birds: For bridges and culverts with evidence of migratory bird use, GDOT will either:
 - i. Apply best practices to deter migratory birds from utilizing structures to avoid direct take for the duration of demolition/construction activities; or
 - ii. Complete all demolition/construction activities outside the nesting season of April 1 – August 31.
 - b. For bats: For bridges and culverts with evidence of bats, GDOT shall develop and implement special provisions to be included in the construction contract. If the project action area is:
 - i. Inside of the range of federally protected bat species, GDOT shall follow the consultation procedures presented in the SOPs for consultation under the ESA.
 - ii. Outside of the range of federally protected bats, GDOT shall coordinate with GDNR WRD and USFWS under this SOP regarding appropriate measures to be included in the special provision.
3. GDOT shall coordinate with USFWS and GDNR WRD on a project-specific basis for all migratory bird and bat observations associated with GDOT projects.

STANDARD OPERATING PROCEDURE FOR THE BALD AND GOLDEN EAGLE PROTECTION ACT (BGEPA)

PURPOSE: This procedure documents the process for coordination with USFWS and GDNR WRD for compliance with the BGEPA.

APPLICABILITY: This procedure is applicable for actions that have the potential to impact known eagle nests within three (3) miles of the ESB and that have potential nesting/foraging habitat within the ESB.

PROCEDURE:

1. GDOT shall maintain a project file that includes all documents, correspondence, and information relating to coordination for the BGEPA. GDOT shall document any USFWS or GDNR WRD technical assistance or coordination in the ERS AOE.
2. GDOT shall determine the proximity of a project to any documented eagle nests within three (3) miles of the ESB during early coordination with GDNR WRD.
3. GDOT shall:
 - a. Assess the ESB for potential nesting and foraging habitat;
 - b. Document presence or absence of known nest sites within three (3) miles of the ESB within the ERS AOE;
 - c. Document potential nesting and foraging habitat within the ESB within the ERS AOE; and
 - d. Request technical assistance from USFWS whenever documented nests are within one (1) mile of the ESB.

APPENDIX C: MONITORING REPORT SCHEDULE

Date	Activity
June 30	End of Reporting Period
July 1 - August 31	GDOT conducts internal process review and prepares both monitoring and annual report
September 1	GDOT submits both reports to lead Federal Agency
September 30	Both reports will be submitted to USFWS and GDNR WRD, upon review and approval of the lead Federal Agency
October 31	Parties will meet to evaluate the effectiveness