

Updated WisDOT Guidance for ESA Biological Assessment Preparers

Process Update

- Biological Assessments (BA) prepared for WisDOT/FHWA formal Section 7 consultation or conference will be streamlined to focus on species and critical habitats with **adverse** effects.
- The BA will no longer include requests for informal consultation/conference, determination key verification or “no effect” analysis/justification made outside of a determination key. These elements, including any detailed discussion, will be completed separately from the BA, incorporated by reference in the executive summary and consultation history, and attached in the appendix.
- USFWS Minnesota-Wisconsin Ecological Services Field Office requested this change and it is supported by FHWA and WisDOT. It is consistent with USFWS’s other initiative to streamline consultation through IPaC determination keys (d-key).
- This process update will benefit overall timelines for BA drafting and review, as well as USFWS’s preparation of the Biological/Conference Opinion.
- This expectation applies to any future BA, including those currently in the work order scoping process. BAs already in the review process will not be expected to be rewritten.

Biological Assessment Content Clarifications

Executive Summary

- Must include a brief summary of all effect determinations, including those finalized through informal consultation/conference via email, IPaC d-key, bat LAA determination verification, and “no effect” determinations made outside an IPaC d-key.
- Include a table with all species/critical habitats and their effect determinations.

Consultation History

- Include brief bullets documenting any consultation/conference completed for other species/critical habitats from the Official Species list (OSL), including IPaC d-key completion/verification.

Appendix

- Current Official Species List
- Informal consultation/conference email correspondence
- IPaC determination key letters
- FHWA, FRA, FTA bat programmatic “likely to adversely affect” d- key result and USFWS verification email
- Written justification for “no effect” determinations made outside of a IPaC d-key. WisDOT REC will determine who is preparing this information.

Bundling Other USFWS Requests

- Any informal consultation/conference and determination key verification must be completed in a single email request to USFWS (when feasible) at least 30 days in advance of the BA submittal.
- This consultation will continue to be completed by the WisDOT REC.