

Columbia River CROSSING

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Subject: Endangered Species Act Consultation

The Columbia River Crossing (CRC) project recognizes that FHWA and FTA share responsibility for ensuring that none of their actions will jeopardize the existence of a threatened or endangered species under Section 7 of the Endangered Species Act (ESA). Section 7 requires FHWA and FTA to undergo a consultation with the United States Fish and Wildlife Service and National Marine Fisheries Service on any project that might impact a threatened or endangered species.

ESA Section 7 implementing regulations specify that when a particular action involves more than one Federal agency, the consultation and conference responsibilities may be fulfilled through a lead agency. Factors relevant in determining an appropriate lead agency include the time sequence in which the agencies would become involved, the magnitude of their respective involvement, and their relative expertise with respect to the environmental effects of the action.

Given these criteria and other considerations, it seems most appropriate that FHWA be the designated lead agency for ESA Section 7 consultation for the CRC project. Rationale for an FHWA lead includes: the highway elements, more than the transit elements of the project, pose the greatest potential for impacts to a threatened or endangered species; the FHWA's liaison staff at USFWS and NMFS could help expedite consultation and are already involved in the project; the CRC Interstate Collaborative Environmental Process (InterCEP) agreement that has been initiated with the USFWS;

NMFS is already following a consultation and coordination process patterned after FHWA's consultation process; and FHWA's consultation process provides more flexibility for the project managers to directly coordinate/communicate with the services, when necessary.

We understand that using FHWA's consultation procedures does not delegate FTA's authority to FHWA. All substantive decisions that affect meeting FTA's responsibilities under the foregoing processes remain with FTA.

With your signatures below, we will move forward with FHWA as the ESA Section 7 lead. If there is concern with this approach, please don't hesitate to contact me at 360.816.2201 or stricklerk@columbiarivercrossing.org.

We appreciate the assistance that our federal partners have given to the CRC project, and look forward to continued coordination.

Sincerely,

Kris Strickler, PE
Chief Engineer

Linda M. Lebrun
for R.F. Krochalis
FTA, Region 10 ~~Engineer~~
Regional Administrator
20 Sept 2006

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