

Consultation Dos and Don'ts

AEP Presentation – February 25, 2009

“Organizational Structure & Permitting Processes of the U.S. Fish and Wildlife Service”
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- **Minimize Extraneous Information:** Project descriptions should focus on the footprint of the proposed project and the surrounding potential habitats. Each of these factors should be described in concise sentences with minimal detail.
- **Organize and Format Your Project Description & Effects Analysis:** All biological opinions are written in a particular format, often utilizing similar (and sometimes the exact same) language from one to the next. By copying the format, organization and language styles of a biological opinion, Service biologists can easily determine what additional information they may need and where they can get it.
- **Limit the Length of Your Biological Assessment:** The shorter you can make your document and still include all the information required by law (e.g., project description, baseline, effects to listed species, etc.), the better. In reality, all but the largest and most complex projects should be limited to no more than 20 pages INCLUDING maps, references, photos, etc. The project description in a biological opinion, for example, is rarely longer than two- to three- entire pages. The project description should be adequately detailed; it is best to include a timeline. Also, be sure to analyze indirect interrelated interdependent and cumulative effects.
- **Don't Send Extra Reports:** Unless specifically requested, do not send additional reports beyond the Biological Assessment. Exceptions typically include listed plant and wildlife survey reports. Where necessary to submit additional reports (e.g., hydrological reports, associated hydrographs, complete soils report, wetland delineation, etc), attach a memo alerting them as to where the information is that they may be interested in is located (e.g. hydrograph demonstrating inundation through July can be found on p. 52).
- **Send Electronic Copies:** Sending electronic copies of the Biological Assessment is extremely helpful. This allows the biologists to perform a word search to find the pertinent information they need. Further, if you ABSOLUTELY feel obligated to send them a bunch of reports, a CD of these will allow for easy storage so that they can have clearer desk space to work on YOUR project. Send a hard-copy of the BA, plus electronic one and any other information you think the Service may need in clearly labeled and well organized electronic file folders. BE SURE that “pdfs” are in the proper format that will allow for word searching and cutting-and-pasting without too much effort. If you can't do this, send them a “doc” copy.
- **Include All Listed Species and Water Resources on the Site:** Include all species from the Service's species list, even if they won't be affected. In addition, make sure to include all water resources (e.g., not just jurisdictional wetlands) that may be potentially affected, both on and off site.
- **Propose Meaningful and Significant Mitigation:** Be specific about where and how mitigation proposed. Do not say that the Service will decide - this must be proposed by the applicant.

- **Give the Service Staff Breathing Room:** The more people that are emailing, calling or asking for a face-to-face visit, the less time the biologist has to work on your project. The “fewer the better” rule also applies to site visits. Generally, if you show up with a lot of people to a site visit, Service staff is going to be very cautious on what they say. Smaller groups allow for a more relaxed atmosphere and more opportunities for you to talk with the Service about your specific project and questions. Finally, if a Service person says they’ll get back to you, don’t immediately call them back. Example: If it’s Thursday and the Service says they’ll get back to you early next week, don’t call at 8 am on Monday. Wait until 8 am Wednesday.
- **Offer to Help:** If you feel your project is going nowhere, let the Service know you understand things can come up and then see if you can do anything to help them out.
- **Watch What You Say:** Consultations are frustrating. But venting to a lot of people about the Service isn’t something you should do too often; they hear about it from others. It reflects poorly not only on you but also your company.
- **Keep in Mind Your Timeline:** The Service follows very specific timelines that are detailed in the Code of Federal Regulations. If your project is anticipated to begin construction in May, initiate consultation by at least December, not April! Further, when seeking an amendment to a biological opinion, particularly regarding species-specific construction time frames (e.g., giant garter snake), provide the Service ample time to consider the request. For example, if you need a work period extension beyond October 1, talk to the Service in July or August, but do not wait until September 15th!
- **Shop for Groceries, Not Answers:** If you don’t like the answer you get from one Service staff member, don’t call another and/or a supervisor to see if you can get another. Yes, the Sacramento office is a big office, but people DO still talk to one another and they know who’s asking about what. If you don’t like what the comment/response is, ask the biologist how you can come to a consensus. Again, shopping around can reflect poorly not only on you but also your company.